

Maddox
Hammond
McKean

SSB-1219
Judiciary
Succeeded By
SF HF 448

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

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

A BILL FOR

1 An Act relating to the establishment by the Iowa department of
2 public health of a substance abuse treatment facility for
3 persons on probation due to the commission of a criminal
4 offense.

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

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1 Section 1. Section 135.11, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 26. Establish and administer a substance
4 abuse facility pursuant to section 135.130.

5 DIVISION XIII

6 Sec. 2. NEW SECTION. 135.130 SUBSTANCE ABUSE FACILITY
7 FOR PERSONS ON PROBATION.

8 The director of public health shall establish and operate a
9 facility for the purpose of providing a structured treatment
10 program for persons with a substance abuse problem who are on
11 probation and under the supervision of a judicial district
12 department of correctional services. The department shall
13 enter into an agreement pursuant to chapter 28E with the
14 department of corrections to provide security for the
15 facility. The department, in consultation with the department
16 of corrections, shall adopt rules under chapter 17A to
17 administer this section.

18 Sec. 3. Section 901B.1, subsection 1, paragraph c, Code
19 2001, is amended by adding the following new subparagraph:

20 NEW SUBPARAGRAPH. (5) A substance abuse treatment
21 facility as established and administered by the Iowa
22 department of public health.

23 Sec. 4. Section 901B.1, subsection 4, paragraph a, Code
24 2001, is amended to read as follows:

25 4. a. The district department of correctional services
26 shall place an individual committed to it under section 907.3
27 to the sanction and level of supervision which is appropriate
28 to the individual based upon a current risk assessment
29 evaluation. Placements may be to levels two and three of the
30 corrections continuum. The district department may, with the
31 approval of the Iowa department of public health, place an
32 individual in a level three substance abuse treatment facility
33 established pursuant to section 135.130, to assist the
34 individual in complying with a condition of probation. The
35 district department may, with the approval of the department

1 of corrections, place an individual in a level four violator
2 facility established pursuant to section 904.207 only as a
3 penalty for a violation of a condition imposed under this
4 section.

5 EXPLANATION

6 This bill requires the Iowa department of public health to
7 establish a substance abuse treatment facility for persons on
8 probation due to the commission of a criminal offense.

9 The bill provides that the substance abuse treatment
10 facility shall provide a structured substance abuse treatment
11 program for persons who are on probation and under the
12 supervision of a judicial district department of correctional
13 services. The bill provides that the department of public
14 health and the department of corrections shall enter into a
15 Code chapter 28E agreement to provide security for the
16 facility. The bill provides that a judicial district may,
17 with the approval of the department of public health, place a
18 person who is on probation at the substance abuse facility to
19 assist the person in complying with the terms and conditions
20 of probation.

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4/15/01 Rereferred To: Judiciary

FILED MAR 14 1998

SENATE FILE 448
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1219)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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**SENATE FILE 448
FISCAL NOTE****REQUESTED BY:
SENATOR MADDOX**

The estimate for **Senate File 448** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 448 requires the Department of Public Health to establish a substance abuse treatment facility for persons on probation. The facility shall provide a structured substance abuse treatment program for people on probation to Community-Based Corrections (CBC). The Bill requires the Department of Public Health and the Department of Corrections to enter into a contract to provide security for the facility. The CBC District Departments may, with the approval of the Department of Public Health, place a probationer in the substance abuse facility.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the substance abuse treatment facility.
4. The analysis is based on information obtained from the Adult Corrections Information System, the computerized database for the State prison system.
5. The Department of Public Health is proposing to rent a vacant facility at Knoxville from the Veterans Administration. The building would need to be renovated. The facility's projected opening date is November 2001.
6. The facility will have 100 beds with a proposed six month length of stay. It is estimated 200 offenders will be served per year, assuming the facility operates at 100% of capacity.
7. Certain offenders who are placed in the facility would have been revoked to State prisons while others would have remained on probation under current law. Data with which to estimate the percentage who would have been revoked to prison is not available since this is a new treatment alternative. It is estimated that 50% of the offenders placed in the facility would have been revoked to prison under current law.
8. There is no readily available information with which to predict what type

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of offenses would be involved for those offenders admitted to the facility. It is estimated that 50% of the admissions will be Class D felons while 50% will be Class C felons.

9. The marginal cost per day for State prisons is \$16 per inmate. The average length of stay for nonviolent Class D felons is 16 months while the average length of stay for nonviolent Class C felons is 24 months.

CORRECTIONAL IMPACT

Admissions to prison will decrease by 50 inmates during FY 2002, and 100 inmates annually thereafter. The prison population will decrease by 50 inmates during FY 2002, 142 inmates during FY 2003, and 167 inmates during FY 2006. This impact assumes that 50% of the offenders admitted to the substance abuse treatment facility would have been revoked to prison under current law. If admissions to the substance abuse treatment facility vary significantly from this estimate, the correctional impact will vary accordingly.

FISCAL IMPACT

State General Fund Impact:

State prison costs are estimated to decrease by \$292,000 during FY 2002. FY 2003 costs are estimated to decrease by \$829,000. The State prison system is currently operating at 110% of total capacity. Senate File 448 may result in cost containment rather than an operating cost reduction in the State prison system.

The Department of Public Health estimates FY 2002 costs for the Knoxville facility to be \$3.2 million. This figure includes one-time start-up costs of \$429,000, and operating costs (salaries for 63.0 FTE positions, support, and rent) for seven months of FY 2002. The estimated annualized operating costs are \$3.8 million for FY 2003. The FY 2003 budget has been adjusted for FY 2002 one-time expenditures.

Senate File 448 is not expected to have an impact on the court system or indigent defense costs.

Local Government Impact:

There is no impact on local government costs under Senate File 448.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections
 Department of Public Health
 State Public Defender's Office
 Supreme Court

(LSB 3199BY, BAL)

FILED MARCH 26, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR