ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE
January 27, 2017
1:33 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Pete Kelly
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Mia Costello
Senator Kevin Meyer

COMMITTEE CALENDAR

IMPLEMENTATION OVERVIEW OF SENATE BILL 91

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

NANCY MEADE, General Counsel
Administrative Staff
Alaska Court System
Anchorage, Alaska
POSITION STATEMENT: Participated in the implementation overview of Senate Bill 91.

DIANE CASTO, Behavioral Health Policy Advisor
Commissioner's Office
Department of Health and Social Services
Juneau, Alaska
POSITION STATEMENT: Participated in the implementation overview of Senate Bill 91.

TONY PIPER, Statewide Program Manager
Alcohol Safety Action Program (ASAP)
Division of Behavioral Health

Department of Health and Social Services
Anchorage, Alaska
POSITION STATEMENT: Participated in the implementation overview of Senate Bill 91.

JEFF JESSEE, Trust Program Officer
Alaska Mental Health Trust Authority
Department of Revenue
Anchorage, Alaska
POSITION STATEMENT: Participated in the implementation overview of Senate Bill 91.

ACTION NARRATIVE

1:33:59 PM
CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Kelly, Wielechowski and Chair Coghill.

Implementation Overview of Senate Bill 91

1:34:31 PM
CHAIR COGHILL announced the purpose of the meeting is to hear about some of the implementation issues and timelines for SB 91. He listed the people who would present and invited Ms. Meade to come forward.

1:36:19 PMA
NANCY MEADE, General Counsel, Administrative Staff, Alaska Court System, said she was asked to address the committee in three general areas: 1) the implementation steps and process the court went through after the passage of Senate Bill 91; 2) implementation issues or areas of concern that the committee may want to address; and 3) to respond to questions about the statewide bail schedule.

CHAIR COGHILL noted that Senator Hughes had joined the committee.

MS. MEADE discussed what the Court System did to ensure that the agency would use the new laws embodied in Senate Bill 91. She explained that the role of the judges is to apply the laws the legislature passes and her role is to ensure that the judges are aware of those laws. Her first step was to write a memo to the judges pointing out what had changed and what they might expect to see. She also provided materials the judges would find

helpful. For example, she updated the penalty checklist and summarized the applicability section of the bill so that people would know what laws apply to what offenses depending on when the offense took place.

MS. MEADE said the bill can be divided into three phases. Many things went into effect on July 12, 2016; more changes went into effect on January 1, 2017; and another set of changes, primarily relating to pretrial, will go into effect in January, 2018.

She reviewed the outreach and educational process she followed to familiarize people involved in the criminal justice system with what the bill said and what the judges were told the bill said. Initially, she gave three presentations in Anchorage to any prosecutors and defense attorneys who wanted to attend. Next, she spoke to 60 Alaska State Troopers at the crime lab in Anchorage. Thereafter, she gave 1-2 hour presentations in Juneau, Fairbanks, Palmer, Bethel, and Kenai. The public defender office and prosecutor's office were always invited. She responded to questions as best she could and shied away from any support or criticism of the bill. The presentations were absolutely neutral and factual.

MS. MEADE related that the administration office for the Court System continues to hold weekly two hour meetings. In response to the bill, the court rules attorney has amended or added usage notes to four court rules, and the two court forms attorneys have revised or added 74 forms. Each of those forms has to be approved by the judges and involves quite a bit of work. She cited the example of the process to receive a limited driver's license for people in certain circumstances. The form has to have simple, straightforward language that the public can understand and follow. To arrive at consensus, the Court System held several meetings with representatives from the Division of Motor Vehicles and other agencies. "Getting agreement on everything that had to be in those forms was quite a task."

1:43:31 PM
She said this is an ongoing process and the Court System is very open to fixing things that aren't working as well as they should. She provided examples and related that they also had to amend CourtView input data instructions for the clerks, which entailed several teleconference with clerks statewide. The bill also requires the court to provide certain data to the Criminal Justice Commission. That has been a task for a single person and she's had a good number of meetings to make sure she is doing that appropriately. She described the internal meetings as one

step and the external meetings with DPS, DMV, and DOC as another.

1:45:32 PM
MS. MEADE addressed some of issues the Court System believes might be appropriate for the legislature to look at. She said these have been brought to the attention of the Criminal Justice Commission so that they may make a recommendation to fix these as well. The suggestions are not in the large policy or substantive areas. She noted that she provided a packet of selected sections of the statute that might make it a little more straightforward.

