



Proposed SB 90: Behavioral Health Conditional Dismissal Program Extension

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SB 90: Brief Overview

SB 90 provides an alternative to incarceration by allowing eligible defendants to receive treatment for substance use and/or behavioral health disorder.

The program's goal is to divert low level defendants charged with certain **non-violent, non-sexual misdemeanors** and **Class D felonies** away from jail and into treatment for substance-use disorder(s) and/or mental-health issues.

SB 90: Brief Overview

If the defendant is determined to be eligible for the Behavioral Health Conditional Dismissal Program (BHCDP), the prosecutor can enter into an agreement with the defendant to participate.

The program provides an array of services such as outpatient or inpatient treatment, cognitive and behavioral therapies, education, vocational services, and housing assistance provided by approved treatment providers and in partnership with Kentucky Adult Education.

BHCDP is funded as follows:

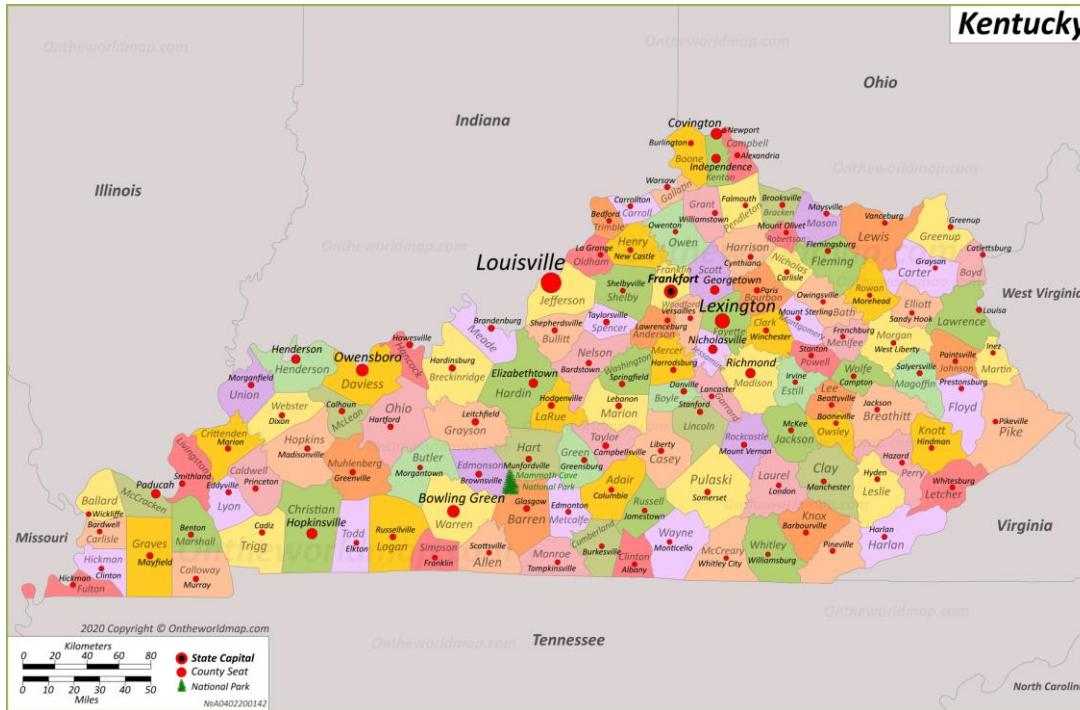
- Defendant's current health insurance (including Medicaid); or
- If uninsured, the Opioid Abatement Trust Fund - administered by the Department for Behavioral Health, Developmental and Intellectual Disabilities (BHDID).

Eligibility Criteria

- Must be at least 18 years of age, Kentucky resident, and
- Charged with a qualifying offense. (*Exclusions: violent offender, sex offense, DUI, domestic violence, or protective orders against victim*).
- Who does not have a previous conviction for Class A, B, or C felony, or a Class D felony or misdemeanor that is not a qualifying offense; and
- Assessed by Pretrial Services as low-risk for failure to appear, low-risk for new criminal activity.
- Clinical assessment determines defendant has a substance use and or mental health disorder.

