

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number **HB 1430**

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Kilgore

3. Committee Finance

4. Title Drug Offender Assessment Fund; drug treatment courts

5. Summary/Purpose:

Under current law, persons convicted of drug-related offenses are assessed a fee of \$75 as part of their court costs. The revenue from these fees is deposited into the Drug Offender Assessment Fund. The statute establishing this fund directs that the money be appropriated by the General Assembly to the Department of Corrections (DOC), Department of Juvenile Justice (DJJ), Department of Criminal Justice Services (DCJS), and the Commission on VASAP. The statute goes on to stipulate that the funds are to be used for one of two purposes—(i) implementing and operating the offender substance abuse screening and assessment programs that DOC, DJJ, and VASAP were required by law to have and (ii) supporting community-based probation and local pretrial services agencies, for which DCJS provides funding.

The proposed legislation would redirect these funds to the Executive Office of the Supreme Court to be used to support drug treatment court programs.

The legislation also would give the Supreme Court the responsibility for administering the drug treatment program. The court would be responsible for distributing funds to drug treatment courts; providing technical assistance; training judges; training providers of administrative, case management, and treatment services to drug treatment courts; and evaluating the effectiveness and efficiency of drug treatment courts. The bill would establish a statewide drug treatment court advisory committee and require localities that establish drug treatment courts to also establish local advisory committees. These local advisory committees would establish policies and procedures for the operation of local drug treatment courts, including offender supervision and treatment.

6. Fiscal Impact Estimates: Preliminary. See Item 8.

7. Budget amendment necessary: Yes. Items 25 and 415

8. Fiscal implications:

This legislation would have fiscal ramifications for both the Supreme Court and the Department of Corrections.

The annual revenue of the Drug Offender Assessment Fund is approximately \$1.3 million. Under the provisions of amendments to the 2004-2006 budget bill proposed by both the House and the Senate, money would be transferred from the Drug Offender Assessment Fund to the general fund--\$218,950 in FY 2005 and \$109,480 in FY 2006. Those transfers would leave approximately \$1.1 million available in FY 2005 and \$1.2 million available in FY 2006.

According to the Executive Office of the Supreme Court, that office would need two additional positions and \$219,252 annually to carry out the responsibilities imposed on it by the legislation. Assuming that the money from the Drug Offender Assessment Fund (renamed the Drug Treatment Fund in the legislation) would be used to cover these costs, there would be approximately \$1.0 million remaining annually to support the operations of the local drug court treatment programs. It is estimated that a drug court treatment program costs between \$200,000 and \$250,000 to operate, with the result that four or five programs could be supported with the funding provided by this legislation.

Historically, only DOC and DJJ were appropriated funds from the Drug Offender Assessment Fund to support their substance abuse screening and assessment activities. Two years ago, these funds were deleted from DJJ's budget and transferred to the general fund as part of that agency's executive management savings. In the current biennium and in the budget bill for 2004-2006 proposed by the Governor, DOC was provided a little over \$1.0 million from the Drug Offender Assessment Fund. This funding is used to support 14 positions in probation and parole district offices. The people in these positions are certified substance abuse counselors, who provide treatment to offenders on probation and parole and oversee the districts' substance abuse screening and assessment efforts.

If the proposed legislation is enacted, DOC will lose the funds that support these 14 positions in the district offices. Unless an additional general fund appropriation is provided to replace this lost revenue, the department will either have to eliminate the positions or divert funds from other agency operations. Given budget cuts and the growing population of both inmates and persons on probation or parole, any such diversion of funds from other operations would be problematic.

9. Specific agency or political subdivisions affected:

Department of Corrections
Office of the Executive Secretary of the Supreme Court
Local drug treatment courts

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/05/04 / rwh

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cc: Secretary of Finance

Secretary of Public Safety