CHAIR COGHILL said his intention is to go over the Commission recommendations on Monday.

MS. MEADE clarified that she would be speaking to the words in the bill and referring to the hand written numbers at the bottom of the pages she provided.

Page 1 looks at Sec. 29 and Sec. 30 of Senate Bill 91. At the Commission's recommendation, these sections made violation of condition of release into a violation. Formerly it was a crime. This recommendation was based on information that this was one of the less serious offenses that people can commit and so a violation was a more appropriate way to handle these offenses. The legislature adopted the Commission's recommendation.

MS. MEADE this is an area the Commission will recommend a change. This provision has proven to be quite difficult to implement and quite difficult logistically and might be something that does need some jail time. She said the crux of the problem is that this is a violation and the maximum penalty is $1,000. It is not a jailable offense. There is a specific provision that says an officer can arrest a person for the behavior but the jail doesn't want to keep them because it doesn't make sense to keep somebody on bail pretrial if there is no possibility of jail time later. She said the Criminal Justice Commission has reviewed the problems that have been inherent in this change and may be recommending some jail time. "That would alleviate the logistical concerns the court had in deciding what to do with these people when they are brought up for their arraignment or their first hearing on this offense."

1:50:34 PM
MS. MEADE directed attention to page 2 that looks at Sec. 65 of Senate Bill 91. She explained that this is a provision the

legislature inserted that says that at sentencing, the court shall provide a form that tells the victim how to keep abreast of what is happening with the offender. Victims are able to use the Victim Identification and Notification Everyday (VINE) system website or toll-free number to receive updates on an inmate's status. This seems logical and straightforward, but the court encountered a problem when it tried to implement the requirement that "the court shall provide the victim with a form," because the court doesn't have victim information. The court has been complying with the requirement if the victim is present at sentencing, and when the victim is on the phone the judge directs the victim to the court website to access the form. However, the court cannot give the form to victims who aren't present or on the phone or decline to be involved in the prosecution. It's not uncommon for this to happen.

She said the Criminal Justice Commission discussed this issue and will probably recommend changing the wording to say, "The court shall make available to the victim if practical". "The court wants to comply and those are the steps it has taken so far to do so," Ms. Meade said.

MS. MEADE directed attention to page 3 that looks at Sec. 77 of Senate Bill 91. This is the suspended entry of judgement (SEJ). This is an alternative means of resolving criminal cases, when both the prosecution and defense agree. The court can give the offender just probation time after they either plead guilty or are found guilty. If the offender complies with the conditions the entire time, the case will be dismissed at the end of probation. The case will also come off CourtView so the person won't suffer the negative consequences of having a conviction on their record from that offense.

She explained that when the court tried to implement the provision, there was a question of whether any jail time could be imposed. The Commission discussed this earlier today and agreed to make a yes or no recommendation. She said a clarification would be helpful because AS 12.55.086 says the court may impose a short period of incarceration in connection with a suspended imposition of sentence. She noted that the same provision does not apply to suspended entry of judgements (SEJs) and some clarification might be in order to avoid a lot of questions about that.

She pointed to the roster of violations on page 4 [Sec. 77. AS 12.55.078(f)] that are excluded from SEJs and advised that these are basically copied from the Suspended Imposition of Sentence

(SIS) statute. However, there are also exclusions within particular SIS statutes that are not excluded by the SEJ. She said the main example that's causing questions is the DUI and refusal statutes. Within Title 28 it says that an SIS is not available but it does not say a SEJ is not available. It's open to interpretation. She also questioned the language in subsection (f), paragraphs (1)-(6), that refers to whether the person is convicted of a violation of certain crimes. "I'm not certain but I believe the legislature's intent was to have this person not have the consequences of a conviction." She suggested that perhaps the language should be "as charged with". Earlier in the statute is says the person pleads guilty, and there is law that says that if a person pleads guilty, then they are guilty. Thus, it's unclear whether the person is convicted or not during that time period even if their case gets dismissed. She noted that a problem with SIS is people don't know thereafter if they can say they've never been convicted. Clarification would be helpful, she said.

1:56:53 PM
MS. MEADE turned to page 6 that looks at Sec. 80 of Senate Bill 91. This section amends AS 12.55.090(f), which is a statute that talks about all things the court can do when there is a conviction or anything when the court is imposing a sentence. Paragraph (8) is a catchall instruction that says the court may suspend imposition of sentence. She suggested it might be a good idea to also include wording that says a can suspend entry of judgement. She described this as perhaps a drafting error and requested clarification.