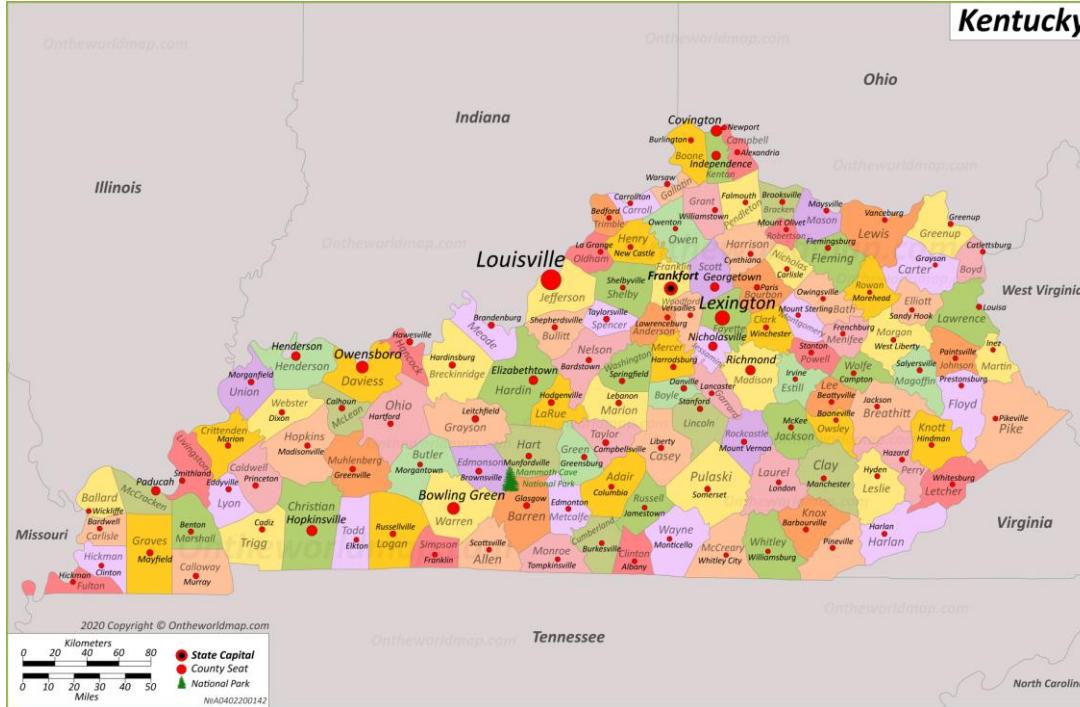
or
- Attorney for the Commonwealth or defendant's attorney identifies them as a viable participant in the program.

Locations



- Letcher
- McCracken
- Madison
- Greenup
- Clark
- Pulaski
- Christian
- Hopkins
- Oldham
- Daviess

Expansion Counties



- Lewis
- Henry
- Johnson
- Warren
- Wayne
- Russell
- Pike
- Powell

Funding

- Treatment services will be funded through the defendant's current health insurance (including Medicaid)
- Department of Medicaid Services and provider may assist eligible participants in obtaining Medicaid services
- If uninsured, providers may access the Behavioral Health Conditional Dismissal Program Trust Fund administered by BHDID.
- Trust funded by appropriations, grants, opioid settlement funds, philanthropic efforts, and any other contributions by public agencies or entities
- \$10,500,000 is appropriated each fiscal year from the Opioid Abatement Trust Fund
 - Under proposed SB 90 no new funding appropriation is necessary



