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**TESTIMONY ON 21 – H 6025,
AN ACT RELATING TO DISTRICT COURT
May 25, 2021**

This bill would create a “mental health treatment calendar” in district court to establish an alternative sentencing method for individuals with severe and persistent mental illness. The ACLU strongly supports this bill’s concept. The ACI serves too often as the destination and warehouse for too many individuals suffering from SPMI, and whose condition only worsens with incarceration. This bill’s proposal to divert such individuals from that system is therefore to be highly commended.

At the same time, we note that the legislation provides meager details on how this court will be implemented. Other than setting some specific standards on which defendants will qualify to participate in the program, the bill leaves many other basic questions unanswered.

A few of those questions include the following:

- Will criminal defendants be allowed to opt out of participating in the court if they so choose?
- Will the punishment for a person with SPMI who fails to comply with court orders – a not uncommon expectation in light of their illness – be imprisonment, thus only furthering the problem the court is designed to address?
- Will the public defender’s office be given the necessary resources to represent these defendants with their special needs?
- Is the bill tied in to funding in the budget for the mental health services that will be needed to help these individuals?
- Will a court be able to retain jurisdiction over a defendant in this program longer than would otherwise be allowable for the misdemeanor offense they are charged with violating?

We realize that many issues regarding the court’s operation will, and should, be decided at the judicial level during the program’s implementation. However, the basic issues enumerated above, and others like them, are ones that the ACLU believes should be determined legislatively in the first instance in setting up the court.

We therefore urge the committee to consider these and related questions before approving legislation to set up a mental health treatment court and promoting this worthwhile endeavor.

Thank you for considering our views.