

**WATSON COLEMAN, JOHNSON & QUIJANO BILL TO PHASE IN MANDATORY SENTENCING
TO DRUG COURT PROGRAM ADVANCED BY ASSEMBLY PANEL**

(TRENTON) Legislation sponsored by Assembly Democrats Bonnie Watson Coleman, Gordon M. Johnson and Annette Quijano that would phase in statewide mandatory sentencing to New Jersey's drug court program for nonviolent offenders was released Monday by an Assembly panel.

"Imprisonment is a costly solution, and too often with nonviolent drug offenders, it is not a solution at all. Many of these individuals are leaving prison worse off than they entered it," said Watson Coleman (D-Mercer). "The voluntary drug court program in New Jersey has had great success. Expanding the program will help us avoid the expense of incarceration and get these individuals on the right path to recovery."

The bill ([A2883](#)) would phase in mandatory drug court for nonviolent offenders over a 5-year period. Currently, participation in the drug court program is voluntary. The program will be phased in, in at least three vicinages to be determined by the Administrative Office of the Courts in the first year.

Under the bill, the courts would have to evaluate the program's effectiveness annually for the duration of the phase-in period (including studying recidivism rates, costs and comparisons of counties where the mandatory program has been implemented to those where it has not been phased in).

The governor has proposed expanding the drug court program statewide. The governor's proposed budget appropriates just \$2.5 million to drug courts, but according to the Administrative Office of the Courts, a statewide drug court program would cost nearly \$20 million to administer.

"Drug court participants have lower recidivism rates than offenders who are incarcerated in state prisons because of the program's multifaceted approach to crime and addiction," said Johnson (D-Bergen). "Making the program mandatory would not only help these individuals get better, but it would save the state on incarceration costs. It's a win-win."

"This measure is intended to build upon the success of the drug court program by mandating participation in the program for certain individuals," said Quijano (D-Union). "Many drug offenders get worse in prison and are then released back to their communities. Considering the potential societal benefits, requiring these type of offenders to participate in the program makes sense."

The bill would require certain defendants to undergo a professional diagnostic assessment to determine whether, and to what extent, the defendant is drug dependent and would benefit from treatment. This assessment would be ordered for any defendant who: (1) is reasonably suspected to be drug dependent; (2) is ineligible for probation due to a conviction for a crime that is subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility; and (3) meets the legal criteria for admission to the "drug court" program.

If, based on the results of the professional diagnostic assessment, the court determines the defendant is drug dependent and otherwise eligible to be sentenced to the drug court program, the court would be required to sentence the defendant to the drug court program unless it finds it is required to impose a sentence of imprisonment pursuant to Chapters 43 and 44 of the Criminal Code.

As a result of the drug court program's multifaceted approach to crime and addiction, drug court participants have a far lower recidivism rate than offenders who are incarcerated in state prisons.

The Department of Corrections tracked drug offenders released from prison for three years after their release. It found that 54 percent of drug offenders were arrested for an indictable offense and 43 percent were reconvicted, while 16 percent of drug offenders who graduated from a drug court program were arrested and 8 percent were reconvicted three years after graduating from the program.

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The bill was released 9-0 by the Assembly Appropriations Committee and now heads to the full Assembly for further consideration.