



House of Representatives

General Assembly

File No. 774

January Session, 2019

Substitute House Bill No. 5866

House of Representatives, April 25, 2019

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROVISION OF NECESSARY MEDICAL TREATMENT FOR DRUG-DEPENDENT PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-36i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) There is established and created an account of the General Fund
4 to be known as the "drug assets forfeiture revolving account" for the
5 purpose of providing funds for substance abuse treatment and
6 education programs and for use in the detection, investigation,
7 apprehension and prosecution of persons for the violation of the laws
8 pertaining to the illegal manufacture, sale, distribution or possession of
9 controlled substances.

10 (b) The account shall consist of the proceeds from the sale of
11 property and moneys received and deposited pursuant to section 54-
12 36h.

13 (c) [Moneys] Except as provided in subsection (e) of this section,
14 moneys in such account shall be distributed as follows: (1) Seventy per
15 cent shall be allocated to the Department of Emergency Services and
16 Public Protection and local police departments pursuant to subsection
17 (d) of this section, fifteen per cent of which shall be used for purposes
18 of drug education and eighty-five per cent of which shall be used for
19 the detection, investigation, apprehension and prosecution of persons
20 for the violation of laws pertaining to the illegal manufacture, sale,
21 distribution or possession of controlled substances and for the
22 purposes of police training on gang-related violence as required by
23 section 7-294l, (2) twenty per cent shall be allocated to the Department
24 of Mental Health and Addiction Services for substance abuse
25 treatment and education programs and tobacco prevention and
26 enforcement positions engaged in compliance activities as required by
27 the federal government as a condition of receipt of substance abuse
28 prevention and treatment block grant funds, and (3) ten per cent shall
29 be allocated to the Division of Criminal Justice for use in the
30 prosecution of persons for the violation of laws pertaining to the illegal
31 manufacture, sale, distribution or possession of controlled substances.

32 (d) Expenditures from the account allocated to the Department of
33 Emergency Services and Public Protection and local police
34 departments shall be authorized by a panel composed of: (1) The
35 Commissioner of Emergency Services and Public Protection or his
36 designee, (2) the commander of the state-wide narcotics task force or
37 his designee, and (3) the president of the Connecticut Police Chiefs
38 Association or his designee. The panel shall adopt procedures for the
39 orderly authorization of expenditures, subject to the approval of the
40 Comptroller. Such expenditures may be authorized only to the
41 Department of Emergency Services and Public Protection and to
42 organized local police departments within this state. Such
43 expenditures shall be held by the Department of Emergency Services
44 and Public Protection and the various organized local police
45 departments in accounts or funds established for that purpose. In no
46 event shall the expenditures be placed in a state or town general fund
47 and in no event shall the expenditures be used for purposes other than

48 those provided in subdivision (1) of subsection (c) of this section. The
49 panel shall ensure the equitable allocation of expenditures to the
50 Department of Emergency Services and Public Protection or any local
51 police department which participated directly in any of the acts which
52 led to the seizure or forfeiture of the property so as to reflect generally
53 the contribution of said department or such local police department in
54 such acts. The panel shall authorize expenditures from the account for
55 the reimbursement of any organized local police department which
56 has used its own funds in the detection, investigation, apprehension
57 and prosecution of persons for the violation of laws pertaining to the
58 illegal manufacture, sale, distribution or possession of controlled
59 substances and which makes application to the panel for
60 reimbursement.

61 (e) Moneys remaining in the drug assets forfeiture revolving
62 account at the end of a fiscal year shall not revert to the General Fund
63 but shall remain in the revolving account [to be used for the purposes
64 set forth in this section] and be allocated to the Department of Mental
65 Health and Addiction Services for the provision of inpatient treatment
66 services for drug-dependent persons at facilities operated by or under
67 contract with the department.

