

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Treatment courts-transfer to judicial branch.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to courts; transferring responsibility and
2 oversight of the court supervised treatment programs from
3 the department of health to the Wyoming supreme court;
4 specifying terms and conditions of the transfer; amending
5 application approval and expense requirements for treatment
6 programs; making conforming amendments; renumbering
7 provisions; requiring reports; providing for rulemaking;
8 and providing for effective dates.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 5-12-101, 7-13-304(d), 7-13-407(a)(i),
13 7-13-421(h)(ii), 7-16-205(a)(v), 7-18-114(a)(iv), 7-19-

1 106(a)(ix), 9-2-102(a)(iii), 14-3-429(d)(iv), 14-6-
2 247(a)(xiv) and 14-6-429(d)(viii) are amended to read:

3

4 **5-12-101. Short title; court supervised treatment.**

5

6 (a) This act shall be known as and may be cited as the
7 "Court Supervised Treatment Programs Act."

8

9 (b) Any district, juvenile, circuit, municipal or
10 tribal court judge or circuit court magistrate may act as a
11 participating judge in a court supervised treatment program
12 established pursuant to ~~W.S. 7-13-1601 through 7-13-1615~~
13 this act.

14

15 **7-13-304. Imposition or modification of conditions;**
16 **performance of work by defendant.**

17

18 (d) As a condition of probation or suspension of
19 sentence, the court may require a defendant to complete
20 successfully a court supervised treatment program qualified
21 under W.S. ~~7-13-1601 through 7-13-1615~~ 5-12-101 through 5-
22 12-118, a 24/7 sobriety program under W.S. 7-13-1701
23 through 7-13-1710, or both.

1

2 **7-13-407. Duties of probation and parole agents.**

3

4 (a) Under direction and supervision of the director,
5 probation and parole agents shall:

6

7 (i) Except as otherwise directed by the
8 director, devote full time to the performance of their
9 duties in carrying out the provisions of W.S. 5-12-101
10 through 5-12-118, 7-9-104, 7-9-107, 7-13-303, 7-13-401
11 through 7-13-424, 7-13-1101 through 7-13-1105, ~~7-13-1601~~
12 ~~through 7-13-1615~~, 7-13-1801 through 7-13-1803 and 35-7-
13 1043;

14

15 **7-13-421. Restitution as condition of parole.**

16

17 (h) The board may require payment of the following
18 obligations as conditions of parole if it finds the parolee
19 is reasonably capable of making the payments, taking into
20 account the factors enumerated in W.S. 7-9-106(a)(iii):

21

22 (ii) Court ordered fines, reimbursement for the
23 services of the public defender or court appointed counsel,

1 the surcharge imposed under W.S. 1-40-119 and the surcharge
2 imposed under W.S. ~~7-13-1616~~ 5-12-118;

3

4 **7-16-205. Disposition of earnings; confidentiality of**
5 **amount.**

6

7 (a) Payment for services performed by any prisoner
8 under W.S. 7-16-202 shall be deposited in the trust and
9 agency account at the institution and shall be disbursed
10 for the purposes provided in this subsection and in the
11 order specified:

12

13 (v) Court ordered restitution, fines, sanctions
14 and reimbursement for the services of public defender or
15 court appointed counsel, the surcharge imposed under W.S.
16 1-40-119, victims compensation obligations under W.S. 1-40-
17 112(g) and the surcharge imposed under W.S. ~~7-13-1616~~ 5-12-
18 118;

19

20 **7-18-114. Record and disbursement of wages; exemption**
21 **from process; confidentiality of amount.**

22

1 (a) Wages earned by an inmate, parolee or offender
2 while in an adult community corrections program shall be
3 retained and accounted for by the program operator and
4 shall be disbursed for the purposes provided in this
5 subsection and in the order specified:

6
7 (iv) Court ordered restitution, fines, sanctions
8 and reimbursement for the services of public defender or
9 court appointed counsel, the surcharge imposed under W.S.
10 1-40-119, victims compensation obligations under W.S. 1-40-
11 112(g) and the surcharge imposed under W.S. ~~7-13-1616~~ 5-12-
12 118;

13
14 **7-19-106. Access to, and dissemination of,**
15 **information.**

16
17 (a) Criminal history record information shall be
18 disseminated by criminal justice agencies in this state,
19 whether directly or through any intermediary, only to:

20
21 (ix) Court supervised treatment program staff
22 solely for the purposes of utilizing the information
23 pursuant to the Court Supervised Treatment Programs Act in

