

**TESTIMONY
SB 2373 – HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE DEKREY, CHAIRMAN
MARCH 9, 2005**

Chairman DeKrey, members of the House Judiciary Committee, I am JoAnne Hoesel, Director of the Division of Mental Health & Substance Abuse for the Department of Human Services. I am here today to provide information relating to Senate Bill 2373 regarding to the commitment of individuals addicted to methamphetamine or other controlled substances.

The Department's understanding of the intent of this bill is three-fold:

- 1) Target commitment procedures of individuals addicted to methamphetamine or other controlled substances,
- 2) Increase treatment options for those individuals committed,
- 3) Apply a felony offense if the individual willfully violates conditions of their court order.

I would like to address the commitment, treatment, and criminal offense issues in the bill.

First, in consultation with the Department's legal division, it is felt that the current wording of the bill will supersede the existing commitment law regarding who may petition for involuntary treatment, contained in North Dakota Century Code section 25-03.1-08. The result is a narrowing of who can petition the court for individuals addicted to methamphetamine and other controlled substances as it will eliminate the ability of mental health professionals to petition for an involuntary commitment. We recommend an amendment in line 9 adding: “. . . in addition to the provisions of section 25-03.1-08”.

Second, the Department of Human Services needs to acknowledge that the dollars for this treatment program at the North Dakota State Hospital are not in the executive budget and can only support the bill if properly funded.

Third, the Department feels it is critical to allow individuals subject to this statute to access treatment at the appropriate level of care. It is recommended that subsection three be amended to read, “the court may commit the individual to a clinically managed residential substance abuse treatment program for treatment and rehabilitation at the state hospital or any other treatment program provided in North Dakota Century Code chapter 25-03.1.” This allows the court to commit an individual pursuant to the level of treatment needed and recommended through evaluation.

Finally, the Department of Human Services recommends subsection four be deleted. The current commitment law contains provisions available to the court to keep an individual in treatment. Public opinion has been slow to move away from the view that addiction is a moral or criminal issue. Placing the possibility of a felony charge risks a return to those beliefs and may keep families & individuals from seeking help. The commitment law is in place to access treatment for individuals severely impacted by their addiction. Placing a felony charge will only make ongoing recovery more difficult by removing housing options and employment options.

I’ve attached an [amendment](#) that incorporates the Department’s suggested changes.

Thank you for your consideration of these suggestions.