

Amendment to SB 464-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a statewide drug offender grant program and making
4 appropriations therefor, and relative to transferring certain revenues to the
5 revenue stabilization reserve account.
6

7 Amend the bill by replacing all after the enacting clause with the following:

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9 1 Chapter Title; Drug Courts and Drug Offender Grant Program. Amend the chapter heading
10 of RSA 490-G to read as follows:

11 CHAPTER 490-G

12 DRUG COURTS *AND DRUG OFFENDER GRANT PROGRAM*

13 2 New Subdivision; Drug Offender Grant Program. Amend RSA 490-G by inserting after
14 section 2 the following new subdivision:

15 Drug Offender Grant Program

16 490-G:3 Grant Program Created.

17 I. There is established a statewide drug offender grant program which shall provide state
18 matching funds as appropriated to support drug courts or drug offender programs in all state
19 superior court districts. The grant program shall be available to counties operating drug courts or
20 alternative drug offender programs prior to the effective date of this section, and to counties that
21 have not yet implemented a drug court or drug offender program.

22 II. There is established the office of drug offender program coordinator within the
23 administrative office of the superior court. For purposes of this chapter, "office" means the office of
24 drug offender program coordinator. The office shall be responsible for developing an application
25 process by which counties shall apply for a state grant, evaluating the operating drug courts and
26 alternative drug offender programs, determining certification, measuring recidivism rates,
27 evaluating compliance with relevant standards, assisting in creating drug courts or alternative drug
28 offender programs in counties seeking to implement them, and assisting counties in obtaining
29 ongoing training.

30 III. Counties operating a drug court or alternative drug offender program, or which seek to
31 establish such a program, may be eligible for a state grant which shall pay up to 50 percent of the
32 cost from funds administered by the administrative office of the superior court. The remaining cost
33 shall be funded by the counties.

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1 490-G:4 Eligibility for Grants.

2 I. For the purpose of grants, the superior court districts of each county shall be grouped
3 into 3 categories: small, medium, and large. Coos, Carroll, and Sullivan counties shall be
4 categorized as small. Grafton, Belknap, and Cheshire counties shall be categorized as medium.
5 The districts of Hillsborough county superior court north and Hillsborough county superior court
6 south, and Strafford, Merrimack, and Rockingham counties shall be categorized as large. Subject to
7 available appropriations, large counties and districts shall each be eligible for a grant of up to
8 \$245,000 per year; medium counties shall each be eligible for a grant of up to \$150,000 per year;
9 and small counties shall each be eligible for a grant of up to \$100,000 per year.

10 II. To be eligible for a state grant, a county operating a drug court or alternative drug
11 offender program shall receive certification from the office. Grants shall be recommended by the
12 advisory commission established in RSA 490-G:5 and paid upon approval of the recommended
13 amount by the administrative office of the superior court. The office shall determine how often
14 certification shall be required and the office shall award certification when the currently operating
15 drug court or alternative drug offender program establishes:

16 (a) Compliance with the New Hampshire drug court or alternative drug offender
17 program certification checklist as promulgated by the office and approved by the advisory
18 commission; and

19 (b) A commitment on behalf of the county government.

20 III. A county without a drug offender program which seeks to implement a drug court or
21 alternative drug offender program shall first apply for a federal grant for the purpose of
22 establishing a program. A county shall be required to apply for a federal grant only once. Any
23 county that applied for a federal grant before the effective date of this section shall not be required
24 to apply again. In the event the county is awarded a federal grant, or any other grant from a
25 nonprofit organization, designed to fund a drug court or alternative drug offender program, the
26 county shall be eligible for a state grant after the federal or other nonprofit grant has expired. If
27 the county does not receive a federal or other nonprofit grant for which it applied, then it shall be
28 eligible for a state grant.

29 IV.(a) A county seeking to implement a drug court or alternative drug offender program
30 may obtain a state grant for the purpose of establishing a program after satisfying the conditions in
31 paragraph III. To obtain a state grant, a county shall:

32 (1) Submit a budget to the office;

33 (2) Submit policies and procedures including a participant handbook, which may be
34 created from templates available through the office, or program outline and implementation plan.

35 (3) Obtain and complete drug offender program training as approved by the office;

36 and

37 (4) Demonstrate a commitment on behalf of the county government.

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(b) If the office approves the county's budget, policies and procedures or program outline and implementation plan, and certifies that the appropriate training has been completed and that the county has demonstrated the necessary commitment, the county shall receive the grant amount recommended by the advisory commission in RSA 490-G:5 and paid by the office for up to 50 percent of the approved budget for one year.

