

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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DATE: July 27, 2006 ACLA Letter No. 06-06

TO: All County Lead Agencies

SUBJECT: SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000 AND THE
LEGAL CHALLENGE TO SENATE BILL 1137 (SB 1137)

REFERENCE: Penal Code 1210-1210.5; 3063.1-3063.2

The purpose of this letter is to advise All County Lead Agencies (ACLA) regarding the status of the Substance Abuse and Crime Prevention Act (SACPA) of 2000 for Fiscal Year (FY) 2006-07.

The Budget Act for FY 2006-07 has been signed and includes a total of \$145 million General Fund to provide services to SACPA eligible offenders. An appropriation of \$120 million is included for the Substance Abuse Treatment Trust Fund, and an ACLA letter will provide final allocations in the next few weeks. In addition, the Budget Act and trailer bill established the Substance Abuse Offender Treatment Program (OTP) that provides \$25 million for eligible counties for improving SACPA outcomes. The Department of Alcohol and Drug Programs (ADP) is currently planning the implementation of OTP and disbursement of the additional \$25 million. A subsequent ACLA letter will be released with the details of OTP implementation.

SB 1137, previously known as SB 803, provides for various reforms designed to improve SACPA. SB 1137 was signed by the Governor July 12, 2006 and then challenged in court in Alameda County. The court issued a Temporary Restraining Order (TRO), restraining implementation of SB 1137. The Attorney General has since issued an advisory to District Attorneys and Sheriffs across the state, sharing the Attorney General's view that all District Attorneys and Sheriffs are restrained by the court order from implementing SB 1137. ADP is also subject to the TRO.

The legal challenge to SB 1137 only affects implementation of the reforms contained in SB 1137. The appropriations for SACPA and OTP are not impacted by the pending litigation. Many more steps will occur before the courts make a final decision. County Lead Agencies should continue to operate the SACPA program pursuant to the statute in effect prior to SB 1137 being chaptered.



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If you have questions, contact your SACPA county liaison or the Office of Criminal Justice Collaboration at (916) 445-7456 or SACPA@adp.ca.gov.

Sincerely,

[Original Signed By]

MILLICENT GOMES
Deputy Director
Office of Criminal Justice Collaboration