

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 903

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

2. Patron: Puller

3. Committee: Senate Finance

4. Title: Problem-solving docket

5. Summary:

In some jurisdictions there have been established special “courts,” such as mental health courts, veterans courts, and re-entry courts. In reality, these “courts” are special dockets used by circuit and district courts to group together cases with defendants who meet defined criteria who might warrant special consideration. The proposed legislation would establish a procedure governing the establishment of such dockets, called “problem-solving dockets.”

The legislation defines problem-solving dockets as specialized criminal court dockets within the existing court structure that enable judges to manage their workloads more efficiently, while addressing underlying offender needs and conditions that contribute to criminal behavior.

The legislation provides that administrative oversight of the implementation of the act’s provisions shall rest with the Supreme Court. The Supreme Court shall be responsible for:

- Overseeing the distribution of funds for problem-solving dockets,
- Providing technical assistance to problem-solving dockets,
- Providing training for judges who preside over problem-solving dockets,
- Providing training to providers of administrative, case management, and treatment services to problem-solving dockets, and
- Monitoring the evaluation of the effectiveness and efficiency of problem-solving dockets.

The legislation establishes a state problem-solving docket advisory committee, to be chaired by the Chief Justice and include judges, the Executive Secretary of the Supreme Court, a Commonwealth’s attorney, a court clerk, a public defender, and representatives of the Department of Veterans Services, the Department of Behavioral Health and Developmental Services, and local community corrections services and pretrial services agency. The Office of the Executive Secretary of the Supreme Court, with the assistance of the state advisory committee, would be required to develop an evaluation model and to conduct ongoing evaluations of all problem-solving dockets.

In order for a jurisdiction to establish a problem-solving docket or to continue an existing one, the legislation would require the jurisdiction to establish a problem-solving docket advisory committee. The membership of the local advisory committee would include the problem-solving docket judge, the attorney for the Commonwealth, and representatives of various local and state agencies who would be involved in the confinement, prosecution, supervision, and treatment of defendants whose cases might be placed on the problem-solving docket. The local advisory committee would have two primary functions: establishing the criteria for the eligibility and participation of defendants on the docket and establishing the policies and procedures for the operation the docket.

The legislation sets out several additional conditions for the operation of a problem-solving docket:

- No defendant who has been convicted of a violent criminal offense within the preceding 10 years shall be eligible for participation in any problem-solving docket;
- Participation in a problem-solving docket shall be voluntary for a defendant and shall be pursuant to a written agreement entered into by the defendant and the Commonwealth;
- Neither the establishment of a problem-solving docket nor any provision of the legislation shall be construed as limiting the discretion of the attorney for the Commonwealth from prosecuting any criminal case; and
- Each offender shall contribute to the cost of the treatment received while participating in a problem-solving docket.

Finally, the legislation would delete existing statutory language that authorizes the establishment of policies and procedures for dealing with veterans and active military service members who are defendants or offenders in the criminal justice system and need access to treatment for mental illness.

There is a provision in the Code of Virginia authorizing the establishment of local drug courts, upon which this proposed legislation is modeled. This legislation would not affect those provisions.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications:

The proposed legislation would impose additional responsibilities upon the Office of the Executive Secretary of the Supreme Court: providing technical assistance, training, and evaluation of problem-solving dockets. Furthermore, experience with special courts has demonstrated that many of the features of problem-solving dockets, such as intensive

offender supervision, frequent alcohol and other drug testing, and provision of treatment, create added demands on state and local agencies, resulting in the need for additional resources.

It would take some time for the provisions of the proposed legislation, if enacted, to be implemented and it is expected that the Office of the Executive Secretary of the Supreme Court has sufficient resources to meet any need that would arise in FY 2016 as a result of the legislation. Thus, no budget amendment is needed. However, depending on the number of jurisdictions that would elect to establish problem-solving dockets and the number of offenders that participate on those dockets, additional resources could be needed by the Executive Secretary, as well as by state and local agencies, in the future to implement the provisions of the legislation. Because there is insufficient data available to forecast the extent to which problem-solving dockets might be established, it is not possible to estimate the potential future fiscal impact of the proposed legislation.

9. Specific Agency or Political Subdivisions Affected:

Executive Office of the Supreme Court
Circuit and district courts
Attorneys for the Commonwealth
Indigent Defense Commission
Department of Corrections
Local community corrections and pretrial agencies
Sheriffs
County and city police departments
Local and regional community services boards

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/26/2015

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