MS. MEADE turned to page 7 that looks at Sec. 90 of Senate Bill 91. This section amends AS 12.55.125(e), which is a DUI penalty provision that appears within the general penalty provisions. She explained that this section discusses the presumptive ranges for class C felonies, but felonies can have aggravating factors that allow the court to go above the top of the range, or mitigating factors that allow the court to impose a sentence that is less than the range in the statute.

She said the legislature added certain felony DUI offenses in subsection (e)(4) and that led to some confusion because DUI and refusal crimes have their own penalty provision within their own statutes. Title 28 says that for a first time felony DUI the penalty is a minimum of 120 days, but subsection (e)(4)(B) says the range is 120 days to 239 days. She suggested eliminating subsection (e)(4)(B),(C) and (D) and instead adding a cap all in

one place so there aren't two different penalties for the same conduct in two different spots in the statutes.

She noted that she included the DUI statute in the packets to point out where that happens.

1:59:53 PM
MS. MEADE turned to page 15 that looks at Sec. 91 of Senate Bill 91. It amends AS 12.55.135(a), the class A misdemeanor sentences. She said those are clear, but many statutes, particularly in the Fish and Game Title and in Title 28 say within the statute that this is an A misdemeanor with a punishment up to 90 days in jail.

It's difficult to coordinate those two, but it would be alleviated quite a bit if Sec 91, towards the beginning, said "unless otherwise provided" in the provision defining the offense. She noted that language does appear in Sec. 92 for class B misdemeanors. This change would be clarifying. She added, "From the Court System's point of view, anything the legislature decides as long as it's clear will stop litigation in that area."

2:01:17 PM
MS. MEADE turned to page 17 that looks at Sec. 104 and Sec. 105 of Senate Bill 91. These sections change the law regarding driving with a license that is suspended (DWLS), cancelled, or revoked. This change was done at the recommendation of the Commission on the theory that these were nonviolent offenses and perhaps these people didn't need to be in jail. DUI and refusal is still a class A misdemeanor with specified penalties, but if the license was suspended or revoked as the result of something other than a DUI, points for example, the bill says it's an infraction punishable by a fine of $300. That works for the Court System, but the crime of driving without a valid operator's license perhaps should have been addressed as well. AS 28.15.011 prohibits that and AS 28.90.010 imposes a penalty of no more that $500 or 90 days in jail. She relayed that judges brought this to her attention as something the legislature might consider addressing. It would not be a difficult fix.

MS. MEADE directed attention to pages 21 and 22 that look at Sec. 113 of Senate Bill 91. This adds a new subsection (g) to AS 29.25.070. She said this was discussed at the Alaska Criminal Justice Commission meeting and a recommendation will likely be forthcoming. She explained that this provision was included in the bill to ensure that municipalities would not have penalties

that are more severe than state law. The idea sounded fine but it raised two problems for the court. That is whether the legislature intended to include both fines and jail time and if the intention was to cover regulations. She said this most obviously comes into play with traffic. For example, if a municipality has a traffic ordinance that says it's a $200 fine to go through a flashing red light and state regulation says the penalty is $150, it's a problem for the Court System because they process nearly all cities' default traffic tickets and they have to figure out what amount to enter on a default judgement. The Court System has asked for clarification.

The most obvious area where this comes into play is with traffic. For example, the Municipality of Anchorage has a traffic ordinance that might say it's a $200 fine to go through a flashing red light, whereas under state regulations it says the penalty for that is $150. So one reading is that the city could not charge $200 anymore and this became problematic because from the Court System point of view we process nearly all cities' default traffic tickets. So when you get a ticket within the Municipality of Anchorage, you can go down and pay it or some people ignore it. When it's ignored and a certain number of days pass they give it to the court and ask for a default judgement so they can collect on it. She said she believes the committee will hear more about this from the Commission.

2:06:15 PM
MS. MEADE turned to page 23 that looks at Sec. 170 of Senate Bill 91. It amends AS 47.37.040, the duties of the Department of Health and Social Services (DHSS). She said representatives from the department will speak today, but a particular question centers on page 25 in paragraph (21). It contains the description of the Alcohol Safety Action Program (ASAP).

