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ASSEMBLY BILL 29
PROPOSAL FOR SPECIALTY COURT
FUNDING

ASSEMBLY JUDICIARY COMMITTEE
FEBRUARY 18, 2003

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ASSEMBLY JUDICIARY
DATE: 2/18/03 ROOM 3138, EXHIBIT C
SUBMITTED BY: David Spitzer

Specialty Courts in Nevada— A Solution That Works

Since the first Drug Court was started in Las Vegas in 1991, Specialty courts have expanded in Nevada both in their original form and in many variations. There are now Family Drug Courts, Juvenile Drug Courts, Misdemeanor Drug Courts, Diversion Courts, Prisoner Re-entry Drug Courts, and Mental Health Courts all operating in the state using the same basic Drug Court model of Therapeutic Jurisprudence. Throughout the history of drug courts in Nevada, both County and State government have been very supportive financially, giving essentially what was needed to support the treatment and personnel requirements of the programs.

This support was earned. Specialty Courts in Nevada have proven that they drastically reduce crime and recidivism, reduce jail and prison populations, reunite families, promote healthy babies, reintegrate men and women into the work force and advance education in a population of people that otherwise tax our criminal justice and social services systems in the State.

Governmental support for these programs is well founded. The traditional criminal justice system is very effective at locking up career violent criminals. It is also pretty good at locking up non-violent addicts and alcoholics who violate our laws by using drugs and committing a variety of non-violent property and other crimes. It is these offenders who fail probations and over-crowd our prisons and jails. Many believe that drug or alcohol use that leads to criminal behavior is a life-style choice and, as such, deserving of no special consideration. Experience and scientific investigation has shown that drug use quickly becomes a medical addiction where the brain's chemical and physical processes are actually altered, creating a whole different way of thinking and relating to the world. This addiction can not be cured by a period of absence in the jail or state prison; there are life-style changes that must be made and behaviors that must be modified. Specialty Courts focus like a laser beam on just these issues. Because the Court has criminal jurisdiction and the power to sanction non-compliant behavior, defendants are forced to comply with counseling,

testing and treatment requirements all aimed at changing that destructive life-style and behavior.

And it works: re-arrests among the general criminal population run about 80% within five years after a sentence is completed. That means that 8 out of 10 criminal defendants will be back in the system for some crime within five years. For Adult Drug Court graduates, less than 20 % re-offended within five years. It is estimated that one crack or methamphetamine addicted baby born to an addict mother costs the social service system in Nevada nearly 1 million dollars. The Drug Courts in Washoe County alone have had over 200 clean, sober and healthy babies born to addicted mothers since 1991. The cycle of drug addiction makes living a normal and productive life supporting a family nearly impossible. Drug Courts are expanding to address the vocational and social needs of its participants to make sure that when they graduate they are clean and sober, know how to stay that way, living in the best place they ever had, with the best job they ever had.

Reaching this goal has never been easy or cheap. Nevada's Specialty Courts have traditionally relied on money from State and local government to provide the services and treatment necessary to do the job. In a time when budgets are stretched thin, it is imperative that Specialty Courts survive, because in the long run they save money and improve lives. In order to accomplish this goal, a steady, proportional and reliable fund mechanism must be found.

ASSEMBLY BILL 29
PROPOSAL TO RAISE FUNDS TO SUPPORT
SPECIALITY COURTS

Since the early 1990's, Specialty Courts, such as Family and Adult Drug Court, have taken hold in Nevada. Funding for these courts have come from a variety of sources, and have mainly been supported by money from the County and State, in the form of "one-shot" grants. Thankfully, the Governor has put State funding in his budget this biennium, but a regular funding source is necessary to promote the stability and growth of these vital

programs. In order to institutionalize the Specialties Courts by putting them on a solid financial basis and at the same time relieve the County and State of some of the burden of financially supporting them, the following proposal is submitted.

BACKGROUND

NRS 176.059 through NRS 176.085 sets up a statutory scheme whereby misdemeanor and felony criminal cases are assessed a fee known as the administrative assessment or "AA" fee. For misdemeanor case in both Justice and Municipal Courts, a convicted defendant is assessed an AA fee in proportion to the amount of fine imposed, as set by a table found in NRS 176.059. For example, a fine of \$200 requires an additional \$70 AA fee. This fee must be paid first. The proceeds are transmitted by the Clerk of the Court to the City Treasurer for municipal courts or the County Treasurer for Justice's Court. Once deposited with the Treasurer the money is divided among several entities according to the statute, including the city, county and state. The money is used for various purposes including the support of Juvenile Courts, Court administration, judicial education and retirement, the Supreme Court and others.

THE PROPOSAL

----That NRS 176.059 be amended to include an additional set fee to be paid by all misdemeanor defendants and that money raised be retained by the County for the support of its Specialty Courts.

DISCUSSION

The proposed method of raising funds to support Specialty Courts has several advantages:

1. State and County government will be relieved from some of the burden of annually supporting the Specialty Courts programs.
2. The money raised will be from those most likely to utilize the services of the Specialty Courts, i.e. convicted criminal defendants, approximately 80% of whom have an addiction, mental health or dysfunctional family problem.
3. The amount of money raised will be tied to the amount of criminal activity in a given jurisdiction and thus will be self adjusting—as

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crime increases and the need for more Specialty Courts grows, so will the money collected to support the programs.

4. Money raised in any one jurisdiction will stay in that jurisdiction and will therefore be proportionate with that jurisdiction's population and need.
5. The collection of an additional fee at the misdemeanor level should not be a burden because an existing mechanism to collect AA fees is already in place in municipal and justice's courts.

Specialty Courts are defined as any district court program that imposes close judicial supervision, testing and treatment of:

1. A juvenile or adult criminal defendant, who also is an addict or alcoholic and would benefit from treatment;
2. A parent who is involved in the Social Services system and is attempting to reunify with his/her children;
3. A criminal defendant who has a mental illness;

This definition is broad enough to include the Specialty Courts currently in existence in Nevada: Family Drug Court, Juvenile Drug Court, Adult Drug Court, Diversion Court, Prisoner Re-entry Drug Court Diversion Court and Mental Health Court.

The provision that requires money collected by jurisdictions that did not have a qualified Specialty Court to be remitted to the State serves to encourage those jurisdictions to start one, thereby expanding the proven benefits of such courts through out the State.

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