

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE

House Bill 1284 (Delegate Burns, *et al.*)
 Judiciary

Baltimore County - Veterans' Treatment Court Pilot Program - Establishment

This bill authorizes the establishment of a Veterans' Treatment Court (VTC) Pilot Program in Baltimore County. The Administrative Office of the Courts (AOC) must incorporate the VTC pilot program under the Office of Problem Solving Courts; recommend best practices and standards regarding the operation and management of VTCs; and establish an evaluation program for VTCs.

The bill is contingent upon receiving funding from federal grants, county appropriations, or gifts or grants for AOC. If funding is not obtained from these sources, the Act is null and void without further action. Subject to these contingencies, the bill takes effect July 1, 2010 and terminates June 30, 2013.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$141,200 in FY 2011. Future year expenditures increase by \$50,000 in FY 2012 and by \$52,400 in FY 2013. Potential increase in federal grant funding.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	141,200	50,000	52,400	0	0
Net Effect	(\$141,200)	(\$50,000)	(\$52,400)	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential significant increase in expenditures if Baltimore County elects to fund a VTC pilot program.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the circuit administrative judge of the third circuit to establish VTC in Baltimore County. After consultation with the administrative judge, the Chief Judge of the Court of Appeals may accept a gift or grant to implement a pilot program in Baltimore County.

On the petition of an eligible defendant, the recommendation of the State's Attorney, or on the court's own initiative, the criminal case in which the defendant is charged may be moved from the regular criminal docket to the VTC docket. An eligible defendant is subject to any conditions of probation as authorized by law and any additional condition of probation that would promote the recovery of the eligible defendant from the mental health and substance abuse problems, aid in the individual's positive transition to civilian life, and serve the public welfare. An "eligible defendant" is a veteran who is charged with a nonviolent crime and exhibits substance abuse behavior or mental health problems. Nonviolent crimes are those crimes not specified in statute as a "crime of violence." A "veteran" is a person who served in the active armed forces of the United States and who was discharged or released from service under conditions other than dishonorable.

A court must retain jurisdiction until every condition of the court's order is satisfied. Unless otherwise specified, the Maryland Rules govern the actions and procedures to be followed by a court and the parties in the VTC court.

The bill expands the mandatory uses of the Maryland Substance Abuse Fund to include substance abuse evaluation and treatment services provided through a VTC court.

By May 31, 2013, the circuit administrative judge for the third circuit must submit a report to the General Assembly that evaluates the VTC pilot program.

Current Law: A "crime of violence" is: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first and second degree sexual offenses; (12) use of a handgun in the commission of a felony or other crime of violence; (13) child abuse in the first degree; (14) sexual abuse of a minor under the age of 13 years under specified circumstances; (15) an attempt to commit crimes (1) through (14); (16) continuing course of conduct with a child; (17) assault in the first degree; or (18) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

Background: Maryland's problem solving courts include drug, mental health, and truancy courts. These courts address matters that are under the court's jurisdiction

through a multidisciplinary and integrated approach that incorporates collaboration between courts, government, and community organizations.

The bill's preamble indicates that the first VTC was established in Buffalo, New York. The proposed federal Services, Education, and Rehabilitation for Veterans Act (S. 902) would appropriate \$25 million per fiscal year from fiscal 2010 through 2015 for the purpose of developing, implementing, or enhancing veteran's treatment courts or expanding operational drug courts to serve veterans.

State Fiscal Effect: General fund expenditures increase by \$141,200 in fiscal 2011 which includes \$100,000 for AOC to cover additional training, program evaluation, and data collection costs; and \$41,200 for the Office of the Public Defender (OPD) to hire a part-time assistant public defender in Baltimore County. Future year expenditures for OPD increase by \$50,000 in fiscal 2012 and \$52,400 in fiscal 2013. The pilot program discontinues after fiscal 2013.

Administrative Office of the Courts

AOC currently oversees approximately 50 problem solving courts in various jurisdictions. The courts are implemented in different ways depending on the jurisdiction. An application process has been established for jurisdictions that wish to implement a new problem solving court. The court requesting a new problem solving court must provide specified information, including the projected number of participants, the process for referring and accepting the cases, the frequency and nature of judicial involvement with the participants, and the screening and assessment tools that will be used.

The expenditures associated with problem solving courts vary according to how they are implemented. Although participants in a problem solving court typically require more judicial time, as participants often see a judge once or twice per month, State expenditures do not typically increase for the direct operation of an individual problem solving court. Furthermore, implementing a problem solving court does not necessarily require an additional courtroom, judge, court reporter, or clerk since the cases referred to a problem solving court docket are being diverted from an existing docket.

State expenditures for problem solving courts are generally related to technical support which includes training, program evaluation, and data collection. AOC estimates that even with the use of existing staff, State expenditures may increase by approximately \$100,000 for the establishment of a new type of problem solving court. After the problem solving court model is established, expenditures in the outyears can typically be absorbed within existing resources.

Local jurisdictions that elect to implement problem solving courts must provide some funding for any drug testing/treatment and/or mental health screenings/treatment that are to be provided as part of the program. AOC is currently not supplementing the costs for any circuit court mental health screenings, but it does supplement costs for drug testing in some jurisdictions, which it estimates at approximately \$5-10 per participant.

Office of the Public Defender

Because problem solving courts typically involve a higher level of client interaction, the OPD advises that since 2008 it has not agreed to participate in any new problem solving courts unless funding for OPD attorneys is specifically provided by the jurisdiction. Accordingly, general fund expenditures may increase by \$41,200 in fiscal 2011, which reflects the cost of hiring a part-time assistant public defender in Baltimore County. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	0.5
Salaries and Fringe Benefits	\$36,603
Operating Expenses	<u>4,639</u>
Total FY 2011 OPD Expenditures	\$41,242

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover; and 1% annual increases in ongoing operating expenses.

Local Fiscal Effect: Local expenditures associated with problem solving courts are often to provide drug testing, drug treatment, mental health screening, and counseling services. Local jurisdictions provide these services in different ways, with many being provided through grants to local health departments or nonprofit providers. Because problem solving courts are meant to provide a higher level of service to participants, some jurisdictions have dedicated staff, including prosecutors and paralegals to handle the special docket.

Baltimore County did not provide a requested fiscal estimate for this note. Local jurisdictions that responded to requests for information on a similar bill were not able to develop precise estimates on the projected costs to establish VTCs, since information on the number of eligible defendants who may participate in VTC is not readily available. In addition, because the bill specifies that the pilot program is only to be implemented to the extent that funds are made available, Baltimore County is not required to implement a VTC pilot program.

Information from AOC indicated that Baltimore County has no current plans to fund a VTC pilot program. The Department of Legislative Services advises that if Baltimore County receives funding from other sources to establish a VTC pilot program, the potential fiscal impact will depend on the level of funding that is provided, as well as the number of eligible defendants who may be referred to the program. Potential expenditures for Baltimore County may include funding for additional staff, such as a prosecutor, support staff, or a program coordinator, due to the intensity of services that each eligible defendant would likely require. Other expenditures would depend on the services provided to eligible defendants, such as costs associated with drug testing/treatment and mental health assessments and counseling.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Veterans Affairs, Department of Legislative Services

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Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510