

HOUSE RESEARCH

Bill Summary

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Overview

This bill establishes alcohol taxes in order to fund chemical dependency assessments and treatment.

Section

- 1** **Legislative findings and intent.**
- 2** **Level of care recommended in chemical use assessment.** Amends §169A.275, subd. 5. Requires the court to order a person convicted of driving while impaired (§169A.20) or arrested for driving while impaired but convicted of another offense arising from the circumstances surrounding the offense, to submit to the clinically justified treatment recommended in a Rule 25 assessment, unless the person has already completed the recommended treatment.
- 3** **When required.** Amends §169A.284, subd. 1. Makes a cross-reference change to be consistent with an amendment made to §169.70, subd. 2, in section 5 of this bill.
- 4** **Chemical use assessment.** Amends §169A.54, subd. 11. Adds a cross-reference to reflect that the chemical use assessment, in addition to meeting the commissioner's requirements, must meet the requirements for chemical use assessments in §169A.70.
- 5** **Chemical use assessment requirement.** Amends §169A.70, subd. 2. Adds that a chemical use assessment is required when an individual is convicted of a violent crime.
- 6** **Assessment report.** Amends §169A.70, subd. 3. Requires the chemical use assessment and report to comply with the requirements of §245A.03, State Authority on Alcohol and Drug Abuse, and the rules adopted pursuant to the authority. Requires a review of criminal records and the most recent arrest reports.
- 7** **Preconviction assessment.** Amends §169A.70, subd. 7. Provides that a preconviction assessment, to be accepted, must comply with the standards in §254A.03, and the rules

adopted pursuant to §254A.10.

- 8** **Timing of assessment interview.** Amends §169A.70, by adding subd. 8. States that there is a strong preference the chemical use assessment be conducted with the offender while the offender is initially in custody after arrest.
- 9** **Court’s authority to require assessments in other instances.** Amends §169A.70, by adding subd. 9. Grants the court authority to order a chemical use assessment in a juvenile, criminal, or civil proceeding when the court has jurisdiction over a person if the court believes the person may have a chemical dependency problem.
- 10** **Care coordination related to chemical use assessments.** Creates §254A.25. Requires the commissioner of human services to establish a procedure to distribute grant funds to counties providing care coordination services to individuals who receive Rule 25 assessments. Requires the counties receiving these grant funds to provide care coordination services to individuals who need treatment according to the assessment.
- 11** **American Indian.** Amends §254B.01, subd. 2. Modifies the definition of “American Indian” for the purposes of the services provided under this chapter.
- 12** **Chemical dependency treatment allocation.** Amends §254B.02, subd. 1. Deletes the chemical dependency treatment fund allocation formula.
- 13** **Eligibility.** Amends §254B.04, subd. 1. Changes the entitlement to receive chemical dependency fund services. The amended language entitles individuals whose income is at or below 400 percent of the FPG who do not have insurance coverage to receive services. All other individuals are eligible on a sliding fee scale.
- 14** **Amount of contribution.** Amends §254B.04, subd. 3. Strikes the limitation that the sliding fee scale can only apply to individuals whose income is less than 115 percent of FPG.
- 15** **State collections.** Amends §254B.06, subd. 1. Changes a reference to session law to “this chapter.”
- 16-19** Sections 16 to 19 are related to alcohol tax rates.
- 20** **Requirement to provide chemical dependency treatment.** Creates §373.50. Requires the state to provide adequate funding to counties to provide the chemical dependency treatment and programs individuals need based on the results of their Rule 25 assessments.
- 21** **Chemical use assessment required.** Amends §609.115, subd. 8. Adds that the chemical use assessment must meet the standards set out in §169A.70.
- 22** **Chemical dependency treatment; assessment charge.** Creates §609.133.

Subd. 1. Definition. Provides the definition of “violent crime.”

Subd. 2. Assessment conducted. Requires the court to ensure a chemical use assessment is conducted on a person convicted of a violent crime.

Subd. 3. Charge. Paragraph (a) instructs the court to assess a charge of \$125 on individuals who are convicted of a violent crime. Permits the court to waive the fee

for indigent individuals or to allow payments in installments.

Paragraph (b) requires the county to collect the fee and forward \$25 to the commissioner of finance. The commissioner is to deposit the fees in the general fund. The county is to keep \$100 of the assessment charge.

Paragraph (c) provides that this charge is in addition to the surcharge required by §357.021, subd. 6.

- 23** **Certain persons to receive mandatory chemical dependency treatment.** Amends §609.135, by adding subd. 9. Instructs the court to order a person convicted of a violent crime, whose sentence has been stayed, to comply with the terms of the chemical use assessment.
- 24** **Judicial training.** Instructs the Supreme Court to include training on a judge's powers and duties regarding chemical use assessments in its judicial education program.
- 25** **Repeat DUI offender pilot program.** Requires the commissioner of public safety to develop a pilot program for repeat DUI offenders.
- 26** **Appropriations.** Paragraph (a) appropriates unspecified amounts to the commissioner of public safety for local units of government to perform compliance checks of on- and off-sale liquor license holders; for grants to prevent domestic violence and to provide services to victims; and for the repeat DUI offender program.
- Paragraph (b) appropriates unspecified amounts to the commissioner of human services for funding of various chemical dependency treatment programs, and to transfer to the Board of Behavioral Health and Therapy to hire staff to conduct timely licensing of counselors.
- Paragraph (c) appropriates unspecified amounts to the Chief Justice of the Supreme Court for increased judicial training; for drug courts; and for grants to counties for court services and correctional costs.
- Paragraph (d) appropriates unspecified amounts to the commissioner of health for grants for initiatives to eliminate underage drinking.
- 27** **Repealer.** Repeals §§254B.02, subds. 2, 3, and 4 (chemical dependency allocation process); 254B.03, subd. 4 (county responsibility to provide chemical dependency treatment; and 254B.09, subds. 4, 5, and 7 (Indian reservation allocation of chemical dependency treatment fund).
- 28** **Effective date.** Provides an August 1, 2009, effective date for sections 1 to 9 and 21 to 23 for crimes committed on or after that date. The tax sections are effective for taxes imposed after June 30, 2009.