Current Data

Annual Reports

**2024
ANNUAL
REPORT**

Senate Bill 90: Behavioral Health
Conditional Dismissal Program

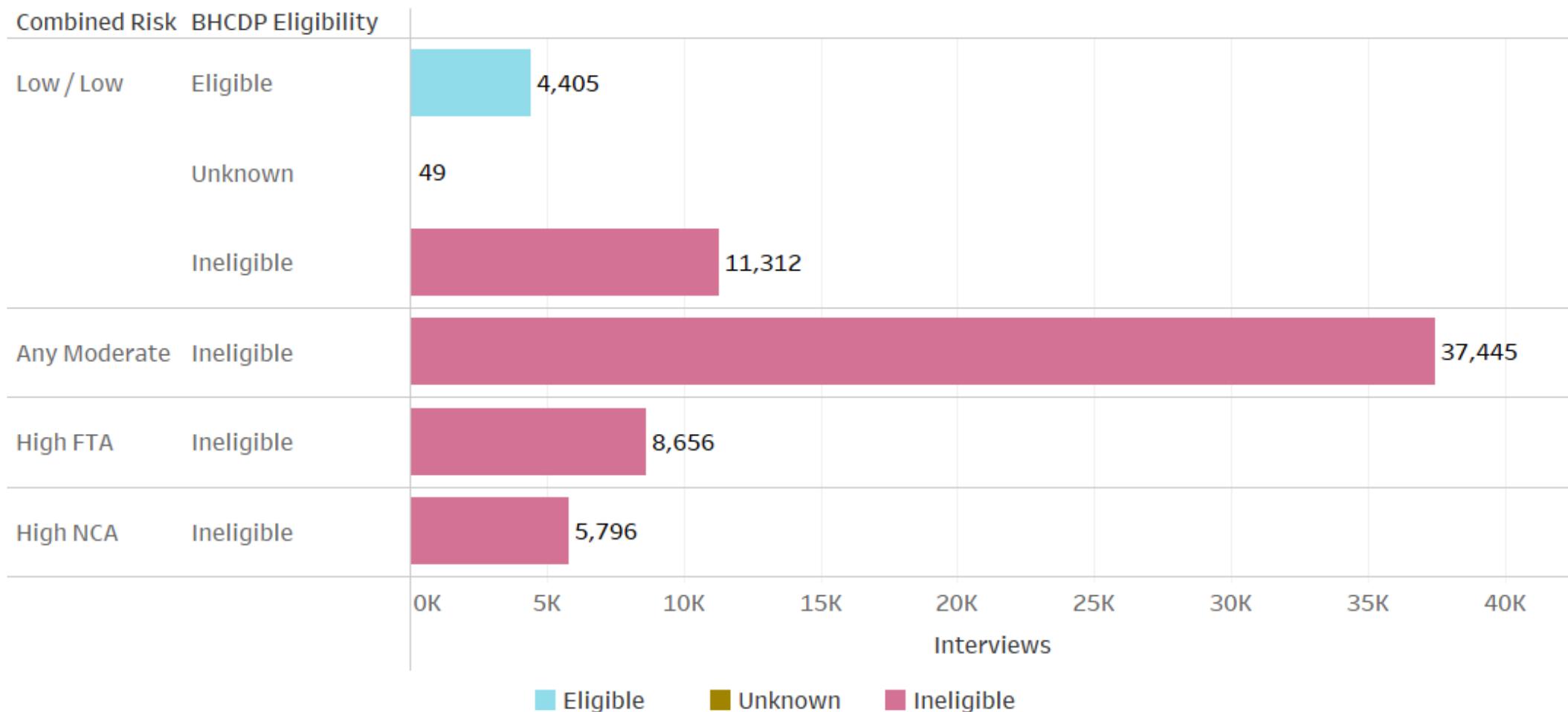


The seal of the Commonwealth of Kentucky, featuring a central shield with a plow, a sheaf of wheat, and a cotton plant, surrounded by a circular border with the text "THE COMMONWEALTH OF KENTUCKY" and "1792".

