



# The Drug Policy Forum of Massachusetts

## Summary of Proposed 2005-2006 — H.B. 3556

### An Act to Amend the Commonwealth's Drug Treatment Program, to Allow for the Diversion of Low-Level Offenders Under Court Supervision. Representatives Walsh, O'Flaherty, Scibak, Spiliotis

This bill amends the current diversion to treatment statute — Chapter 111E of the Massachusetts General Laws — so that a defined population of low-level, non-violent drug offenders receive treatment instead of incarceration without the need for an administrative expansion. The following summary depicts the intent of the proposed legislation.

#### **I. Expansion of Definitions**

- By creating “addictions specialist,” professionals other than doctors and psychiatrists can be used by the court to determine drug dependant status and advise on appropriate addiction services, including nurses, licensed clinical social workers or persons certified by the state.
- By expanding the administrative definitions this program can be overseen by the already existing Bureau of Substance Abuse Services.
- Treatment is redefined to encompass the entire range of services available in Massachusetts so money is not wasted by inappropriate placement.

#### **II. Informational Resources for the Criminal Justice System**

- A majority of the administrative support outlined in Chapter 111E is not in place. Therefore, asking the already existing Bureau of Substance Abuse Services to slightly expand its current information sharing will solve many of the day-to-day court operation issues.
- By asking the Bureau of Substance Abuse Services to inform District Attorneys, Defense Attorneys, Probation Officers and Judges about the treatment services available in their community, all members of the court can become comfortable with local treatment options.

#### **III. Diversion to Appropriate Addiction Services**

- Highly defined defendants who are deemed drug dependant persons under this bill will automatically have the option to be placed on court supervision and enrolled in treatment services if services are available in the community.
- Defendants are *ineligible if they are charged with any crime involving a minor* and cannot automatically receive the option for treatment if they are charged with a concurrent offense.
- If the court and the attorneys, after considering all mitigating circumstances, deem the defendant eligible for this program, it is then the defendant's choice whether or not to be placed in services.

#### **IV. Oversight and Completion**

- Defendants will be monitored by the court through the probation system, including progress in treatment, criminal recidivism and compliance with all terms of probation.
- Defendants who successfully complete treatment, as defined by this Act, will not have a conviction on their record— which can hinder continued efforts to become productive citizens and community members.