68 Sec. 2. (NEW) (*Effective July 1, 2019*) The Probate Court
69 Administrator shall, within available appropriations, prepare and
70 distribute informational materials that are designed to inform the
71 public of Probate Court procedures that may be of assistance in
72 securing necessary medical treatment for a drug-dependent person.
73 Such informational materials shall include, but not be limited to, a
74 description of the Probate Court procedures set forth in section 17a-685
75 of the general statutes and the conservatorship process set forth in
76 sections 45a-644 to 45a-663, inclusive, of the general statutes. The
77 Probate Court Administrator shall make such informational materials
78 available in written form in each Probate Court in the state and on the
79 Internet web site of the office of the Probate Court Administrator.

80 Sec. 3. (*Effective from passage*) The Probate Court Administrator shall

81 review all existing Probate Court procedures that may be of assistance
 82 in securing necessary medical treatment for drug-dependent persons.
 83 On or before February 1, 2020, the Probate Court Administrator shall
 84 report, in accordance with the provisions of section 11-4a of the general
 85 statutes, to the joint standing committees of the General Assembly
 86 having cognizance of matters relating to the judiciary and public
 87 health on enhancements that could be made to Probate Court
 88 procedures to better serve drug-dependent persons, and the family
 89 and friends of such persons, in securing necessary medical treatment
 90 for such persons.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	54-36i
Sec. 2	July 1, 2019	New section
Sec. 3	from passage	New section

Statement of Legislative Commissioners:

Section 1 was redrafted to include the entirety of section 54-36i of the general statutes so that a conforming change could be made to subsection (c) of said section for accuracy.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Mental Health & Addiction Serv., Dept.	SF - Revenue Gain	approx. 150,000	approx. 150,000
Resources of the General Fund	GF - Revenue Loss	approx. 150,000	approx. 150,000

Note: SF=Special Fund (Non-appropriated); GF=General Fund

Municipal Impact: None

Explanation

The bill annually transfers any unused drug asset forfeiture account fund to the Department of Mental Health and Addition Services (DHMAS) for inpatient treatment for drug dependent persons. Currently any unused funds are deposited into the General Fund. Therefore the bill results in a revenue loss of approximately \$150,000 to the General Fund and a corresponding revenue gain to a special fund within DMHAS.

In addition, the bill establishes information distribution and reporting requirements to the Probate Court and does not result in a cost as the Probate Court will be able to comply with these provisions without additional resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to any unused balances.

OLR Bill Analysis

sHB 5866

AN ACT CONCERNING THE PROVISION OF NECESSARY MEDICAL TREATMENT FOR DRUG-DEPENDENT PERSONS.

SUMMARY

This bill allocates money remaining in the drug assets forfeiture revolving account (see BACKGROUND) at the end of a fiscal year to the Department of Mental Health and Addiction Services (DMHAS). DMHAS must use the money to provide inpatient treatment services to drug-dependent individuals at facilities it contracts with or operates.

The bill also requires the probate court administrator, within available appropriations, to develop and distribute material that informs the public of probate court procedures that may help secure medical treatment for a drug-dependent person. The material must include, at a minimum, the procedures for (1) the involuntary commitment of a person who is a danger to himself or herself or others and (2) conservatorship of a person who is unable to manage his or her affairs or care for himself or herself. The administrator must make the material available at each probate court in the state and on his office's website.

Lastly, the bill requires the probate court administrator to review existing probate court procedures that help secure medical treatment for drug-dependent individuals. He must report to the Judiciary and Public Health committees by February 1, 2020, on enhancements that could be made to better help drug-dependent individuals, and their family and friends, secure necessary medical treatment for a drug-dependent person.

EFFECTIVE DATE: July 1, 2019, except the provision requiring the

probate court administrator to review existing procedures and report to legislative committees is effective upon passage.

BACKGROUND

Drug Assets Forfeiture Revolving Account

By law, money in the drug assets forfeiture revolving account is used for substance abuse treatment and education programs and drug law enforcement. Funds come from the sale of forfeited property related to the sale of illegal drugs, among other sources. The account funds are distributed according to the following formula:

1. 20% to DMHAS for substance abuse treatment and education programs, including tobacco prevention programs;
2. 70% to the Department of Emergency Services and Public Protection and local police departments (15% of this amount must be used for drug education and 85% to enforce drug laws); and
3. 10% to the Division of Criminal Justice for prosecuting people charged with drug crimes.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 34 Nay 6 (04/09/2019)