

**ALCOHOL, DRUG ADDICTION & MENTAL HEALTH SERVICES
BOARD OF CUYAHOGA COUNTY**

RESOLUTION NO. 12-11-01

SUPPORT OF SB 59: Drug Treatment Intervention

WHEREAS, the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County supports Ohio's prison reform efforts, is a major partner of ensuring reentry services, and believes that treatment is more effective than incarceration for people with addictions; and,

WHEREAS, Senate Bill 59 was introduced by Senator Charleta B. Tavares (D) from Columbus in January 2012 to provide a mechanism for "drug treatment intervention" that authorizes "first-time or second-time offenders" and certain "repeat offenders" who are charged with an illegal possession or use of a controlled substance offense or who have been convicted of or pleaded guilty to an illegal possession or use of a controlled substance, but have not yet been sentenced, to file a request with a court for drug treatment intervention; and,

WHEREAS, Senate Bill 59 creates a \$38 million Substance Abuse Treatment Fund in the state treasury to be financed from the General Revenue Fund, and requires the Director of the Ohio Department of Alcohol and Drug Addictions (ODADAS) to distribute annually, using a fair and equitable distribution formula, all moneys appropriated to the Fund to affiliated agencies or bodies in counties or multi-county regions to pay for the costs of providing certain treatment programs; and,

WHEREAS, if a court makes a final determination under the bill that an offender is eligible for intervention, the court must: (1) accept the offender's request, (2) stay all criminal proceedings that relate to the illegal possession or use of a controlled substance offense, (3) order the release of the offender if in custody due to the stayed criminal proceedings, and (4) order a qualified treatment professional to assess the offender's addiction severity and need for treatment, determine appropriate drug treatment and social services for the offender, and recommend an appropriate treatment plan; and,

WHEREAS, SB 59 requires a court that receives notice that an offender has successfully completed a treatment plan to dismiss the stayed proceedings against an offender who has not been convicted without an adjudication of guilt or a conviction or dismiss the stayed proceedings against an offender who has been convicted without imposing sentence; and,

WHEREAS, SB 59 authorizes an offender who successfully completes a treatment plan to request, and authorizes the court to order, the sealing of the official records pertaining to the illegal possession or use of a controlled substance offense, but requires law enforcement agencies to maintain certain records for specified purposes.

NOW, THEREFORE, BE IT RESOLVED:

1. The ADAMHS Board of Cuyahoga County supports and encourages the passage of SB 59, a useful mechanism for prison reform that provides treatment for people living with addiction rather than incarceration.
2. A copy of this resolution will be sent to Senator Charleta B. Tavares; Governor John Kasich; members of the Cuyahoga County Delegation; Gary C. Mohr, Director of the Ohio Department of Rehabilitation and Correction; Orman Hall, Director of ODADAS; Tracy Plouck, Director of the Ohio Department of Mental Health, and the Cuyahoga County Reentry Coalition.

On the motion of Mary Boyle, seconded by Rev. Benjamin F. Gohlstin, Sr., the foregoing resolution was adopted unanimously on November 28, 2012.

AYES: D. Biegel, R. Blue, M. Boyle, C. Brown, R. Fowler, B. Gohlstin, P. Jones, H. Snider, E. Thoms, W. Tobin, M. Warr, A. Williams