

House File 338 - Introduced

HOUSE FILE 338

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A BILL FOR

1 An Act establishing a drug court in each judicial district and
2 making appropriations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.6306, subsection 2, Code 2017, is
2 amended to read as follows:

3 2. District associate judges also have jurisdiction
4 in civil actions for money judgment where the amount in
5 controversy does not exceed ten thousand dollars; jurisdiction
6 over involuntary commitment, treatment, or hospitalization
7 proceedings under [chapters 125](#) and [229](#); jurisdiction of
8 indictable misdemeanors, class "D" felony violations, and
9 other felony arraignments; jurisdiction to enter a temporary
10 or emergency order of protection under [chapter 235F](#) or [236](#),
11 and to make court appointments and set hearings in criminal
12 matters; jurisdiction to enter orders in probate which do not
13 require notice and hearing and to set hearings in actions under
14 chapter 633 or [633A](#); ~~and~~ the jurisdiction provided in section
15 602.7101 when designated as a judge of the juvenile court; and
16 the jurisdiction provided in section 602.6801 when designated
17 as a judge of the drug court. While presiding in these subject
18 matters a district associate judge shall employ district
19 judges' practice and procedure.

20 Sec. 2. NEW SECTION. 602.6801 Drug court.

21 1. A drug court is established in each judicial district
22 to provide court services to offenders addicted to alcohol or
23 drugs and to integrate court sanctions and incentives with
24 alcohol and drug abuse treatment and counseling in a judicially
25 supervised court setting.

26 2. The drug court shall incorporate all of the following
27 essential characteristics into its operations and proceedings:

28 a. Integration of justice system case processing with
29 alcohol and drug abuse treatment.

30 b. Use of a nonadversarial approach, whereby prosecution
31 and defense counsel promote public safety while protecting
32 participants' due process rights.

33 c. Early and prompt identification and coordinated placement
34 of eligible participants in treatment programs.

35 d. Coordination of access to a continuum of alcohol, drug,

1 and related treatment and rehabilitation services.

2 *e.* Monitoring of abstinence by frequent alcohol and drug
3 testing.

4 *f.* A strategy that governs drug court responses to
5 participants' compliance with treatment programs.

6 *g.* Ongoing judicial interaction with all participants in the
7 drug court services.

8 *h.* Monitoring and evaluation of participants and treatment
9 programs to measure the achievement of treatment goals and
10 gauge treatment effectiveness.

11 *i.* Continuing interdisciplinary education to promote
12 effective drug court planning and operations.

13 *j.* Forming of partnerships among drug treatment courts,
14 public agencies, and community-based organizations that enhance
15 drug court effectiveness.

16 3. The jurisdiction of the drug court may be exercised by
17 any district judge and by any district associate judge who is
18 designated by the chief judge of a judicial district as a judge
19 of the drug court.

20 4. The chief judge shall designate one or more district
21 judges and district associate judges to act as judges of the
22 drug court for a judicial district. The chief judge may
23 designate a drug court judge to preside in more than one
24 county.

25 5. The designation of a judge as a drug court judge does not
26 deprive the judge of other judicial functions. Any district
27 judge may act as a drug court judge during the absence or
28 inability to act, or upon the request, of the designated drug
29 court judge.

30 6. The supreme court shall prescribe rules to establish the
31 jurisdiction of the drug court and for the administration of
32 the drug court in this state.

33 **Sec. 3. NEW SECTION. 602.6802 Standing appropriation —**
34 **drug court.**

35 1. There is appropriated from the general fund of the state

1 to the judicial branch each fiscal year beginning July 1, 2017,
2 and thereafter, the sum of two million nine hundred thousand
3 dollars for costs associated with drug courts as established in
4 section 602.6801.

5 2. There is appropriated from the general fund of the state
6 to the department of corrections each fiscal year beginning
7 July 1, 2017, and thereafter, the sum of one million eight
8 hundred thousand dollars for costs associated with drug courts
9 as established in section 602.6801.

10

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

13

This bill establishes a drug court in each judicial district
14 to serve alcohol or drug addicted offenders and to integrate
15 court sanctions and incentives with alcohol and drug abuse
16 treatment.

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The drug court is required to integrate justice system
18 case processing with alcohol and drug treatment, to use
19 a nonadversarial approach in proceedings, and to provide
20 early and prompt identification and placement of eligible
21 participants in the treatment programs. The drug court is also
22 required to establish ongoing interaction with each offender,
23 to coordinate treatment and rehabilitation services, and to
24 monitor and evaluate treatment.

25

The drug court is required to continue interdisciplinary
26 education to promote effective drug court planning and
27 operation, and to form partnerships among drug courts, public
28 agencies, and community-based organizations.

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The bill provides that the jurisdiction of the drug court
30 may be exercised by any district judge and by any district
31 associate judge who is designated by the chief judge of a
32 judicial district as a judge of the drug court and requires
33 that the chief judge designate one or more of the district
34 judges and district associate judges to act as judges of the
35 drug court for a judicial district. The chief judge of a

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1 district may designate a drug court judge to preside in more
2 than one county.

3 The supreme court is required to prescribe rules to
4 establish the jurisdiction of the drug court and for the
5 administration of the drug court in this state.

6 The bill further provides a standing appropriation of
7 \$2.9 million to the judicial branch and \$1.8 million to the
8 department of corrections each fiscal year for costs associated
9 with drug courts.