1 ~~title 7, chapter 13, article 6~~ title 5, chapter 12 of the
2 Wyoming statutes;

3

4 **9-2-102. Department of health; duties and**
5 **responsibilities; state grants.**

6

7 (a) The department of health is the state mental
8 health authority, the developmental disabilities authority
9 and the substance abuse authority. The department through
10 its divisions has the following duties and responsibilities
11 to:

12

13 (iii) Establish minimum standards and approve
14 policies and procedures for the establishment and operation
15 of community-based mental health, substance abuse and
16 developmental disabilities programs receiving state
17 support. The department through its mental health division
18 and its substance abuse division shall annually withhold
19 not less than five percent (5%) of all amounts provided in
20 each contract with a community-based mental health, or
21 substance abuse ~~or drug court~~ program or provider and shall
22 not release the funds withheld to the individual program or
23 provider until the respective division and the individual

1 program or provider enter into a written agreement that
2 provides for performance and outcome measures. If the
3 respective division and an individual program or provider
4 do not enter into a mutually agreed upon set of performance
5 and outcome measures, the funds withheld under this
6 paragraph shall revert to the budget reserve account at the
7 end of the biennium in which the funds were withheld;

8

9 **14-3-429. Decree where child adjudged neglected;**
10 **dispositions; terms and conditions; legal custody.**

11

12 (d) As a part of any order of disposition and the
13 terms and conditions thereof, the court may:

14

15 (iv) Require the child's parents or guardian and
16 the child to participate in a court supervised treatment
17 program qualified under W.S. ~~7-13-1601 through 7-13-1615~~ 5-
18 12-101 through 5-12-118, provided the court supervised
19 treatment program accepts the child's parents or guardian
20 and the child for participation in its program.

21

22 **14-6-247. Sanctions common to all levels.**

23

1 (a) For a child at any sanction level, the juvenile
2 court may:

3

4 (xiv) Require the child or the child's parents
5 or guardian and the child to participate in a court
6 supervised treatment program qualified under W.S. ~~7-13-1601~~
7 ~~through 7-13-1615~~ 5-12-101 through 5-12-118, provided the
8 court supervised treatment program accepts the child's
9 parents or guardian and the child for participation in its
10 program.

11

12 **14-6-429. Decree where child adjudged in need of**
13 **supervision; dispositions; terms and conditions; legal**
14 **custody.**

15

16 (d) As a part of any order of disposition and the
17 terms and conditions thereof, the court may:

18

19 (viii) Require the child's parents or guardian
20 and the child to participate in a court supervised
21 treatment program qualified under W.S. ~~7-13-1601 through 7-~~
22 ~~13-1615~~ 5-12-101 through 5-12-118, provided the court

1 supervised treatment program accepts the child's parents or
2 guardian and the child for participation in its program.

3

4 **Section 2.** W.S. 7-13-1602 as 5-12-104, 7-13-1605 as 5-
5 12-107, 7-13-1606 through 7-13-1608 as 5-12-108 through 5-
6 12-110, 7-13-1611 as 5-12-113, 7-13-1613 as 5-12-115 and 7-
7 13-1616 as 5-2-118 are amended and renumbered to read:

8

9 ~~7-13-1602~~ 5-12-104. **Definitions.**

10

11 (a) As used in this act:

12

13 (i) "Account" means the court supervised
14 treatment account created by W.S. ~~7-13-1605(a)~~ 5-12-107(a);

15

16 (ii) "Applicant" means the governing body of a
17 city, town or county, a tribal government of either the
18 Northern Arapaho or Eastern Shoshone tribes of the Wind
19 River Indian Reservation or a nonprofit organization
20 recognized under 26 U.S.C. 501(c)(3);

21

22 (iii) "Continuum of care" means a seamless and
23 coordinated course of substance abuse education and

1 treatment designed to meet the needs of drug offenders as
2 they move through the criminal justice system and beyond,
3 maximizing self-sufficiency;

4

5 (iv) "Department" means the Wyoming department
6 of health;

7

8 (v) "Dual diagnosis" means substance abuse and a
9 co-occurring mental health disorder;

10

11 (vi) "Participant" means a substance offender or
12 any other person as provided in title 14 of the Wyoming
13 statutes who has been referred to and accepted into a
14 program;

15

16 (vii) "Participating judge" means the district,
17 juvenile, circuit, municipal or tribal court judge or
18 magistrate acting as part of a program team;

19

20 (viii) "Program" or "court supervised treatment
21 program" means a local court supervised treatment program
22 that complies with rules and regulations adopted by the
23 ~~department~~ Wyoming supreme court;

1

2 (ix) "Program coordinator" means the person
3 responsible for coordinating the establishment, operation,
4 evaluation and integrity of a program;

5

6 (x) "Program team" means the team created
7 pursuant to W.S. ~~7-13-1609(a)~~ 5-12-111(a);

8

9 (xi) "Recidivism" means any subsequent criminal
10 charge;

11

12 (xii) "Referring judge" means the district,
13 juvenile, circuit, municipal or tribal court judge or
14 magistrate who refers a substance offender or any other
15 person as provided in title 14 of the Wyoming statutes to a
16 program;

17

18 (xiii) "Staffing" means the meeting of a program
19 team before a participant's entry into the program, and
20 during the participant's participation in the program, to
21 plan a coordinated response to the participant's behaviors
22 and needs;

23

1 (xiv) "Substance" means alcohol, any controlled
2 substance as defined in W.S. 35-7-1002(a)(iv), any
3 substance used for mind altering purpose or over-the-
4 counter medications and inhalants which are used in a
5 manner not intended by the manufacturer;

6

7 (xv) "Substance abuse assessment" means as
8 defined in W.S. 7-13-1301(a)(v);

9

10 (xvi) "Substance abuse treatment" means
11 treatment designed to provide education and therapy
12 directed toward ending substance abuse and preventing its
13 return;

14

15 (xvii) "Substance offender" means a person
16 charged with a substance related offense or an offense in
17 which substance abuse is determined from the evidence to
18 have been a significant factor in the commission of the
19 offense;

20

21 (xviii) "This act" means W.S. ~~7-13-1601 through~~
22 ~~7-13-1616~~ 5-12-101 through 5-12-118.

23

1 ~~7-13-1605~~ 5-12-107. Establishment of court supervised
2 program account; rules and regulations; panel created;
3 program funding.

4
5 (a) There is created a court supervised treatment
6 program account. All interest earned on funds within this
7 account shall be deposited in the account. The ~~department~~
8 supreme court shall oversee and provide funding for
9 programs from the court supervised treatment program
10 account. Funds within the account shall be expended by the
11 ~~department~~ supreme court for the purposes of this act upon
12 legislative appropriation provided, however, that
13 surcharges deposited in the account pursuant to W.S. ~~7-13-~~
14 ~~1616(e)~~ 5-12-118(e) shall be distributed to programs by the
15 ~~department~~ supreme court semiannually. ~~Department expenses~~
16 ~~under this act shall not exceed ten percent (10%) of the~~
17 ~~total amount of funding provided by the department for~~
18 ~~programs in any fiscal biennium.~~

19
20 (b) The ~~department~~ supreme court shall determine
21 whether an application for a program meets the
22 qualifications specified in W.S. ~~7-13-1606(b)~~ 5-12-118(b)

1 and the rules and regulations promulgated by the ~~department~~
2 supreme court pursuant to subsection (c) of this section.

3

4 (c) The ~~department~~supreme court shall promulgate
5 rules and regulations necessary to implement this act,
6 including establishing standards consistent with the key
7 components of drug courts defined by the United States
8 department of justice or such similar rules as may be
9 adopted by the ~~department~~supreme court. The rules shall:

10

11 (i) Specify funding formulas for funding from
12 the account which formula shall include provisions
13 requiring local contribution to the cost of a program;

14

15 (ii) Require participants to contribute
16 financially to their own program;

17

18 (iii) Establish program requirements,
19 operational standards and protocols for programs, program
20 team and staff training requirements, program data
21 collection and maintenance, certification requirements for
22 treatment personnel, and incentive and sanction
23 limitations.

1

2 (d) ~~A panel, consisting of the attorney general, the~~
3 ~~directors of the department of health, department of family~~
4 ~~services and department of corrections, the chairman of the~~
5 ~~governor's advisory board on substance abuse and violent~~
6 ~~crimes and the state public defender, or their designees,~~

7 The supreme court shall make the final determination
8 whether an application for a court supervised treatment
9 program meets the qualifications of this act and shall
10 determine the funding amount for each successful applicant.
11 The ~~panel~~supreme court may deny an application for a new
12 program if the funding for the new program would
13 substantially affect funding levels for existing programs.

14

15 (e) In addition to those funds deposited in the
16 account created by this section, the ~~department~~supreme
17 court may accept, and shall deposit to the account, any
18 gifts, contributions, donations, grants or federal funds
19 specifically given to the ~~department~~supreme court for the
20 benefit of programs in Wyoming.

21

22 (f) Nothing in this act shall prohibit a program from
23 obtaining or providing supplemental funding. All

1 supplemental funds received by a program shall be reported
2 to the ~~department~~supreme court.

3

4 ~~7-13-1606~~5-12-108. **Establishment of court supervised**
5 **treatment programs.**

6

7 (a) Any court supervised treatment program that meets
8 the qualifications specified in this section and the
9 ~~department's~~supreme court's rules and regulations may
10 apply for funding from the account on a form developed by
11 the ~~department~~supreme court.

12

13 (b) The applicant shall be the contracting agent for
14 all its program contracts. All program employees of a
15 program shall be employees of the applicant that was
16 awarded a grant under this section, but referring judges,
17 participating judges, other judicial branch personnel and
18 department of corrections personnel shall not be program
19 employees. All program funds and grants shall be managed
20 by the applicant to whom a grant is awarded pursuant to the
21 provisions of a contract between the ~~department~~supreme
22 court and the applicant.

23

1 (c) All program billing shall be the responsibility
2 of the applicant.

3

4 (d) The application shall identify participating
5 judges and contain a plan for the participation of judges.
6 The plan shall be consistent with rules adopted by ~~the~~
7 ~~department and~~ the supreme court.

8

9 (e) The application shall specify the treatment
10 services to be provided by the program and shall identify
11 the treatment providers.

12

13 (f) The application shall include other information
14 that may be required by the ~~department~~ supreme court.

15

16 ~~7-13-1607~~ 5-12-109. Participation in court supervised
17 treatment program; conditions; extended probation.

18

19 (a) No substance offender may participate in a
20 program unless the substance offender, in a Wyoming
21 district, juvenile, circuit, municipal or tribal court, has
22 been charged with an offense; and:

23

1 (i) Has entered an admission, or a guilty or
2 nolo contendere plea;

3

4 (ii) Has entered a guilty plea pursuant to W.S.
5 7-13-301;

6

7 (iii) Has signed a consent decree under title 14
8 of the Wyoming statutes; or

9

10 (iv) Is on parole under the provisions of W.S.
11 7-13-401 et seq.

12

13 (b) Any district, juvenile, circuit, municipal or
14 tribal court judge, or magistrate, may refer substance
15 offenders for participation in a program. The referring
16 judge may act as a participating judge in a program as
17 authorized by this act and by rules adopted by the supreme
18 court. A substance offender who is a defendant in a
19 criminal action or a respondent in a juvenile court action
20 may be referred for participation in a program if:

21

22 (i) A substance abuse assessment reveals that
23 the person is in need of treatment;

1

2 (ii) The referring judge has reason to believe
3 that participation in a program will benefit the person by
4 addressing his substance abuse;

5

6 (iii) In a juvenile court case, the referring
7 judge has reason to believe that participation by the
8 child's parent or guardian will be in the best interest of
9 the child; or

10

11 (iv) The person's case is processed pursuant to
12 subsection (a) of this section.

13

14 (c) Participation in a program shall only be with the
15 consent of the referring judge and the participant, and
16 acceptance of the participant by the program team in
17 accordance with a written agreement between the participant
18 and the program team. The agreement shall include the
19 participant's consent to release of medical and other
20 records relevant to his treatment history and assessment
21 that meets the requirements of 42 U.S.C. 290dd-2(b) or 42
22 C.F.R. part 2.31, as applicable. Prior to a participant's
23 entry into a written agreement, the participating judge

1 shall inform the participant that he may be subject to a
2 term of probation that exceeds the maximum term of
3 imprisonment established for the particular offense
4 charged, as provided in W.S. 5-9-134 and ~~7-13-1614~~ 5-12-
5 116.

6

7 (d) Nothing in this act shall confer a right or an
8 expectation of a right to participate in a program, nor
9 does this act obligate a program team to accept any
10 proposed participant. Neither the establishment of a
11 program nor anything herein contained shall be construed as
12 limiting the discretion of a prosecuting attorney in regard
13 to the prosecution of any criminal or juvenile case.
14 Consent to participation in a program under subsection (c)
15 of this section shall only be required from the referring
16 judge and participant.

17

18 ~~7-13-1608~~ 5-12-110. Incentives and sanctions;
19 extended probation.