Administrative Office of the Courts
Pretrial Services

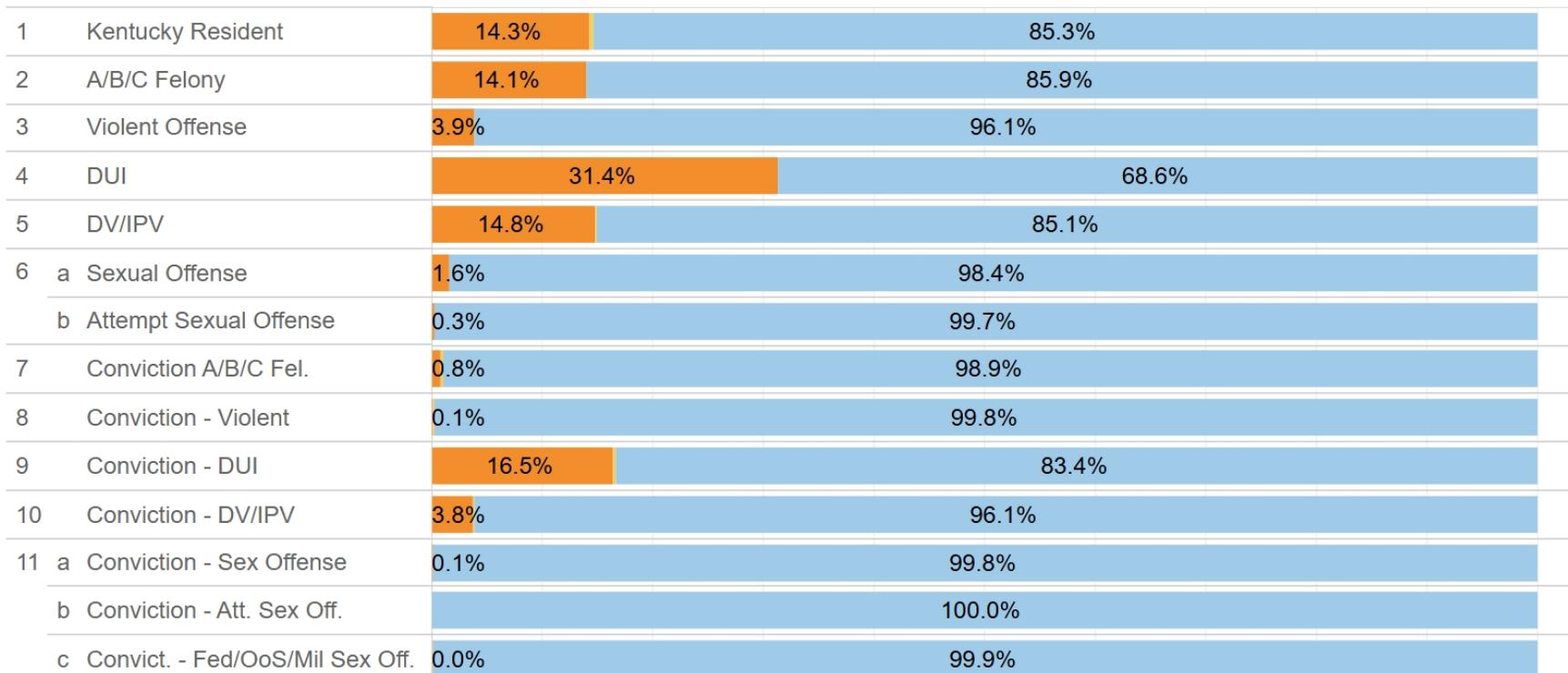
Eligibility for Program

Interviews Receiving BHCDP Eligibility Assessment 1/1/2023 - 9/30/25



Low/Low Eligible/Excluded

Interviews Assessed PSA Low/Low Receiving BHCDP Eligibility Assessment 1/1/2023 - 12/31/2025