At the recommendation of the Commission, the legislature limited that program to take referrals only for DUIs and refusals. The difficulty is that the courts have been sending people to ASAP for alcohol-related incidents other than DUI and refusal. Implementation of Senate Bill 165 brought this to the forefront. That bill changed the treatment of minors consuming alcohol. It formerly was a misdemeanor and as of October 2016 it became a violation. Minors caught consuming or possessing alcohol get a $500 ticket but no jail time. However, the court can reduce that fine to $50 if the minor completes an alcohol safety action program or a juvenile alcohol safety action program or a community diversion panel. The disconnect is that is that while the legislature recognized that juveniles could go to ASAP,

Senate Bill 91 provided no authority for ASAP to handle these juveniles. She said it hasn't been a problem in practice because ASAP has been handling juveniles just as it did before Senate Bill 91 passed, but a technical fix is required.

2:08:58 PM
MS. MEADE addressed the questions about the statewide bail schedule that were brought up during the previous meeting. She explained that the Court System has always promulgated bail schedules. That document tells law enforcement and jails that certain misdemeanor offenses will have a standardized bail. If somebody is arrested for one of those offenses and taken to the jail, the jail can look at the bail schedule and know what to do. The jail might collect the bail and the person would be released or they might release the person on their own recognizance (OR), whatever the bail schedule says.

She explained that until this past March, there were different bail schedules in different districts, but the presiding judges determined it would be better for state criminal justice to have just one statewide bail schedule. She noted that she included a copy of the bail schedule in the packet.

Paragraph 2 of the bail schedule clearly states it does not apply to felonies. Paragraph 3 clearly states that a person charged with domestic violence shall be held without bail. Paragraph 5 says that for certain misdemeanors the person has to be brought before a judicial officer for bail to be set or reviewed. Paragraph 6 provides that all other defendants arrested without a warrant, shall be released on their own recognizance (OR), subject to certain basic conditions. "They are told they must obey court orders, they can't leave Alaska, they have to show up for their next hearing and they are given a date for their first appearance in court." Paragraph 7 states that the arresting officer may always call the on-call judicial officer for a different bail if the officer believes OR release would not be protective enough to the community. That happens often, she said, and judges are on call for that purpose. Paragraph 8 provides that if an officer has reasonable suspicion that the defendant is under the influence of alcohol, a condition of release can be that the defendant not possess or consume alcohol.

She highlighted item 6 in the User Notes included in the packets. It states that if an arrestee is particularly dangerous, in part because of alcohol, or vulnerable because of intoxication, the officer can note the special condition during

the arrest and ask the on-call judicial officer for something other than OR release if that is what is called for under the bail schedule.

MS. MEADE explained that the new bail schedule was an effort by the presiding judges to bring bail releases more in keeping with the current bail statute, AS 12.30.011. Subsection (a) says the presumption is that a person is released on their own recognizance. Subsection (b) provides that if that will not reasonably assure the appearance of the person, or will pose a danger to the victim, other persons, or the community, additional bail conditions may be set. In recognition of some of the research showing that the state's pretrial population had grown 81 percent over the last 10 years, the presiding judges thought they could do their part to ensure that fewer people were kept in jail pretrial when there was not a good reason.

She said law enforcement officers voiced some discontent about the bail schedule during the last Commission meeting and perhaps they didn't realize they could call the on-call judicial officer in any particular case. In any event, the judges have decided to review the bail schedule, particularly for misdemeanor assaults. The presiding judges will be reviewing whether people with first-time misdemeanant assault charges should released on their own recognizance

CHAIR COGHILL asked if she believes a bail schedule based on a blood alcohol level may be considered.

MS. MEADE replied it probably will be considered, but there are some concerns about holding people in jail when they have a certain blood alcohol content. There is a question of whether a jail can afford to hold people until their alcohol level drops, and another question is whether it is constitutional to hold a person based solely on their blood alcohol level.

CHAIR COGHILL commented on a case in Fairbanks that resulted in a lot of community outcry. An intoxicated woman left jail and was subsequently run over and killed. He said he would watch the discussion and recommendations going forward.

MS. MEADE clarified that the bail schedule has nothing to do with what is arrestable; it is just what happens after the arrest.

CHAIR COGHILL thanked Ms. Meade for the time and effort she put into Senate Bill 91. He welcomed Diane Casto.

2:20:58 PM
DIANE CASTO, Behavioral Health Policy Advisor, Department of Health and Social Services (DHSS), informed the committee that DHSS has been looking at the integration of Senate Bill 91 and Senate Bill 74, the Medicaid reform bill. Because these bills are critically linked, DHSS has established a multiple initiative work group with a variety of stakeholders. They meet monthly to ensure everyone is up to date and knows how both bills are impacting their work. The last meeting included presentations on Medicaid assisted treatment and how some of the new federal dollars coming in will impact their ability to do a better job. The next meeting will have presentations on the use of VIVITROL through the Partners Reentry Center, and how the Department of Corrections (DOC) will use VIVITROL for people that are exiting prison. She emphasized that both bills will help DHSS do a better job of preparing people to reenter their communities and make them healthier going forward.

