

4/10/01 Rereferred To: Judiciary

MAR 14 2001
Place On Calendar

HOUSE FILE 613
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 258)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a criminal defendant on bail submitting a
2 physical specimen for the performance of a drug test as a
3 condition of release.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 613

1 Section 1. Section 811.2, subsection 1, unnumbered
2 paragraph 2, Code 2001, is amended to read as follows:
3 Any bailable defendant who is charged with unlawful
4 possession, manufacture, delivery, or distribution of a
5 controlled substance or other drug under chapter 124 and is
6 ordered released shall be required, as a condition of that
7 release, to submit to a substance abuse evaluation and follow
8 any recommendations proposed in the evaluation for appropriate
9 substance abuse treatment. In addition, the defendant shall
10 be required to randomly submit a specimen of the defendant's
11 blood, breath, or urine for the conducting of a drug test. If
12 a drug test is conducted with respect to the defendant
13 pursuant to this paragraph, the court may require the
14 defendant to pay the costs of the test.

15 EXPLANATION

16 This bill relates to a defendant on bail submitting a
17 physical specimen for the conducting of a drug test as a
18 condition of release.
19 The bill provides that a defendant who has been released on
20 bail and who has been charged with a controlled substance-
21 related offense under Code chapter 124 shall submit to random
22 drug testing. The bill also provides that the court may also
23 require the defendant to pay the cost of the test.

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HOUSE FILE 613
FISCAL NOTE

A fiscal note for **House File 613** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 613 provides that a defendant who has been released on bail and who has been charged with a drug offense under Chapter 124, Code of Iowa, shall be required to randomly submit to a drug test. The court may order the defendant to pay the costs of the test.

ASSUMPTIONS

1. The number of criminal charges for drug offenses will not change over the projection period.
2. According to the Justice Data Warehouse (information from the statewide court information system), there were 12,819 defendants charged under Chapter 124, Code of Iowa, during FY 2000. During February 2001, there were 407 defendants on pre-trial release for a drug offense. The average length of time between the charge being incurred and disposition of the case is 6.3 months. It is assumed that 6.3 months is the average time served on pre-trial release. However, not all pre-trial detainees are supervised under Community-Based Corrections' (CBC) pre-trial release program. They may be released on their own recognizance, held in jail pending trial, released to CBC supervision, or released on a secured bond.
3. Current law requires defendants charged with certain drug offenses to submit to a substance abuse evaluation and follow the recommendations proposed in that evaluation. Under current law, certain offenders may be submitting to a drug test. Data regarding the number of pre-trial defendants who are currently submitting to a drug test are not available. Therefore, it is estimated that 20.0% of these offenders are currently submitting to a drug test.
4. Substance abuse treatment agencies do not regularly require a drug test as part of the drug abuse assessment. Assessments do not always indicate that treatment is required. If treatment is indicated, treatment agencies may not require a drug test during the substance abuse treatment program.
5. If 20.0% of defendants are currently submitting to a drug test, then House File 613 will require 10,300 additional defendants annually to submit to a drug test.
6. The drug test is estimated to cost \$30. A defendant may submit specimens no more than five times pending trial.
7. The court may require the defendant to pay the cost of the tests. It is not known how many defendants will be required to pay these costs, nor is

it possible to estimate the collection rate. Certain defendants may have the costs of the tests assessed as court costs.

FISCAL IMPACT

The fiscal impact of House File 613 is estimated to be \$1.5 million annually. It is not known what agency will absorb the costs if the defendant does not pay the costs of the tests. The State, through CBC programs or the substance abuse treatment managed care system, may pay the costs. The counties may pay the costs, as the required test is a condition imposed in order to be released from a county jail.

SOURCES

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Supreme Court
Department of Public Health
Iowa State Sheriffs and Deputies Association

(LSB 2014hv, BAL)

FILED MARCH 20, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR