

HB 1289 – Drug Court Waiver of Fees
House Appropriations
February 2, 2023
Rep. Shannon Roers Jones

Drug Court is an intensive supervision program for the habitual drug and alcohol offenders lasting for a minimum of one year, but generally closer to two years. Costs related to the fines, court fees, supervision fees, and 24/7 testing requirements add up quickly and become a financial burden for clients on supervision and especially those in drug court. The difference is that Drug Court is voluntary. Clients chose to participate and many who have done both say that time in prison is easier than drug court. So a participant making the choice to participate in drug court is making a proactive decision to change their life.

Court fines and fees, aside from restitution, usually cost a participant \$2,500-\$3,000. Supervision costs \$55/month or \$1,320/two years. For DUI offenders on the 24/7 sobriety program they pay \$2/day for breathalyzer tests plus \$25 each for hookup and disconnect, and \$6/day for the alcohol monitoring SCRAM bracelet or \$60 per drug testing patch. The average cost for participants is between \$1,440 and \$2,210 each year for two years.

Most participants are fresh out of jail or prison and do not have a job. Over the course of two years they'll end up paying between \$5,000-\$10,000 in addition to their other liabilities which include regular costs of living, child support, other state fees or fines, and DOT fees, among other things.

While drug court is trying to equip participants to be successful in their future, burdening the client with extensive fees often sets those same clients up for failure. Inability to pay oftentimes results in new charges for "failure to pay" and sets them back on the cycle of incarceration.

HB 1289 gives the court the discretion to waive court fees and fines for a participant who has successfully completed drug court. This does not absolve a defendant from any restitution that would be due to a potential victim of their crimes. The waiver of fees is not automatic, the judge would have discretion to determine if all or a portion of the fees should be waived based on the circumstances for that particular participant.

Section 2 would allow this to be available to anyone who is currently in Drug Court and completes the program after the bill takes effect.

Section 3 would add an emergency clause so that this bill can benefit participants as soon as it's passed.

As a note, all fines are paid into the Common Schools Trust Fund. Fees would be paid to the court, but presently it is not uncommon for court fees to be uncollectable. Many fees end up as judgments against the participants that are never recovered. Additionally, participants must continue to pay fees throughout the program as a requirement of the program so the estimated amounts above are generally not the amounts that would potentially be forgiven.

The policy behind this bill is that generally a carrot works better than a stick when trying to motivate participants to successfully complete drug court. We want to set participants up for the best chance for successful reintegration to the community and reduce the risk of recidivism and HB 1289 does just that.