

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6118

BILL NUMBER: HB 1120

NOTE PREPARED: Dec 19, 2008

BILL AMENDED:

SUBJECT: Problem-Solving Courts.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that a court with criminal or juvenile jurisdiction may establish a problem solving court for alternative treatment and rehabilitation.
- B. It requires the board of directors of the Judicial Conference of Indiana to adopt rules for the certification and operation of problem solving courts.
- C. It requires the Indiana Judicial Conference to submit annual reports, for three years, to the Sentencing Policy Study Committee, concerning problem solving courts.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee and the Commission on Mental Health.)

Effective Date: July 1, 2009; July 1, 2010.

Explanation of State Expenditures: *Minimal cost to state General Fund* – This bill creates the Indiana Judicial Center Problem Solving Court Fund for administering, certifying, and supporting problem solving courts. This fund replaces the Indiana Judicial Center drug court fund. No appropriations are included in this bill.

Potential Increase in Workload for Indiana Judicial Center Staff – If more courts wish to become certified as problem solving courts, staff would be required to visit the court and view court operations, interview staff and participants, prepare reports, and review their findings with the courts and statewide judicial committees in the Judicial Conference. In December 2008, there were 29 certified drug courts (25 adult courts and 4

juvenile courts) and 6 certified reentry courts. There were also a series of courts that also deal with defendants in a problem solving format that are not currently certified by the Indiana Judicial Center. Judicial Center staff would also be responsible for reporting to the Sentencing Policy Study Committee about the status of problem solving courts each year.

Minimal Workload Changes for Division of Mental Health and Addictions (DMHA) Staff – Under current law, DMHA staff certify addictions treatment services providers. As proposed, DMHA staff would certify addictions and mental health treatment services provided by problem solving courts if the courts themselves would employ staff to provide treatment. Of the 35 drug and reentry courts, Allen County’s reentry court is the only court that currently provides direct treatment and rehabilitation. All other drug courts contract with or refer participants to outside agencies for treatment.

Background: The term "problem solving" generally refers to an alternative approach to traditional case processing that focuses on six principles: (1) enhanced information to improve decision-making; (2) engaging the community to assist with problem solving; (3) collaboration with social services providers and other stakeholders; (4) linking participants with community-based services based on individual risk and needs; (5) participant accountability; and, (6) continuously evaluating the effectiveness of problem solving court operations. (Center for Court Innovation, 2008). Problem solving courts may involve participants who are pre-conviction (diversion) or post-conviction based on both statutory and court-established eligibility criteria.

Problem solving courts involve a prearranged system of graduated sanctions and rewards which focus on addressing specific problems that a participant is facing. Judges monitor the progress of these participants, sometimes meeting with these participants weekly. When a participant does not comply with court orders, the judge may impose a sanction.

This bill creates a framework in statute to permit courts to establish a certification process for additional problem solving court models without added changes in statute. Those courts interested in certifying a problem solving court may seek certification through the Indiana Judicial Center.

Under current law, two types of certified courts can be established to address specific problems faced by defendants: drug courts and reentry courts. Drug courts are designed to deal with persons with substance abuse problems. Reentry courts focus on offenders who have been released from the Department of Correction to probation, parole, community correction, or community transition. As proposed, certified problem solving courts could operate as (1) community courts to address specific neighborhood or local criminal problems; (2) drug courts; (3) family dependency drug courts; (4) mental health courts, and (5) reentry courts. However, this list of problem solving court models is not exhaustive, and the bill permits the continued expansion of certified problem solving courts to address the needs of the trial courts.

There are three financial incentives for these courts to become certified by the Judicial Center under either current law or by the proposed bill. (1) Under current law, only drug courts and reentry courts that are certified can charge user fees. As proposed, only those problem solving courts which obtained written approval by the Indiana Judicial Center would be able to assess and collect user fees. (2) The Supreme Court offers \$100,000 in grants each year only to certified drug courts. (3) Certified courts would also comply with national standards and be potentially competitive for federal grants.

By expanding the types of courts that could be certified as problem solving courts, the staff at the Indiana Judicial Center could have a larger number of courts to certify. In December 2008, there were 29 certified

drug courts (25 adult courts and 4 juvenile courts) and 6 certified reentry courts. Other common problem solving court initiatives (adult and juvenile) include OWI courts, CHINS drug courts, community courts, family courts, mental health courts, truancy courts, domestic violence courts, gun courts, gambling courts, prostitution courts, and homeless courts (National Drug Court Institute, 2005). Indiana Judicial Center staff conducted a survey of trial court judges in 2007 and identified 68 courts that had implemented a problem-solving court or had incorporated problem solving court principles into managing their court dockets. An additional 91 judges indicated that they were interested in learning more about one or more problem solving court models.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues: Problem solving courts could charge user fees if permitted by the Indiana Judicial Center.

State Agencies Affected: Indiana Judicial Center; Judicial Conference of Indiana; DMHA.

Local Agencies Affected: Trial and city courts; prosecuting attorneys.

Information Sources: Diane Mains, Indiana Judicial Center; Kendra Ballinger, DMHA.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.