

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 989 (Senator Muse)
Judicial Proceedings

Task Force to Study Court-Ordered Drug Testing

This bill establishes the Task Force to Study Court-Ordered Drug Testing. The Governor must appoint a chair of the task force, which is to be staffed by the Department of Public Safety and Correctional Services (DPSCS). By December 31, 2013, the task force must report its findings and recommendations to the General Assembly.

The bill takes effect June 1, 2013, and terminates June 30, 2014.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DPSCS are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must:

- examine current State laws relating to court-ordered drug testing of participants in the criminal justice system;
- examine and report on the issue of the limitations, if any, on the power of State criminal courts to order drug testing, including the length, frequency, and costs of the testing and the relevance of testing to the crime being prosecuted;

- examine and report on how State courts currently decide on whether and what type of drug testing should be ordered in criminal cases;
- examine and report on the costs charged by drug-testing agencies to conduct court-ordered drug testing and whether changes can be made to reduce the costs of the testing; and
- make recommendations, if warranted, on changes to relevant laws, regulations, and rules of court to improve the process by which a State court orders a participant in the criminal justice system to be drug tested.

Task force members may not receive compensation, but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law/Background: Before or during a criminal trial, before or after sentencing, or before or during a term of probation, the court may order the Department of Health and Mental Hygiene to evaluate a defendant to determine whether the defendant is in need of and may benefit from substance abuse treatment under specified circumstances.

A drug court is a specialized docket that handles drug and dependency-related cases through judicial intervention, intensive monitoring, and continuous substance abuse treatment. These programs are used for offenders who are charged with less serious drug crimes and who do not have a history of violence. The drug treatment court program provides options other than commitment or incarceration. Participants are generally assigned to one of two tracks: probation or diversion from prosecution in exchange for a plea of guilty or admission of a delinquent act. Terms of program participation require intensive supervision and alcohol and other drug treatment. One of the key components of drug courts is to monitor abstinence by frequent drug testing.

According to the *Annual Report of the Office of the Problem-Solving Courts in Fiscal Year 2011*, over 121,000 drug or alcohol tests were given to drug court participants in fiscal 2011.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Judiciary (Administrative Office of Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2013
mm/kdm

Analysis by: Jennifer K. Botts

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