

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 684 (Senator Peters, *et al.*)

Judicial Proceedings and Finance

Courts - Veterans' Treatment Court Pilot Program - Establishment

This bill authorizes the establishment of a Veterans' Treatment Court (VTC) Pilot Program in Frederick, Wicomico, and Prince George's counties. 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, local jurisdiction appropriations, and 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 \$223,700 in FY 2011. Future year expenditures increase by \$150,000 in FY 2012 and by \$157,700 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	223,700	150,000	157,700	0	0
Net Effect	(\$223,700)	(\$150,000)	(\$157,700)	\$0	\$0

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

Local Effect: Potential significant increase in expenditures for local jurisdictions that elect to fund VTC pilot programs.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the circuit administrative judges of the first, sixth, and seventh circuits to establish a VTC in Wicomico, Frederick, and Prince George's counties. After consultation with the administrative judges, the Chief Judge of the Court of Appeals may accept a gift or grant to implement a pilot program in these circuits.

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 judges for the first, sixth, and seventh circuits must jointly 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 federal 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 \$223,700 in fiscal 2011 which includes \$100,000 for AOC to cover additional training, program evaluation, and data collection costs; and \$123,700 for the Office of the Public Defender (OPD) to hire a part-time assistant public defender in each of the three pilot jurisdictions. Future year expenditures for OPD increase by \$150,000 in fiscal 2012 and \$157,700 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 out-years 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 \$123,700 in fiscal 2011, which reflects the cost of hiring a part-time assistant public defender in each of the three pilot jurisdictions. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	1.5
Salaries and Fringe Benefits	\$109,810
Operating Expenses	13,916
Total FY 2011 OPD Expenditures	\$123,726

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.

Since information on the number of eligible defendants who may participate in a VTC is not readily available, local jurisdictions were not able to develop a precise estimate on the projected costs to establish VTCs. In addition, because the bill specifies that the pilot program is only to be implemented to the extent that funds are made available, the counties are not required to implement a VTC pilot program.

The three jurisdictions authorized to establish VTCs indicate that local funding is not currently available to support the VTC pilot program. Therefore, if the counties receive SB 684 / Page 4

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.

For example, Prince George's County indicates that depending on the number of individuals that are referred to the program, it may require one additional prosecutor, a paralegal or secretary, and possibly an additional coordinator to ensure that the eligible defendants receive the proper services, at a total annual cost of \$170,000 for salaries and benefits.

Although Frederick County did not provide an exact estimate, it also indicated that additional staff would be necessary due to the intensity of services that each eligible defendant would likely require. Frederick County specifically advised that a process to evaluate and treat serious mental illnesses would need to be established.

Similarly, Wicomico County indicated that costs associated with personnel who are funded by the local jurisdictions, as well as operational expenditures will increase. For example, locally funded resources for a new program may include a program coordinator or case manager, State's attorney, and contracts to provide mental health and substance abuse testing and treatment. Wicomico County also advised that due to limited judicial resources, there is not currently enough court time available to insert an additional docket.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick, Prince George's, and Wicomico counties; Department of Health and Mental Hygiene; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State's Attorneys' Association; Department of Veterans Affairs; opencongress.org; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2010
ncs/kdm

Analysis by: Jennifer K. Botts

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