

HOUSE BILL 2717

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 21, Part 4 and Title 16, relative to first responders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, is amended by adding the following as a new chapter:

**16-23-101.** As used in this chapter:

(1) "First responder" means paid, full-time law enforcement officers, firefighters, and emergency medical services personnel who are employed by the state or a local government in this state;

(2) "First responder treatment court program" means a stand-alone first responder treatment court program established by a judge of a court of this state exercising criminal jurisdiction or a first responder court track created within an existing certified drug court; and

(3) "Nonadversarial approach" means that the district attorney general and the defense attorney work together for the benefit of the first responder treatment court program participants and the program.

**16-23-102.**

A first responder treatment court program shall have the same powers as the court that created it. Any disagreements shall be resolved prior to court and not in front of the participants.

**16-23-103.**

All first responder treatment court programs in this state shall be established and operated according to the following ten (10) key components:

(1) First responder treatment courts integrate alcohol and drug treatment and mental health services with justice system case processing;

(2) First responder treatment courts promote public safety while protecting participants' due process rights by prosecution and defense counsel using a nonadversarial approach;

(3) First responder treatment courts identify eligible participants early and promptly place them in the first responder treatment court program;

(4) First responder treatment courts provide access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services;

(5) First responder treatment courts monitor abstinence by frequent alcohol and other drug testing;

(6) First responder treatment courts establish a coordinated strategy to govern responses to participants' compliance;

(7) First responder treatment courts maintain ongoing judicial interaction with each first responder as an essential component of the program;

(8) First responder treatment courts utilize monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;

(9) First responder treatment courts employ continuing interdisciplinary education and training to promote effective first responder treatment court planning, implementation, and operations; and

(10) First responder treatment courts forge partnerships among the court, public agencies, and community-based organizations to generate local support and enhance first responder treatment court effectiveness.

**16-23-104.**

The department of mental health and substance abuse services shall administer first responder treatment court programs by:

- (1) Defining, developing, and gathering outcome measures for first responder treatment court programs established by this chapter;
- (2) Collecting, reporting, and disseminating first responder treatment court program data;
- (3) Supporting a state first responder treatment mentor program;
- (4) Sponsoring and coordinating state first responder treatment court program training;
- (5) Awarding, administering, and evaluating state first responder treatment court program grants;
- (6) Developing standards of operation for first responder treatment court programs to ensure there is a significant population of first responders in the criminal justice system willing to volunteer to participate in first responder treatment court programs so that funds are allocated to meet the greatest need; and
- (7) Establishing three (3) first responder treatment court advisory committee member positions on the drug court advisory committee established by § 16-22-108.

**16-23-105.**

Through the department of mental health and substance abuse services, a court exercising criminal jurisdiction within this state or a first responder treatment court program may apply for first responder treatment court program grant funds established in § 16-22-109(g), if funds are available, to:

- (1) Fund a full-time or part-time program director position;

(2) Fund first responder treatment court program staff whose job duties are directly related to program operations;

(3) Fund substance abuse treatment, mental health treatment, and other direct services for first responder treatment court program participants;

(4) Fund drug testing;

(5) Fund program costs directly related to program operations; and

(6) Implement or continue first responder treatment court program operations.

**16-23-106.**

The department of mental health and substance abuse services first responder treatment court program grant awards shall not be:

(1) Used to pay for costs not directly related to first responder treatment court program operations;

(2) Made to any court that does not agree to operate its first responder treatment court program in accordance with the principles set out in this chapter;

(3) Used for construction or land acquisition;

(4) Used to pay bonuses or commissions to any individuals or organizations; or

(5) Used to form a corporation.

SECTION 2. Tennessee Code Annotated, Section 16-22-109, is amended by adding the following new subsection (g):

(1) In addition to the fees required by subsections (a) and (c), the clerks of all courts of general sessions, circuit and criminal courts, and municipal courts exercising the jurisdiction of courts of general sessions shall collect an additional sum of fifty dollars (\$50.00) in counties establishing or operating a first responder treatment court program

in accordance with § 16-23-104, from any person who does one (1) of the following with regard to any offense under the Tennessee Drug Control Act, compiled in title 39, chapter 17, part 4:

(A) Enters a plea of guilty;

(B) Enters a plea of nolo contendere;

(C) Is adjudicated at trial;

(D) Enters a plea pursuant to any of the diversionary sentencing statutes to any criminal offense described in this subdivision (g)(1), for attempt or conspiracy to commit any such offense, or for aiding, abetting, or acting in the capacity of an accessory in the commission of any such offense; or

(E) Is found in violation of the terms and conditions of a suspended sentence imposed for any criminal offense described in this subdivision (g)(1).

(2) This assessment shall be subject to § 8-21-401 and shall be in addition to all other taxes, costs, and fines.

(3) The first ten dollars (\$10.00) of each assessment under this subsection (g) shall be paid to the clerks of the court imposing the assessment, who shall transfer it to the state treasurer, who shall credit it to the general fund and earmark it for use by the department of mental health and substance abuse services for funding first responder treatment court program administration.

(4) The remaining forty dollars (\$40.00) of each assessment shall be deposited by the clerk of the collecting court into a dedicated county fund and used by the county exclusively for the operation and maintenance of first responder treatment court programs in the county. This fund shall not revert to the county general fund at the end of the fiscal year, but shall remain for the purposes set out in this subdivision (g)(4). In the event no first responder treatment court program operates in a county, the remainder

of the funds from that county shall be remitted annually in full to the state, deposited in a separate account in the general fund, and designated for the exclusive use of the department of mental health and substance abuse services to assist existing first responder treatment court programs and to create and establish first responder treatment court programs in areas of this state that have a significant first responder population involved in the criminal justice system. The department is not required to distribute money to any county that operates or establishes a first responder treatment court program that does not operate according to the ten (10) key components or, for which program, the judge or other court professionals have not completed nationally recognized training and state certification as established by the department.

(5) The comptroller's regular audit of a local government shall also include the dedicated county funds established by this subsection (g).

(6) As used in this subsection (g), "first responder treatment court program" has the same meaning as defined in § 16-23-101.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.