

HOUSE No. 3317

The Commonwealth of Massachusetts

PRESENTED BY:

Tami L. Gouveia

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to study adult drug courts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/18/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/1/2019</i>

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By Ms. Gouveia of Acton, a petition (accompanied by bill, House, No. 3317) of Tami L. Gouveia and Mindy Domb for an investigation by a commission relative to the current practices, needs, impact, and accessibility of adult drug courts. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to study adult drug courts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There shall be a commission to study the current practices, needs, impact,
2 and accessibility of Massachusetts Adult Drug Courts. The commission shall be comprised of 13
3 members including: one appointed by the Bureau of Substance Abuse Services of the
4 Massachusetts Department of Public Health, one appointed by the Massachusetts District
5 Attorney Association, one appointed by the Massachusetts Center of Excellence for Specialty
6 Courts, one appointed by the Massachusetts Association of Criminal Defense Lawyers, one
7 appointed by the National Association of Drug Court Professionals, two appointed by the
8 Massachusetts Organization for Addiction Recovery, two appointed by the Speaker of the House,
9 two appointed by the President of the Senate, and two appointed by the Governor. Members shall
10 bring a diversity of expertise to ensure the conduct of a quality impact and accessibility
11 assessment. Areas of expertise, include clients who have lived experience and graduated from an
12 Adult Drug Court, those with professional experience and expertise in criminal justice, substance
13 abuse treatment and recovery, legal defense, and assessment and evaluation methods and tools.

14 The commission shall consider the following:

15 (i) examine whether the number of Adult Drug Courts in Massachusetts are able to meet
16 statewide need;

17 (ii) examine current capacity and resource challenges for existing Adult Drug Courts in
18 Massachusetts. The commission shall collect data on, but not limited to, the number of
19 individuals served, caseload ratios, number of dedicated staff, estimated unmet need, and
20 availability of resources in the trial court and community or region of the trial court that may
21 impact the success, sustainability, and ability to meet community need;

22 (iii) examine the barriers to ensuring an adequate number of Adult Drug Courts in
23 Massachusetts, paying particular attention to specific gaps in resources, including, but not
24 limited to, recovery housing, residential treatment, transportation, mental health treatment, and
25 funding, and how these barriers impact the capacity of drug courts to reach specific geographic,
26 racial/ethnic, and socio-economic communities;

27 (iv) examine possible racial/ethnic and gender disparities in access and equitable
28 treatment in Massachusetts Adult Drug Courts;

29 (v) assess current uses of incentives and sanctions in Adult Drug Courts, including, but
30 not limited to, the types of incentives and sanctions used, the frequency in which incarceration
31 and detention are used as a sanction, any policies, procedures, and practices related to assigning
32 incentives or sanctions to specific actions, and to what degree incentives and sanctions are
33 applied equitably;

34 (vi) identify the number of drug court cases that are the result of post-plea diversion and
35 deferred sentencing, post-sentencing and probation, or other disposition models;

36 (vii) consider the positive and negative impacts drug courts have on participants.

37 Examine ways drug courts can improve outcomes and mitigate potentially negative outcomes of
38 engagement with the criminal justice system; and

39 (viii) identify current sources of funding for Adult Drug Courts in Massachusetts and
40 challenges faced by courts in acquiring adequate funding.

41 SECTION 2.

42 The commission shall issue a report of their findings and legislative recommendations on
43 improving availability, accessibility, efficacy, and equity of drug courts to the clerks of the house
44 and senate and the chairs and vice chairs of the Joint Committee on Mental Health, Substance
45 Abuse and Recovery and Joint Committee on the Judiciary no later than two years after the first
46 meeting of the commission.