

**COMPARISON OF
SUBSTANCE ABUSE AND CRIME PREVENTION ACT (SACPA)
SB 1137 and
SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAM (OTP)**

FY 06-07 SACPA (Proposition 36)	FY 06-07 SB 1137 (Ch. 63, 2006)	FY 06-07 OTP	FY 07-08 OTP Governor's Proposed Budget
Intent			
To reduce substance abuse and prevent crime by drug offenders, in lieu of incarceration.	Provide reforms to SACPA.	Enhance services for SACPA clients.	Redirect additional funds to OTP program enhancements.
Eligible/Participating Counties			
58	None (per court injunction).	Only qualified counties with county match, dedicated court calendars and drug court (39 counties for Fiscal Year (FY) 06-07).	Only qualified counties with county match, dedicated court calendars and drug court for OTP.
Funding			
\$120 million continuous appropriation through FY 05-06. \$120 million appropriation in the FY 06-07 Budget Act.	No funding included.	\$25 million appropriation for FY 06-07.	Reduce FY 07-08 SACPA funding from \$120 million to \$60 million and increase OTP funding from \$25 million to \$60 million. This results in \$35 million increased OTP funding and state savings of \$25 million on a one-time basis.
ADP requires counties to submit an annual plan.	No change.	Counties are required to apply for funding.	The 30 percent cap has been removed in the Trailer Bill Language (TBL) for FY 07-08.
Funds must be distributed to counties based on an allocation formula that includes treatment caseload and drug arrests.	No change.	Funds must be allocated based on: 1. The percentage of offenders ordered to treatment that actually begin treatment, 2. The percentage of offenders that completed the prescribed treatment.	Same as OTP.
Funds must be distributed annually to counties.	No change.	ADP requires counties to submit quarterly invoices detailing actual expenditures.	No change.

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County Match			
No county match required.	No county match required.	Distribution of funds to each eligible county shall be at a ratio of \$9.00 for every \$1.00 of county matching funds.	Distribution of funds to each eligible county shall be at a ratio of \$9.00 for every \$1.00 of county matching funds.
Sanctions and Violations			
A court may not impose incarceration as an additional condition of probation.	Non-violent drug possession offense: The court may impose jail sanction not to exceed 30 days.	Same as SACPA.	Same as SACPA.
The law specifically excludes treatment programs offered in jail or prison.	The court may order a defendant to county jail for detoxification for a period not to exceed 10 days.	Same as SACPA.	Same as SACPA.
On a first violation, the court may revoke probation if defendant is a danger to others, or may intensify treatment.	Non-violent drug possession offense: On a first violation, the court may impose jail sanctions not to exceed 48 hours.	Same as SACPA.	Same as SACPA.
On a second violation, a probationer may be found unamenable to treatment and probation revoked, or Court may intensify treatment.	Non-violent drug possession offense: On a second violation the court may impose jail sanctions not to exceed 120 hours.	Same as SACPA.	Same as SACPA.
Allowable County Expenditures			
Funds are to be used for treatment and criminal justice services and ancillary services such as: vocation and literacy training and family counseling. Court costs are not allowed.	No change.	Funds are to be used to enhance treatment services, develop treatment services needed but not available, reduce delays in availability of treatment and use of a drug court model.	Same as OTP, inclusive of supervision services.
SACPA funds can be used for administrative costs.	No change.	ADP has restricted the use of OTP funds for administrative costs.	TBL for FY 07-08 removed the restriction on administrative costs, but provides ADP authority to limit administrative costs.

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ADP monitors the amount of administrative expenditures to ensure that the majority of funds are spent on direct services.	No change.	ADP required a limitation on the expenditure of funds for services other than direct treatment costs, as a condition of receipt of program funds.	ADP may require a limitation on the expenditure of funds for services other than direct treatment costs, as a condition of receipt of program funds.
County Eligibility for Funds			
<p>Counties must submit an annual plan for ADP approval. Plans must have the following elements:</p> <ul style="list-style-type: none"> a. Board of Supervisor's resolution. b. collaboration with treatment, law enforcement and courts. c. narrative on program services. d. program capacity. e. assessment protocol. f. projected expenditures. g. quality assurance. <p>Counties must submit updates to county plan whenever a shift of 10% or more between entities or services occurs.</p>	No change.	<p>County eligibility for OTP funds is determined by ADP including:</p> <ul style="list-style-type: none"> a. dedicated court calendars. b. establishment of a drug court. c. protocols for drug testing. d. protocols for assessment. 	<p>County eligibility for OTP funds is determined by ADP including:</p> <ul style="list-style-type: none"> a. dedicated court calendars. b. establishment of a drug court. c. protocols for drug testing. d. protocols for assessment. e. protocols for supervision of offenders on probation. f. protocols for services to eligible parolees.
County Audits			
ADP shall annually audit county expenditures of funds distributed pursuant to this division. Expenditures not made in accordance with this division shall be repaid to the state.	ADP shall conduct periodic audits of the expenditures made by any county that is funded by SACPA.	ADP may audit county expenditures of funds distributed pursuant to this division. Expenditures not made in accordance with this division shall be repaid to the state.	No change.

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Implementation and Reporting			
SACPA statute remains intact.	Pending the resolution of the lawsuit.	For FY 06-07, ADP may implement OTP by all county letters or similar instructions.	For FY 07-08, ADP may implement OTP by all county lead agency letters or similar instructions.
SACPA regulations remain intact.	Pending the resolution of the lawsuit.	Commencing with FY 07-08, ADP may implement OTP by emergency regulations.	Commencing with FY 08-09, ADP may implement OTP by emergency regulations.
<p>Requires an evaluation study. Also requires an annual report from ADP.</p> <p>Counties must complete reporting requirements; Annual Financial Status Report, Expenditure Status Report, and Quarterly Data Report.</p>	<p>Requires two three-year evaluation studies. Also requires an annual report from ADP.</p> <p>Requires standardized reporting from treatment providers based on ADP data elements.</p>	Report during annual budget hearings on additional recommendations for improvement of programs and services, allocation and funding mechanisms, including, but not limited to, competitive approaches, performance-based allocations, and sources of data for measurement.	Report during annual budget hearings on additional recommendations for improvement of programs and services, allocation and funding mechanisms, including, but not limited to, competitive approaches, performance-based allocations, and sources of data for measurement.
Effective Date and Repeal			
SACPA sentencing provisions remain intact. The funding expired commencing with FY 2006-07.	Pending the resolution of the lawsuit.	OTP statute will become inoperative two years following the date that the program is first implemented, and will be repealed on July 1, 2009, unless a later-enacted statute (enacted before July 1, 2009), deletes or extends that date.	TBL for the FY 07-08 Governor's Budget will remove the sunset date.