(c)(1) An alternative drug offender program may be established either separately or jointly with another county for high risk, and high or moderate need offenders. The alternative drug offender program developed shall be evidence-based and shall employ the use of an evidence-based risk/need assessment to determine participant eligibility. For counties to be eligible for a state grant, they shall obtain approval from the office of the drug offender program coordinator. Alternative drug offender programs shall comply with the requirements of subparagraph IV(a).

(2) Before obtaining a state grant, a county shall apply for federal grants that may be applicable for the program. If the county obtains a federal grant, it becomes eligible for up to a 50 percent state grant, pursuant to the conditions in this section, after the federal grant has been exhausted. The county shall be required to apply for a federal grant only once.

(d) To receive funding for subsequent years, the county shall obtain certification from the office. The office shall determine how often certification shall be required. The office shall grant certification if the county establishes:

(1) Compliance with the New Hampshire drug court or alternative drug offender program certification checklist as promulgated by the office and approved by the advisory commission; and

(2) A commitment on behalf of the county government.

V. The judicial branch administrative office of the superior court is authorized to expend from appropriated sums the amounts necessary to fund the grants certified by the office.

490-G:5 Advisory Commission; Drug Offender Grant Program.

I. There is established an advisory commission to make recommendations on amounts of grant awards and renewal of the drug offender grant program. The members of the advisory commission are as follows:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One member of the public, appointed by the governor.

(d) The chief justice of the New Hampshire superior court, or designee.

(e) The commissioner of the department of corrections, or designee.

(f) The commissioner of the department of health and human services, or designee.

(g) One member appointed by the New Hampshire Association of Counties.

(h) The president of New Hampshire Association of Chiefs of Police, or designee.

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1 (i) One member of the Interbranch Criminal and Juvenile Justice Council (ICJJC)
2 appointed by the chairperson.

3 (j) One member who is a probation-parole officer, appointed by the commissioner of the
4 department of corrections.

5 (k) One member who is a public defender, appointed by the governor.

6 (l) One member who is a prosecutor, appointed by the president of the senate.

7 (m) One member who is a victim advocate, appointed by the speaker of the house of
8 representatives.

9 II. The senate member shall call the first meeting. Meetings shall be held at least twice a
10 year. A quorum shall consist of 5 members.

11 III. The advisory commission shall work with the office based on its evaluations of the
12 operating drug courts and alternative drug offender programs, recidivism rates, and compliance
13 with relevant standards and training as required, and recommend whether or not the drug offender
14 grant program shall be continued. The advisory commission shall work with the office to
15 recommend grant amounts as provided in this chapter. The advisory commission shall review and
16 approve the drug court or alternative drug offender program certification checklist prior to
17 implementation by the office.

18 3 Appropriation; Judicial Branch; Drug Court Grant Program.

19 I. The sum of \$940,000 for the fiscal year ending June 30, 2016 and \$1,635,000 for the fiscal
20 year ending June 30, 2017 is hereby appropriated to the judicial branch for the purpose of funding
21 the drug offender grants certified by the office of the drug offender program coordinator under RSA
22 490-G.

23 II. The sum of \$151,799 for the fiscal year ending June 30, 2016 and \$254,345 for the fiscal
24 year ending June 30, 2017 is hereby appropriated to the judicial branch for the purpose of
25 administrative support under RSA 490-G for the drug offender grant program.

26 III. The governor is authorized to draw a warrant for said sums out of any money in the
27 treasury not otherwise appropriated.

28 4 Transfer to Revenue Stabilization Reserve Account. Notwithstanding any provision of law to
29 the contrary, to the extent combined unrestricted general and education trust fund revenues for the
30 fiscal year ending June 30, 2016 as determined by the official audit performed pursuant to RSA 21-
31 I:8, II(a) exceed the official estimates, an amount not to exceed \$5,000,000 of said excess shall
32 immediately be transferred by the comptroller to the revenue stabilization fund established in RSA
33 9:13-e.

34 5 Effective Date. This act shall take effect upon its passage.

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2016-0369s

AMENDED ANALYSIS

This bill establishes the statewide drug offender grant program administered by the office of drug offender program coordinator. Grants are paid by the administrative office of the superior court to counties meeting the requirements. The bill establishes an advisory commission and makes appropriations for grants for the administration and funding of drug courts and alternative drug offender programs. The bill also provides for a transfer of excess revenues to the revenue stabilization reserve account.