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FACT SHEET

## **MANDATORY TREATMENT MORE EFFECTIVE THAN INCARCERATION**

***S.B. 1909 WILL PROVIDE SMART, TAILORED TREATMENT FOR NON-DANGEROUS DRUG-POSSESSION OFFENDERS***

**S.B. 1909 IS AN EFFECTIVE CORRECTIONS POLICY THAT CAN SAVE MONEY, REHABILITATE SUBSTANCE ABUSERS, AND ALLEVIATE OVERCROWDING.**

- **S.B. 1909 provides tools for judges to address offenders' substance abuse treatment needs.** Judges would be able to issue mandatory treatment for offenders who need it but who would otherwise elect to serve hard time for cost, convenience, or other issues. Judicial options for treatment in probation would be expanded to include both in- and out-patient programs for the most severe addicts, as well as other initiatives for less severe cases, thus allowing them to tailor services to the individual to efficiently expend resources and maximize outcomes. Judicial discretion would be preserved by allowing judges to end treatment upon ineffectiveness or danger to the public.
- **S.B. 1909 would not force courts to grant probation to drug dealers, violent felons, or even property offenders. The bill exclusively mandates treatment for individuals who have been convicted solely of drug possession.** The bill would give judges the authority to make the determination at the time of conviction whether a defendant would constitute a danger to the safety of others, and to deny probation in that case. Thus, drug dealers who plead down to possession charges could still be found by the judge to constitute a safety risk and denied probation; this mechanism could be applied to violent, sex, or property offenders as well. Concurrent convictions with the drug possession offense would also disqualify the defendant for probation.
- **S.B. 1909 allows offenders to apply for non-disclosure of their record once they successfully complete treatment.** This allows for offenders who have reformed their behavior to avoid the stigma and restrictions of having a criminal record. However, because offenders' records would still be available to law enforcement officials and prosecutors, there would be no harm to public safety.
- **S.B. 1909 allows judges to utilize progressive sanctions for probationers.** These sanctions would provide probationers more direct and informative feedback without unnecessarily revoking non-dangerous offenders, and they would include stronger forms of treatment, intermediate sanctions, and more restrictive conditions. Additional intermediate sanctions would include Intermediate Sanctions Facilities (ISF) and more intensive treatment, probation terms, and supervision.

***Passing S.B. 1909 is an important step in targeting the root causes of criminal drug behavior instead of merely containing the offenders who are subjected to that cause.***