

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB819

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

2. Patron: Morrissey

3. Committee: Senate Committee on the Judiciary

4. Title: Drug Treatment Court Act

5. Summary: The proposed bill provides that any jurisdiction or jurisdictions intending or proposing to establish a drug treatment court shall not be denied permission under the Code of Virginia to establish such court solely on the basis of funding such court. The bill also provides that a drug treatment court shall be available to every defendant irrespective of the jurisdiction.

6. Budget Amendment Necessary: Yes, Items 39 and 397

7. Fiscal Impact Estimates: Preliminary (see Item #8)

8. Fiscal Implications: The proposed bill provides that any jurisdiction or jurisdictions intending or proposing to establish a drug treatment court shall not be denied permission under the Code of Virginia to establish such court solely on the basis of funding such court. In addition, the bill also provides that a drug treatment court must be available to every defendant irrespective of the jurisdiction.

According to the Office of the Executive Secretary of the Supreme Court (“OES”), currently a drug treatment court provides its services only to those defendants over which the court has jurisdiction. Because the services to which drug treatment courts have access are highly localized, each level of court in each jurisdiction would have to have its own individual drug treatment court program that serves the needs of those defendants in the jurisdiction. Currently, there are 366 trial level courts (circuit courts, general district courts, and juvenile and domestic relations district courts) in Virginia. However, there only 53 existing individual drug treatment courts, at either the circuit or district level. Therefore, in order to establish access to a drug treatment court for every defendant in each individual court, the OES believes it would require the creation of 313 additional drug treatment courts.

By statute (§18.2-254.1), each drug treatment court includes a drug court administrator as a member of the local Drug Treatment Court Advisory Committee, which represents an annual expense of \$90,000 per position. Therefore, the proposed bill would have an annual fiscal impact of \$28,170,000 to cover administrator salaries. This salary is typically an expense of the locality.

In addition to salaries, OES estimates each drug treatment court would incur annual operation expenses of \$150,000. For the 313 additional drug treatment courts, the fiscal impact for operational expenses is estimated to be \$46,950,000.

According to the Department of Corrections (DOC), the proposed bill would necessitate additional funding for more probation officers and drug testing. For the 313 additional drug treatment courts, DOC estimates it would need \$16,486,587 for additional probation and surveillance officers and \$1,565,000 for additional drug testing. This estimate was derived using the level of support currently provided to the Norfolk Drug Treatment Court.

In addition, there likely will be a fiscal impact on local Community Service Boards and local community corrections agencies. The fiscal impact on these entities cannot not be quantified.

- 9. Specific Agency or Political Subdivisions Affected:** Courts, Department of Corrections, local Community Service Boards and local community corrections programs.

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** The Appropriation Act (Item 38, H.1 and D., Chapter 854, 2019 Acts of Assembly) provides that no state funds used to support the operation of drug court programs shall be provided to programs that serve first-time substance abuse offenders only or do not include probation violators. This restriction does not apply to juvenile drug court programs. It further provides that notwithstanding the provisions of subsection O. of § 18.2-254.1, Code of Virginia, any locality is authorized to establish a drug treatment court supported by existing state resources and by federal or local resources that may be available. This authorization is subject to the requirements and conditions regarding the establishment and operation of a local drug treatment court advisory committee as provided by § 18.2-254.1 and the requirements and conditions established by the state Drug Treatment Court Advisory Committee. Any drug court treatment program established after July 1, 2012, shall limit participation in the program to offenders who have been determined, through the use of a nationally recognized, validated assessment tool, to be addicted to or dependent on drugs. However, no such drug court treatment program shall limit its participation to first-time substance abuse offenders only; nor shall it exclude probation violators from participation.