20

21 (a) The participating judge may grant reasonable
22 incentives under the written agreement under W.S. ~~7-13-~~

1 ~~1607(e)~~5-12-109(c) if he finds that since the last
2 staffing, the participant:

3

4 (i) Is performing satisfactorily in the program;

5

6 (ii) Is benefiting from the program; and

7

8 (iii) Has not violated any term or condition of
9 the agreement.

10

11 (b) The participating judge may impose reasonable
12 sanctions under the written agreement, including but not
13 limited to, expulsion from the program, incarceration for a
14 period not to exceed thirty (30) days if the participant is
15 an adult, or detention for a period not to exceed thirty
16 (30) days if the participant is a juvenile, if the
17 participating judge finds that since the last staffing the
18 participant:

19

20 (i) Is not performing satisfactorily in the
21 program;

22

23 (ii) Is not benefiting from the program;

1

2 (iii) Has engaged in conduct rendering the
3 participant unsuitable for the program;

4

5 (iv) Has otherwise violated any term or
6 condition of the written agreement; or

7

8 (v) Is unable to participate in the program.

9

10 (c) To ensure due process of law, expulsion from the
11 program shall be at the discretion of the participating
12 judge, following a hearing, based on the recommendation of
13 the program team. Expulsion shall not occur without the
14 participant first being notified of the reasons for the
15 proposed expulsion and given an opportunity to be heard by
16 the program team and the participating judge.

17

18 ~~7-13-1611~~ 5-12-113. **Treatment and support services.**

19

20 (a) Each program shall strive to establish a system
21 to ensure that participants are provided treatment services
22 that have been certified by the ~~department~~ supreme court.

23 Each program team shall strive to determine the type and

1 duration of treatment service appropriate for the
2 participant's individualized needs, based upon objective
3 medical diagnostic criteria.

4

5 *****

6 *****

7 **STAFF COMMENT**

8

9 **The Committee may wish to consider whether the Supreme**
10 **Court should or is suited to certifying participants that**
11 **provide treatment services under the drug-court program.**

12

13 *****

14 *****

15

16 (b) The program team shall strive to establish an
17 adequate continuum of care for each participant, including
18 adequate support services and aftercare.

19

20 (c) The program team shall strive to provide
21 appropriate treatment to participants who have a dual
22 diagnosis.

23

24 (d) The relationship between each treatment provider
25 and the program shall be governed by a memorandum of
26 understanding, which shall include a requirement for the
27 timely reporting of the participant's progress or lack
28 thereof in treatment.

1

2 ~~7-13-1613~~ 5-12-115. Participant information and
3 progress statistics.

4

5 (a) Participants may be required to provide access to
6 the following information, the collection and maintenance
7 of which by the program team shall be in a standardized
8 format pursuant to ~~department~~ rules and regulations of the
9 supreme court:

10

11 (i) Gender, race, ethnicity, marital status and
12 child custody and support obligations;

13

14 (ii) Criminal history;

15

16 (iii) Substance abuse history, including
17 substances of choice and prior treatment;

18

19 (iv) Employment, education and income history;

20

21 (v) Number and health of children born to female
22 participants;

23

1 (vi) Incidents of recidivism occurring before,
2 during and after successful completion of a program, or
3 failed participation in a program.

4

5 (b) Programs shall maintain and report to the
6 ~~department~~supreme court the following information pursuant
7 to ~~department~~supreme court rules and regulations, none of
8 which shall identify the participants:

9

10 (i) The number of participants screened for
11 eligibility, the number of eligible persons who were, and
12 who were not, admitted to the program and their case
13 dispositions;

14

15 (ii) The costs of operation and sources of
16 funding of the program.

17

18 ~~7-13-1616~~5-12-118. Surcharge to be assessed in
19 certain criminal cases; paid to account.

20

21 (a) In addition to any fine or other penalty
22 prescribed by law, a defendant who pleads guilty or nolo
23 contendere to, or is convicted of, any offense under W.S.

1 31-5-233 or 35-7-1001 through 35-7-1057 may be assessed a
2 surcharge of not more than fifty dollars (\$50.00).

3

4 (b) The surcharge may be imposed upon any defendant
5 for whom prosecution, trial or sentence is deferred under
6 W.S. 7-13-301 and 7-13-302 or 35-7-1037 or who participates
7 in any other diversion agreement for an offense specified
8 in subsection (a) of this section.

9

10 (c) The court may waive the surcharge if the person
11 is unable to pay the surcharge or for any other good cause
12 shown. The court shall consider all other financial
13 obligations imposed on the defendant and set the surcharge
14 so as not to create an undue financial burden on the
15 defendant.