MS. CASTO listed the areas Mr. Shilling asked her to discuss and relayed that Tony Piper would talk about the ASAP program.

CHAIR COGHILL asked her to include updates on the timelines for the regulation packages.

2:24:57 PM
MS. CASTO discussed the $1 million recidivism reduction grant that DHSS received to enhance and expand its community-based reentry efforts. She said the goal is to help people coming out of institutions get the services they need so they can become healthy and productive members of society and not recidivate.

She explained that in October DHSS put a request for proposal out that had three categories. First, the four existing reentry coalitions in Anchorage, Mat-Su, Juneau, and Fairbanks were given the opportunity to apply for money to expand their services and hire and/or coordinate case management services for people getting out of prison in those four communities. The primary focus was on case management services because this is a critical factor for people getting out of prison.

The second category was for developing grant programs. This was for communities whose reentry coalitions were developing but for some reason hadn't really gotten off the ground. Kenai/Soldotna was the only response in this category. They received a grant and are going through the process of getting the coalition

working and doing a community assessment to identify the needs in the Kenai community.

The third grant category focuses on emerging reentry coalitions. She explained that the idea is to have a reentry coalition in every community that has a DOC institution so that people being released in those communities will have a case manager, services, and a coordinated effort. The Nome community applied for this grant and is just starting its work.

She explained that the $1 million was a one-year grant with continuations for the next few years. An additional $2 million will be available next year for those programs. The hope is to add funding to the emerging coalition in Nome, in particular, and to get responses from Bethel and Ketchikan that also have DOC facilities. DHSS intends to provide training for these grantees and provide opportunities to work together.

2:30:28 PM
MS. CASTO related that the DHSS budget last year included additional money for new substance abuse disorder grant programs. The department received $6 million over 3 years for sobering centers, detoxification centers, and/or treatment programs. The awards were announced just today: Fairbanks received $500,000 for a sobering center, Central Peninsula General Hospital received money for a 6-8 bed detoxification/withdrawal management center, and Set Free Alaska in the Mat-Su region received money for treatment programs that serve pregnant women and women with children.

CHAIR COGHILL commented that in all three areas the need is greater than the supply and the timing is too tight, but it's moving in the right direction.

2:32:22 PM
MS. CASTO said the second matter she wanted to discuss is the change in the Division of Public Assistance and the elimination of the restriction that denied anyone with a felony drug conviction access to public assistance or food stamps or the SNAP program [Supplemental Nutrition Assistance Program]. Senate Bill 91 removed that barrier, with conditions. First, the felony drug conviction had to occur on or after August 22, 1996. The offender also has to complete one or more of the following: 1) satisfactorily serve and complete a period of probation or parole, 2) is serving or has successfully completed mandatory participation in a drug or alcohol treatment program, and 3) has taken action toward rehabilitation including participation in a

drug or alcohol treatment program or is successfully complying with the requirements of their reentry plan.

She said the Division of Public Assistance has changed its internal policies and protocols to meet the new requirements in Senate Bill 91. A review of the data shows that since August 1, as many as 250 of the 489 drug felons that had applied and were previously denied food stamps are eligible and receiving benefits. About 75 people had previously applied for and been denied Alaska Temporary Assistance Program (ATAP) services. Three of those people reapplied, were deemed eligible, and are now receiving ATAP services.

MS. CASTO reminded the members that part of Senate Bill 91 addressed getting inmates signed up for Medicaid 90 days prior to release so they would be covered immediately when they reenter the community. This is important because it's often a gap in access to mental health or substance abuse services that leads to recidivism. Preliminary DOC data indicates that 445 inmates were given a Medicaid application while they were still inside an institution; 131 inmates completed their applications and mailed them to the Division of Public Assistance; and 36 inmates refused to take, complete, or submit an application. She also reported that as of January 2017, 229 individuals were enrolled in one of two incarceration subtypes. The first includes inmates that need 24 hour or more hospitalization outside the prison facility. Medicaid covers this population. The second subtype is inmates that have signed up for Medicaid and will be covered as soon as they are released. About 156 people are currently enrolled in regular Medicaid who previously were in one of these subtypes. "We are making progress and we are very hopeful that this is going to be a huge boon to those individuals who need ongoing health care and behavioral health services." She relayed that Mr. Piper will talk about the regulations related to the ASAP program and some of the testing.

