

Amendment to SB 464-FN-A

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

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

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

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

12

CHAPTER 490-G

13

DRUG COURTS *AND ALTERNATIVE DRUG OFFENDER GRANT PROGRAM*

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

16

Drug Offender Grant Program

17

490-G:3 Definitions. In this subdivision:

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I. "Alternative drug offender program" means a program offered by a county as an
19 alternative to operating a drug court for non-violent offenders including diversion programs and
20 programs utilizing intensive probation, random drug testing, and evidence-based cognitive therapy.

21

II. "Best practices" means research-based, specific, practitioner-focused drug court guidance
22 published by the National Association of Drug Court Professionals. For alternative drug offender
23 programs, best practices include evidence-based programs which divert non-violent offenders out of
24 the criminal justice system or utilize intensive probation supervision, sanctions, and behavior
25 therapy to address behavior.

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III. "Office" means the office of drug offender program coordinator within the
27 administrative office of the superior court.

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IV. "Drug court" means drug courts as described in RSA 490-G:1 and RSA 490-G:2.

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490-G:4 Grant Program Created.

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I. There is established a statewide drug offender grant program which shall provide state
31 matching funds as appropriated to support drug courts or alternative drug offender programs in
32 state superior court districts. The grant program shall be available to counties operating either a
33 drug court or an alternative drug offender program prior to the effective date of this section, and to
34 counties that have not yet implemented a drug court or an alternative drug offender program. A

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1 county shall be eligible for a drug court or an alternative drug offender grant, but not both.
2 Beginning in fiscal year 2018, the statewide drug offender grant program shall continue as long as
3 it is funded through appropriations in the state operating budget.

4 II. There is established the office of drug offender program coordinator within the
5 administrative office of the superior court. The office shall be responsible for developing an
6 application process by which counties may apply for a state grant and evaluating the operating
7 drug courts and alternative drug offender programs. Subject to approval of the chief justice of the
8 superior court, the office shall:

9 (a) Determine approval requirements including the New Hampshire drug court and
10 alternative drug offender program approval checklists. Prior to accepting applications for grants,
11 the approval checklists shall be posted on the judicial branch website. The checklists shall be
12 updated on the website as revisions are made.

13 (b) Establish and periodically update best practices for operating drug courts and
14 alternative drug offender programs.

15 (c) Develop draft policies and procedures including a participant handbook, program
16 outline, and implementation plan.

17 (d) Measure recidivism rates and other outcome measures.

18 (e) Evaluate compliance with relevant standards

19 (f) Assist in creating drug courts or alternative drug offender programs in counties
20 seeking to implement or continue either of them.

21 (g) Assist counties in obtaining ongoing training.

22 III. A county operating a drug court or alternative drug offender program which is not
23 funded by the judicial branch pursuant to RSA 592-B:9, or which seeks to establish such a program,
24 may be eligible for a state grant which shall pay 50 percent of the cost up to the amounts indicated
25 in RSA 490-G:5, I from funds administered by the administrative office of the superior court. The
26 remaining cost shall be funded by the county.

27 490-G:5 Eligibility for Grants.

28 I. For the purpose of grants, the superior court districts of each county shall be grouped
29 into 3 categories: small, medium, and large, based on the number of court filings in each district
30 and subject to annual review by the chief justice of the superior court. Coos, Carroll, and Sullivan
31 counties shall initially be categorized as small. Grafton, Belknap, and Cheshire counties shall
32 initially be categorized as medium. The districts of Hillsborough county superior court north and
33 Hillsborough county superior court south, and Strafford, Merrimack, and Rockingham counties
34 shall initially be categorized as large. Subject to available state appropriations, large counties and
35 districts shall each be eligible for a grant of up to \$245,000 per year; medium counties shall each be
36 eligible for a grant of up to \$150,000 per year; and small counties shall each be eligible for a grant of
37 up to \$100,000 per year. Grants shall be awarded based on the date of program approval on a first-

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1 come, first-served basis, but shall not be retroactive. Counties may apply for grants during the year
2 and grants may be prorated for a portion of the year for the number of months the grant will be in
3 effect for that year. Grants shall not be prorated based on the amount of appropriation available.
4 Any state drug offender grant program funds which are not expended by a county at the end of the
5 county's fiscal year shall be returned to the judicial branch administrative office of the superior
6 court for deposit in the state general fund.

7 II. To be eligible for a state grant, a county operating either a drug court or an alternative
8 drug offender program which is not funded by the judicial branch pursuant to RSA 592-B:9 shall
9 receive a recommendation for approval from the office. Grants shall be paid by the administrative
10 office of the superior court following receipt of recommendation by the office and final approval of
11 the chief justice of the superior court. The office shall determine how often approval shall be
12 required and the office shall recommend subsequent grants when the currently operating drug
13 court or alternative drug offender program establishes compliance with the New Hampshire drug
14 court or alternative drug offender program approval checklist as promulgated by the office.

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

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

- 27 (1) Submit a budget for the total cost of the program to the office for review;
28 (2) Obtain from the office draft policies and procedures, including a participant
29 handbook or program outline and implementation plan, which the county may amend and return to
30 the office for consideration and approval;
31 (3) Obtain and complete drug offender program training as approved by the office;
32 and

33 (4) Based on the information provided in subparagraphs (1)-(3), the office shall
34 recommend programs for final approval of the chief justice of the superior court.

35 (b) If the county's proposed program and required documentation is approved, the
36 county shall receive the grant amount of 50 percent of the approved budget up to the amounts
37 indicated in RSA 490-G:5, I for one year.