16

17 (d) The surcharge shall be paid within ten (10) days
18 of imposition. Failure to comply with the provisions for
19 payment of the surcharge is punishable as contempt of
20 court. Contempt or other proceedings, including proceedings
21 under W.S. 6-10-105, if applicable, to collect the
22 surcharge may be initiated by the district attorney or by
23 the court on its own motion.

1

2 (e) The proceeds from the surcharge imposed by this
3 section shall be remitted promptly by the clerk of the
4 court to the ~~department~~supreme court for deposit in the
5 account.

6

7 **Section 3.** W.S. 7-13-1603, 7-13-1604, 7-13-1609, 7-13-
8 1610, 7-13-1612, 7-13-1614 and 7-13-1615 are renumbered as
9 5-12-105, 5-12-106, 5-12-111, 5-12-112, 5-12-114, 5-12-116
10 and 5-12-117.

11

12 **Section 4.** W.S. 7-13-1601 is repealed.

13

14 *****
15 *****
16 **STAFF COMMENT**

17
18 W.S. 7-13-1601 is the short title of the Court Supervised
19 Treatment Programs Act; the language from that section has
20 been amended into W.S. 5-12-101.

21
22 7-13-1601. Short title.

23
24 ~~This act shall be known and may be cited as the "Court~~
25 ~~Supervised Treatment Programs Act."~~

26
27 *****
28 *****

29
30 **Section 5.**

1

2 (a) The court supervised treatment program established
3 in title 7, chapter 13, article 16 of the Wyoming statutes,
4 as renumbered by this act, shall be transferred from the
5 department of health to the supreme court on July 1, 2024.
6 All property, equipment, obligations and unexpended funds
7 of the court supervised treatment unit (unit 2503) of the
8 department of health shall be transferred to the supreme
9 court on July 1, 2024, except as otherwise provided in this
10 section.

11

12 (b) Nothing in this act shall be construed to impair
13 existing contracts, agreements or other obligations of the
14 court supervised treatment program that the department of
15 health entered into on the program's behalf before July 1,
16 2024. The supreme court shall, to the greatest extent
17 authorized by law and upon assuming responsibility for the
18 court supervised treatment program, fulfill existing
19 agreements, contracts and other obligations of the court
20 supervised treatment program entered into before July 1,
21 2024. For any existing agreement, contract or other
22 obligation that the supreme court cannot assume lawfully,

1 the department of health shall retain those agreements,
2 contracts and other obligations.

3

4 (c) Any unexpended, unobligated funds appropriated and
5 any positions allocated to the court supervised treatment
6 unit of the department of health as of July 1, 2024 shall
7 be transferred to the supreme court on July 1, 2024. For
8 purposes of this subsection, any funds appropriated and any
9 positions allocated to the court supervised treatment unit
10 of the department of health during the 2024 budget session
11 of the legislature shall be transferred to the supreme
12 court on July 1, 2024.

13

14 **Section 6.**

15

16 (a) The supreme court shall promulgate all rules
17 necessary to implement and manage the court supervised
18 treatment program.

19

20 (b) Beginning with the effective date of this section
21 until July 1, 2024, the department of health shall consult
22 with the supreme court regarding any agreement, contract or

1 other obligation the department of health seeks to enter
2 into on behalf of the court supervised treatment program.

3

4 (c) Not later than August 1, 2023, the supreme court
5 and the department of health shall report to the joint
6 judiciary committee on a plan for transferring the court
7 supervised treatment program and its functions and
8 responsibilities to the supreme court. The report shall
9 include any recommendations for legislation the supreme
10 court or the department of health determine is necessary to
11 effectuate the transfer of the court supervised treatment
12 program to the supreme court. The committee shall sponsor
13 any necessary legislation to correct or improve the outcome
14 of any issue identified in the report submitted under this
15 subsection.

16

17 *****
18 *****

19 **STAFF COMMENT**

20

21 **This act (in section 5(c)) transfers unexpended funds and**
22 **positions for the court supervised treatment program to the**
23 **Supreme Court on July 1, 2024. The Committee may wish to**
24 **consider whether: (1) additional funding and positions are**
25 **necessary for the supreme court to oversee and implement**
26 **the court supervised treatment program; and (2) when that**
27 **funding and positions (if any) should take effect (i.e.,**
28 **before the transfer takes place on July 1, 2024).**

29