2:41:25 PM
CHAIR COGHILL asked Mr. Piper to discuss the problems that some areas are having with the ASAP program.

2:42:38 PM
TONY PIPER, Program Manager, Alcohol Safety Action Program (ASAP), Division of Behavioral Health, Department of Health and Social Services, introduced himself and provided the following data:

> In the ASAP office for the first 6 months of this year, we had 1,801 clients go through compared to last year the first 6 months we had 3,218. So it decreased about 40 percent or so from what we're used to seeing. Out of those 1,801, 1,609 were within the guidelines of what Senate Bill 91 has coming to ASAP. And then there were another 192 which were outside of those guidelines. Those included some assaults and domestic violence assaults and alcohol import, shoplifting, and various other activities that were outside of the realm of Senate Bill 91. And so, we have been able to handle the referrals to ASAP so far throughout the state.

MR. PIPER explained that ASAP has a screening tool and a level of service inventory. The latter is a risk needs assessment that is the same as the one used by DOC and for DUI and drug courts. ASAP uses a shorter screening form. All of the ASAP offices came in for training in October and everyone learned how to use the screening tool. All the offices statewide have been supplied with the screening tool and while the regulations are in process, they have come up with standard procedural processes to use the tool and monitor people at different levels of risk. Steps are taken to ensure the monitoring is sufficient so that people are processing through the system as intended.

He said there have been follow up calls with the ASAP offices around the state to make sure that people are following the procedures. They also answer many questions about this relatively new process. They are also working with their MIS system to ensure that element is included in the system so they have continued quality improvement and look at outcomes as the data starts to come in. As of January, people coming through are being screened and monitored. Changes are still being made and work on the regulations is ongoing. Hopefully they will be in good draft form in the next several months.

CHAIR COGHILL suggested he keep in mind that at the same time the regulation packet is going out there will be questions about whether that was the right thing to ask you to do. He extended his thanks to everyone who works in the ASAP program. "I think Alaska depends on you in so many ways."

2:47:26 PM

JEFF JESSEE, Legislative Liaison, Alaska Mental Health Trust Authority ("Trust"), Department of Revenue, said he wanted to talk about two things related to implementation. One is the

progress that's been made at the University of Alaska Anchorage (UAA) Justice Information Center ("Justice Center"). Last session the Trust engaged the Justice Center to look at the Results First initiative and partnered with the legislature to get things started. He reviewed the following data: there are 52 criminal justice-related programs that deal with recidivism; just 58 percent match with evidence-based practices in the literature; 65 percent of those 52 programs are state funded with $23 million; 89 percent of the state-funded programs match evidence-based practices. Responding to a comment, he agreed that is very good news. The task going forward will be to monitor the fidelity of those programs and look at their outcomes. "The point of this is [that] this entire justice reinvestment and reform movement has to be data-driven." The next step for the Justice Center is to start the cost-benefit analysis for each of these programs. As resources become more limited, it's important to identify the programs that give the most bang for the buck.

He said the Trust has only recommended two small general fund increments and has agreed to match funding for both. One is to increase funding to the Justice Center so it can take the step to become an integrated data platform for criminal justice data. The idea is to gather data from the different parts of the system and analyze it in order to provide feedback. He said he likes working with the Justice Center because it is important to maximize the utility of the university system. It has to be part of helping to solve the fiscal and programmatic challenges.

MR. JESSEE said the second issue is reinvestment, but that term isn't very accurate in the early years because the savings the state will see from Senate Bill 91 are not happening today. They are deferred. That means the state has to come up with resources to front-load these efforts. If this isn't done, there won't be any savings downstream. He noted that Senator MacKinnon was very creative last year when she suggested using prospective marijuana tax money to jump start some of this effort. He emphasized the importance of building up resources to provide people coming out of prison with the services they need. The three basics are housing, employment, and treatment and support for recovery.

He agreed with Ms. Casto that Senate Bill 74 and Medicaid reform is critical to the criminal justice reform effort. He said it's important to leverage federal funds, although he expects to see less with the new administration. The positive side is there will likely be less regulation.

CHAIR COGHILL thanked Mr. Jessee and stated agreement with the notion that justice reinvestment and reform movement has to be data-driven

2:58:36 PM
There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:58 p.m.