

WORKING DRAFT

HOUSE BILL NO. _____

Problem solving courts.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to courts; providing that the jurisdiction
2 of drug courts be expanded to address other social
3 problems, as specified; and providing for an effective
4 date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 Section 1. W.S. 5-10-101 through 5-10-107 are amended
9 to read:

10

11 **5-10-101. Purpose and goals.**

12

13 (a) The legislature recognizes that a critical need
14 exists in this state for ~~criminal justice system~~ court
15 related programs that will break the cycle of drug and

1 alcohol abuse and addiction and the crimes committed as a
2 result of drug and alcohol abuse and addiction and to
3 address other social problems that come before the courts
4 including, but not limited to, domestic violence, child
5 abuse and neglect, truancy and mental health. Local ~~drug~~
6 court programs shall be facilitated for the purpose of:

7

8 (i) Providing sentencing options for the
9 judicial system ~~to dispose of cases stemming from drug use;~~
10 and

11

12 (ii) Combining judicial supervision, supervised
13 probation, drug testing, treatment, aftercare and
14 monitoring of ~~drug court~~ participants.

15

16 (b) The goals of the ~~drug~~ court programs funded under
17 this article include the following:

18

19 (i) To reduce alcoholism and other drug
20 dependency among offenders;

21

22 (ii) To reduce recidivism rates in both drug use
23 and criminal activity;

24

1 (iii) To reduce the drug related court workload;

2

3 (iv) To increase the personal, familial and
4 societal accountability of offenders; ~~and~~

5

6 (v) To promote effective interaction and use of
7 resources among criminal justice personnel, state agencies
8 and community agencies- ~~and~~

9

10 (vi) To reduce community problems stemming from
11 domestic violence, child abuse and neglect, mental health
12 and other social problems;

13

14 **5-10-102. Establishment of problem solving court**
15 **system; problem solving court account.**

16

17 (a) There is created a ~~drug~~ problem solving court
18 account. All interest earned on funds within this account
19 shall be deposited in the account.

20

21 (b) Any ~~drug~~ problem solving court which meets all of
22 the qualifications of W.S. 5-10-106 and rules and
23 regulations properly promulgated is eligible for funding
24 from the ~~drug~~ problem solving court account in an amount

1 not to exceed two hundred thousand dollars (\$200,000.00)
2 for each fiscal year.

3

4 (c) The department of health shall make funding
5 recommendations to the ~~drug~~ problem solving court panel
6 based on the amount of funding which the county supplies to
7 its ~~drug~~ problem solving court. The department of health
8 shall make recommendations regarding a proportionate
9 contribution to each participating county from the ~~drug~~
10 ~~court~~ account subject to the maximum amount established in
11 subsection (b) of this section.

12

13 (d) In addition to those funds appropriated to the
14 account under subsection (a) of this section the department
15 may accept, and shall deposit to the account, any gifts,
16 contributions, donations, grants or federal funds
17 specifically given to the department for the benefit of the
18 ~~drug~~ problem solving courts or treatment providers in
19 Wyoming.

20

21 **5-10-103. ~~Drug~~ Problem solving court panel.**

22

23 (a) The department of health shall oversee and
24 provide funding for the ~~drug~~ problem solving courts from

1 the ~~drug~~ problem solving court account. The department of
2 health shall implement rules and regulations specifying a
3 funding application procedure, certification requirements
4 for treatment personnel participating in the ~~drug~~ problem
5 solving court program and ~~drug~~ problem solving court
6 program office guidelines. In order to maximize federal
7 financial participation, compliance with the United States'
8 Department of Justice Drug Court Program guidelines shall
9 be considered by the department.

10

11 (b) A ~~drug~~ problem solving court panel shall consist
12 of the following persons or their designees: chairman of
13 the board of judicial policy and administration, chairman
14 of the governor's substance abuse and violent crime
15 advisory board, director of the department of health, the
16 attorney general, director of the department of family
17 services, director of the department of corrections and the
18 state public defender. The panel, upon recommendations from
19 the department of health, shall make all funding
20 determinations. The panel shall determine whether a local
21 ~~drug court~~ management committee which makes application for
22 ~~drug court~~ funding meets the criteria established by W.S.
23 5-10-106.

24

1 (c) Any expenses incurred in implementing this act
2 shall be paid from the ~~drug court~~ account by the department
3 of health. Administrative expenses shall be minimized and
4 shall not exceed ten percent (10%) of the amounts
5 appropriated to the ~~drug~~ problem solving court system.

6
7 (d) Those members of the ~~drug court~~ panel who are not
8 full-time employees of the state of Wyoming shall receive
9 as compensation one hundred twenty-five dollars (\$125.00)
10 for each day necessarily employed in attending the meetings
11 of the board, and shall also receive per diem and mileage
12 allowance as allowed to state employees for attending the
13 meetings and performing the duties incumbent upon them as
14 members of the ~~drug~~ court panel.

15
16 **5-10-104. Local problem solving court management**
17 **committee.**

18
19 (a) A local ~~drug court~~ management committee shall be
20 established by each local ~~drug~~ problem solving court. The
21 members of this management committee shall be actively
22 involved with the ~~drug~~ court. The management committee
23 shall consist of:

24

1 (i) The judge who presides over the local ~~drug~~
2 problem solving court;

3

4 (ii) One (1) prosecuting attorney, selected by
5 the county or district attorney;

6

7 (iii) One (1) member of the bar who practices
8 criminal defense, selected by the judge of the ~~drug~~ problem
9 solving court;

10

11 (iv) A monitoring officer, agreed upon by the
12 attorney members of the committee and the judge; and

13

14 (v) A representative of the treatment providers,
15 agreed upon by the attorney members of the committee and
16 the judge.

