CONFIDENTIAL

LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.171 **Name of Bill:** An act relating to eligibility for pre trail risk assessment and needs screening

Agency/Dept: VSP **Author of Bill Review:** Michael Aamodt

Date of Bill Review: 05-19-16 **Related Bills and Key Players:** N/A

Status of Bill: (check one)

___ Upon Introduction ___ As passed by 1st body x As passed by both bodies

Recommended Position:

___ Support ___ Oppose x Remain Neutral ___ Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*

   This bill proposes to make persons who are cited into court for nonlisted crime misdemeanors eligible for pretrial risk assessments and needs screenings and to clarify that such assessments and screenings are voluntary.

2. **Is there a need for this bill?**

   This bill could assist those who are substance abusers and or those who pose a risk to the public, by getting them the services they need before trial.

3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**

   This bill would have minimal, if any fiscal issues for this department.

4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

   This bill would have implications on the courts, states attorneys, and public defenders because there would be a need for more hearing which means more time in court which leads to time and costs. The courts would need to deal with the scheduling of these hearings in an already busy system and then provide the staff needed to handle the paperwork associated with the orders. The defense lawyers would support the bill, as their client could take advantage of the services it could diminish what if any sentence they would get for the offense they committed.

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5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (*for example, public, municipalities, organizations, business, regulated entities, etc)*

   This bill has law enforcement wondering what their role would be such as are they making recommendations to the court and if so, can that be used against the accused in later hearings. There is also the non listed crimes which concerns law enforcement is this a list that will need to be carried with them so they know when a person is charged if it qualifies. One of the law enforcement officials asked about this was concerned that it is just one more thing for his officers to do on the road. Depending on the service needed who is going to pay because depending on the service needed it could be a private entity or a state run facility. Regardless someone is going to have to pay for this and that should be defined.

6. **Other Stakeholders:**

   6.1 Who else is likely to support the proposal and why?

   Public defenders and offenders because it could limit court time and reduce a sentence.

   6.2 Who else is likely to oppose the proposal and why?

   Prosecutors because it could prolong cases and generate more work for them.

7. **Rationale for recommendation:** *Justify recommendation stated above.*

   This bill seems more suited for the court system which includes prosecutors, defense, and judges to determine what service is needed and to mandate that during hearings.

8. **Specific modifications that would be needed to recommend support of this bill***: Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

This bill appears to be already used in some court systems and from what I have learned is up to the States Attorney if they want to use this. When reading the bill it has deadlines from last year indicating that this has already been debated. Assuming that the bill is now being amended it should define the role that law enforcement would have and their responsibility. ***Making non listed misdemeanors eligible for pre-trial assessment I think can be beneficial in moving cases along and getting some Defendants proper treatment sooner rather than later (which I of course understand is the thought behind the law). However, there are some concerns; such as, the logistics given how many cases would now be eligible, how accurate the assessment is, and how the assessment would ultimately be used.***

9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**

N/A

Secretary/Commissioner has reviewed this document

Date: 5/23/16

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