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1 (c)(1) An alternative drug offender program may be established either separately or
2 jointly with another county for high risk, and high or moderate need offenders. The grant amount
3 available to counties applying jointly shall be the sum of the amounts each county would be eligible
4 for separately. The alternative drug offender program developed shall be evidence-based, cost
5 effective, and shall employ the use of an evidence-based risk/need assessment to determine
6 participant eligibility. For counties to be eligible for a state grant, they shall obtain approval from
7 the office of the drug offender program coordinator. Alternative drug offender programs shall
8 comply with the requirements of subparagraph (a).

9 (2) Before obtaining a state grant, a county shall apply for federal grants that may
10 be applicable for the alternative drug offender program. If denied, the county may be eligible for
11 the state grant pursuant to the conditions of this section. If the county obtains a federal grant, it
12 becomes eligible for the state grant only after the federal grant has been exhausted. The county
13 shall be required to apply for a federal grant only once.

14 (d) To receive funding for subsequent years, the county shall obtain approval from the
15 office. The office shall determine how often approval shall be required. Subject to final approval by
16 the chief justice of the superior court, the office shall grant approval if the county:

17 (1) Establishes compliance with the New Hampshire alternative drug offender
18 program approval checklist as promulgated by the office; and

19 (2) Provides a complete accounting of program activities, expenditures, and outcome
20 measures for the past year including, but not limited to, the number of participants, number of
21 graduates, and the number of recidivists; and

22 (3) Establishes that the program is cost effective.

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

25 490-G:6 Report. Beginning with a report due on or before January 1, 2018, the office of drug
26 offender program coordinator shall prepare an annual report on the activities, expenditures, and
27 outcome measures for the drug offender grant program, and the operation of drug courts or
28 alternative drug offender programs. The report shall include the information provided by each
29 county and shall be presented by state superior court district and on a statewide basis. The report
30 shall be forwarded to the speaker of the house of representatives, the president of the senate, and
31 the office of the legislative budget assistant to be posted on the website of the office of the legislative
32 budget assistant. If the required report is not provided by January 30 in any year, the drug courts
33 and alternative drug offender grant program shall be suspended until such report is provided.

34 3 New Section; Criminal Procedure in Superior Court. Amend RSA 592-B by inserting after
35 section 8 the following new section:

36 592-B:9 Drug Courts or Alternative Drug Offender Programs.

37 I.(a) In any county that has implemented or which will implement the felonies first project

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1 established in this chapter within one year of commencing operation of a drug court or alternative
2 drug offender program, the judicial branch shall fund and operate an approved drug court or
3 alternative drug offender program separate from the statewide drug offender grant program
4 established in RSA 490-G, and at no cost to the county.

5 (b) Before the judicial branch funds and operates a drug court or alternative drug
6 offender program in any county under subparagraph (a), the county shall have first applied for a
7 federal grant for the purpose of establishing a program. A county shall be required to apply for a
8 federal grant only once. Any county that applied for a federal grant before the effective date of this
9 section shall not be required to apply again. In the event the county is awarded a federal grant, or
10 any other grant from a nonprofit organization, designed to fund a drug court or alternative drug
11 offender program, the judicial branch shall fund and operate a drug court or alternative drug
12 offender program only after the federal or other nonprofit grant has expired. If the county does not
13 receive a federal or other nonprofit grant for which it applied, the drug court or alternative drug
14 offender program shall commence operation.

15 (c) The cost of the drug court or alternative drug offender program shall not exceed
16 \$490,000 per judicial district in a large county, \$300,000 in a medium county, and \$200,000 in a
17 small county, based on the number of court filings in each judicial district and subject to annual
18 review by the chief justice of the superior court.

19 II. A county in which the judicial branch is funding and operating an approved drug court
20 or alternative drug offender program separate from the statewide drug offender grant program
21 established in RSA 490-G:4 shall not be eligible to receive funds under the statewide grant offender
22 program.

23 4 Appropriation; Judicial Branch; Drug Offender Grant Program and Operation of Drug Courts
24 and Alternative Drug Offender Programs.

25 I. The sum of \$2,070,000 for the fiscal year ending June 30, 2017 is hereby appropriated to
26 the judicial branch, for the purpose of funding the drug offender grant program certified by the
27 office of the drug offender program coordinator under RSA 490-G, and the operation of drug courts
28 and alternative drug offender programs under RSA 592-B:9. The governor is authorized to draw a
29 warrant for said sum out of any money in the treasury not otherwise appropriated.

30 II. The sum of \$160,000 for the fiscal year ending June 30, 2017 is hereby appropriated to
31 the judicial branch, for the purpose of hiring a state program coordinator and funding operating
32 expenses under RSA 490-G for the drug offender grant program. The governor is authorized to
33 draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

34 5 Transfer to Revenue Stabilization Reserve Account. Notwithstanding any provision of law to
35 the contrary, to the extent combined unrestricted general and education trust fund revenues for the
36 fiscal year ending June 30, 2016 as determined by the official audit performed pursuant to RSA 21-
37 I:8, II(a) exceed the official estimates, an amount not to exceed \$40,000,000 of said excess shall

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- 1 immediately be transferred by the comptroller to the revenue stabilization fund established in
- 2 RSA 9:13-e.
- 3 6 Effective Date. This act shall take effect upon its passage.

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2016-1853h

AMENDED ANALYSIS

This bill:

I. Establishes the statewide drug offender grant program administered by the office of drug offender program coordinator and makes appropriations therefor. Grants are paid by the administrative office of the superior court to counties meeting the requirements.

II. Appropriates funds to the judicial branch for the purpose of funding the drug offender grant program.

III. In counties which have implemented or will implement the felonies first project, provides funding for the operation of a drug court or alternative drug offender program.

IV. Provides for a transfer of excess revenues to the revenue stabilization reserve account.