17

18 (b) The five (5) members of the local ~~drug-court~~
19 management committee specified in subsection (a) of this
20 section may appoint additional members.

21

22 (c) All members shall be residents of, or practicing
23 in the county or counties served by the local ~~drug~~ problem
24 solving court.

1

2 (d) Each local ~~drug court~~ management committee shall
3 manage the funds received from the ~~drug~~ problem solving
4 court account, meet any reporting requirements of the
5 department of health and appoint a ~~drug~~ court coordinator
6 or program manager who shall be responsible for
7 administration and oversight of the court and will be the
8 primary contact for outside agencies.

9

10 (e) The ~~drug~~ court coordinator or program manager and
11 any other persons employed shall receive compensation as
12 determined by the local ~~drug court~~ management committee.

13

14 **5-10-105. Application; selection by problem solving**
15 **court panel; report on grants awarded.**

16

17 (a) Requests for new or continued funding of ~~drug~~
18 problem solving courts may be submitted annually by any
19 local ~~drug court~~ management committee to the ~~drug~~ problem
20 solving court panel on dates set by the department of
21 health. Submitted proposals shall be in a form provided and
22 prescribed by the department of health, which shall, at a
23 minimum, require the qualifying information provided by
24 W.S. 5-10-106.

1

2 (b) The Wyoming ~~Criminal Justice Statistical~~ Survey
3 and Analysis Center within the University of Wyoming shall
4 be utilized in providing appropriate data for a proposal.

5

6 (c) The ~~drug court~~ panel shall award grants to only
7 those ~~drug~~ courts which meet the standards required by this
8 article and rules and regulations promulgated by the
9 department of health.

10

11 (d) In accordance with determinations of the ~~drug~~
12 ~~court~~ panel, the department of health shall annually
13 distribute funds to the management committee of selected
14 ~~drug~~ courts on or before September 1. ~~Drug court~~ grants
15 received under this article shall only be used for the
16 purposes for which the grant is awarded and shall not be
17 expended for any other program, activity or purpose.

18

19 (e) The department of health shall, on behalf of the
20 ~~drug court~~ panel, annually report to the governor and the
21 joint labor, health and social services committee on the
22 selected ~~drug~~ courts which receive funding. The report
23 shall include an evaluation of the ~~drug~~ courts and a
24 determination of whether each ~~drug~~ court funded under this

1 article is successful in meeting the objectives of this
2 article.

3

4 **5-10-106. Qualifications.**

5

6 (a) To be eligible for funding from the state ~~drug~~
7 problem solving court account a local ~~drug~~ court shall:

8

9 (i) Integrate substance abuse treatment services
10 with the justice system case processing;

11

12 (ii) Use a nonadversarial approach involving
13 both the prosecution and defense counsel to promote public
14 safety while providing appropriate treatment for the
15 adjudicated individual;

16

17 (iii) Identify eligible participants early and
18 promptly place the eligible participant in the ~~drug-court~~
19 program;

20

21 (iv) Provide access to a continuum of substance
22 abuse related treatment and rehabilitation services;

23

1 (v) Monitor long term abstinence by frequent
2 drug and alcohol testing;

3

4 (vi) Coordinate a strategy which will guide drug
5 court responses to a participant's compliance with the
6 program requirements;

7

8 (vii) Facilitate ongoing judicial interaction
9 with each drug-court participant;

10

11 (viii) Monitor and evaluate the achievement of
12 program goals and gauge the effectiveness of the program;

13

14 (ix) Continue interdisciplinary education which
15 promotes effective drug problem solving court planning,
16 implementation and operations;

17

18 (x) Forge partnerships among drug problem
19 solving courts, public agencies, community-based
20 organizations and private foundations and businesses which
21 generate local support and enhance the effectiveness of the
22 drug court program; and

23

1 (xi) Have maximized, where appropriate and
2 applicable, the use of available federal funding from the
3 United States department of justice drug court program
4 under the guidelines of title 42, section 3796ii of the
5 United States Code.

6
7 **5-10-107. Conditions for admission to a problem**
8 **solving program.**

9
10 (a) Each drug court shall establish conditions for
11 referral of proceedings to the court consistent with drug
12 court program office guidelines. Other problem solving
13 courts shall establish conditions for referral of
14 proceedings to the court consistent with drug court program
15 office guidelines when those guidelines are applicable to
16 the goals of the court. Any proceeding accepted by the ~~drug~~
17 court program for disposition shall be upon agreement of
18 the parties. Any ~~drug court~~ participant shall agree to the
19 release of medical and other records relevant to the
20 treatment of the participant pursuant to subsection (b) of
21 this section.

22
23 (b) ~~Drug~~ court staff, designated by the judge, shall
24 be provided with access to all records of any state or

1 local government agency relevant to the treatment of any
2 program participant. Agency employees shall fully inform a
3 ~~drug~~ court staff of all matters relevant to the treatment
4 of the participant. No contents of records and reports
5 shall be disclosed to any person outside of the ~~drug~~ court.
6 The records and reports shall be maintained by the court in
7 a confidential file not available to the public.

8

9 (c) The judge who presides over the ~~drug~~ problem
10 solving court shall inform the eligible participant prior
11 to acceptance into the ~~drug court~~ program that the eligible
12 participant may be subject to a term of probation that
13 exceeds the maximum term of imprisonment established for
14 the offense as provided in W.S. 5-9-134.

15

16 **Section 2.** This act is effective July 1, 2006.

17

18

(END)