

**Excerpt from Governor Schwarzenegger's 2006-07 Budget Message
California Department of Health and Human Services
Pages 132-133**

Reforming Addiction Treatment for Drug Offenders (Proposition 36)

Proposition 36, the Substance Abuse and Crime Prevention Act of 2000 (SACPA), was approved by the voters on November 7, 2000. Under the SACPA, first or second time nonviolent adult drug offenders who use, possess, or transport illegal drugs for personal use receive drug treatment rather than prison time. The SACPA is intended to preserve jail and prison cells for serious and violent offenders, enhance public safety by reducing drug-related crime, and improve public health by reducing drug abuse through treatment. The SACPA provided an annual \$120 million General Fund transfer to the Substance Abuse Treatment Trust Fund from 2001-02 through 2005-06 to support state-level and local SACPA related activities.

The Governor's Budget proposes to maintain the General Fund transfer to the Substance Abuse Treatment Trust Fund at \$120 million on a one-time basis for 2006-07 conditioned upon the Legislature passing reforms to the program. This will provide approximately \$11 6.5 million to counties for local SACPA-related activities and \$3.5 million to support state-level activities, including 29.7 positions and an annual evaluation of the SACPA. Although funding for drug treatment under voter-approved Proposition 36 sunsets June 30, 2006, the law allowing drug offenders to obtain addiction treatment in lieu of incarceration remains in effect. Evaluations have shown that Proposition 36 participants have lower revocation rates than non-SACPA participants and are more likely to remain sober and experience higher rates of employment. However, only 34 percent of those entering treatment complete their programs. Along with recommending \$120 million in funding for drug treatment in the 2006-07 Governor's Budget, the Administration will seek significant reforms to Proposition 36 to improve outcomes and accountability.

The Administration looks forward to partnering with the Legislature and stakeholders to improve completion rates and, ultimately, reduce the number of drug offenders recommitting crimes and ensure more people lead successful, drug-free lives. Proposed improvements include:

Accountability

- **Jail Sanctions** - Proposition 36 provides drug offenders with the opportunity to avoid incarceration by seeking treatment. However, Proposition 36 needs to be strengthened by giving judges the authority to hold offenders accountable for attending and completing treatment through short jail terms in order to ensure a drug offender's actual participation.
- **Drug Testing** -Drug testing is integral to drug treatment and occurs regularly as part of a participant's treatment program. Courts should be required to impose

drug testing as a condition of probation in order to ensure compliance with treatment programs.

- **Judicial Monitoring** -Counties should dedicate court calendars and use "drug court" models to improve collaboration between treatment providers and law enforcement.

Reform Treatment Services

- **Cultural Competency** -Assure the availability of culturally and linguistically appropriate services.
- **Tailored Treatment** -Offer treatment based on client assessment and placement criteria, so offenders receive appropriate treatment to overcome addiction."

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