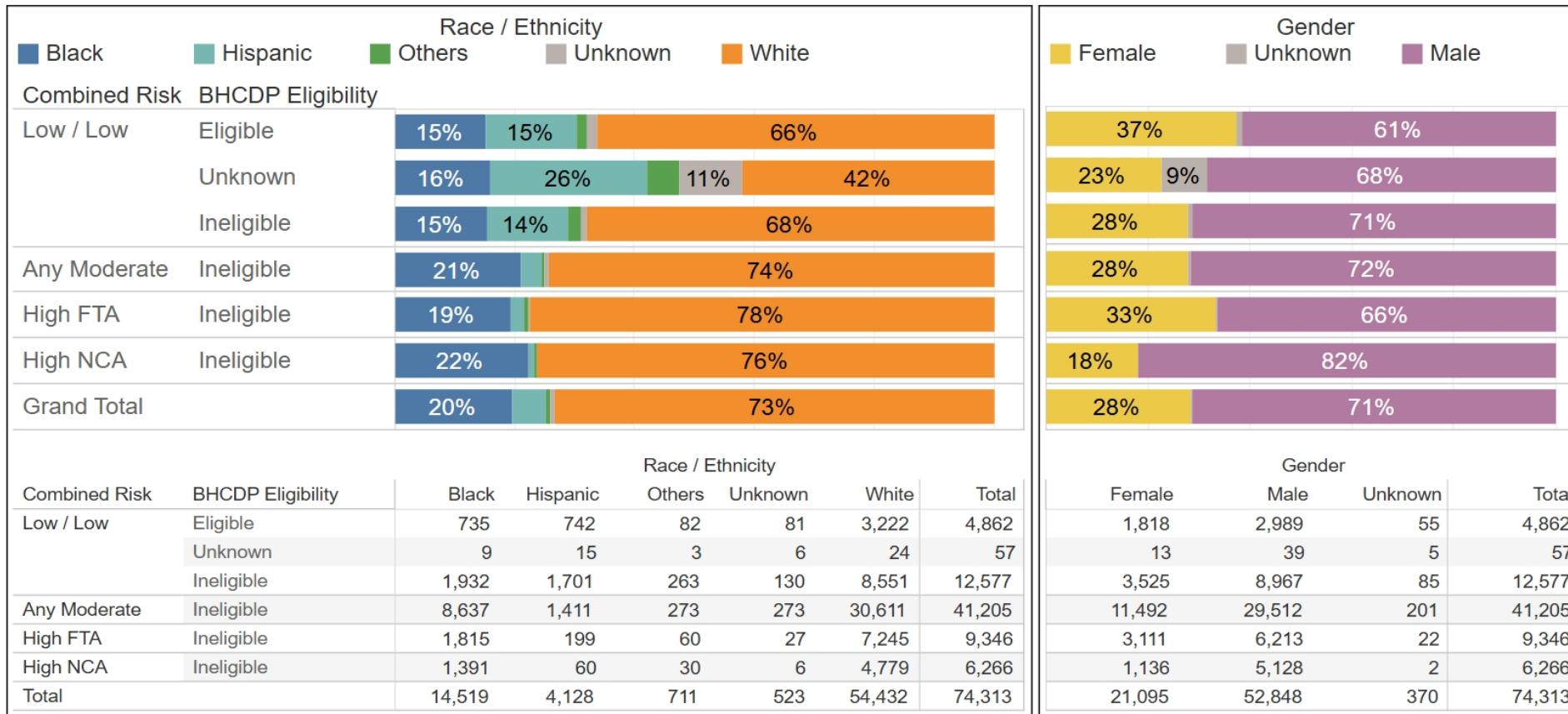
Orange: Ineligible Response

Yellow: Unknown

Blue: Eligible Response

Demographic Information

Interviews Receiving BHCDP Eligibility Assessment 1/1/2023 - 12/31/2025



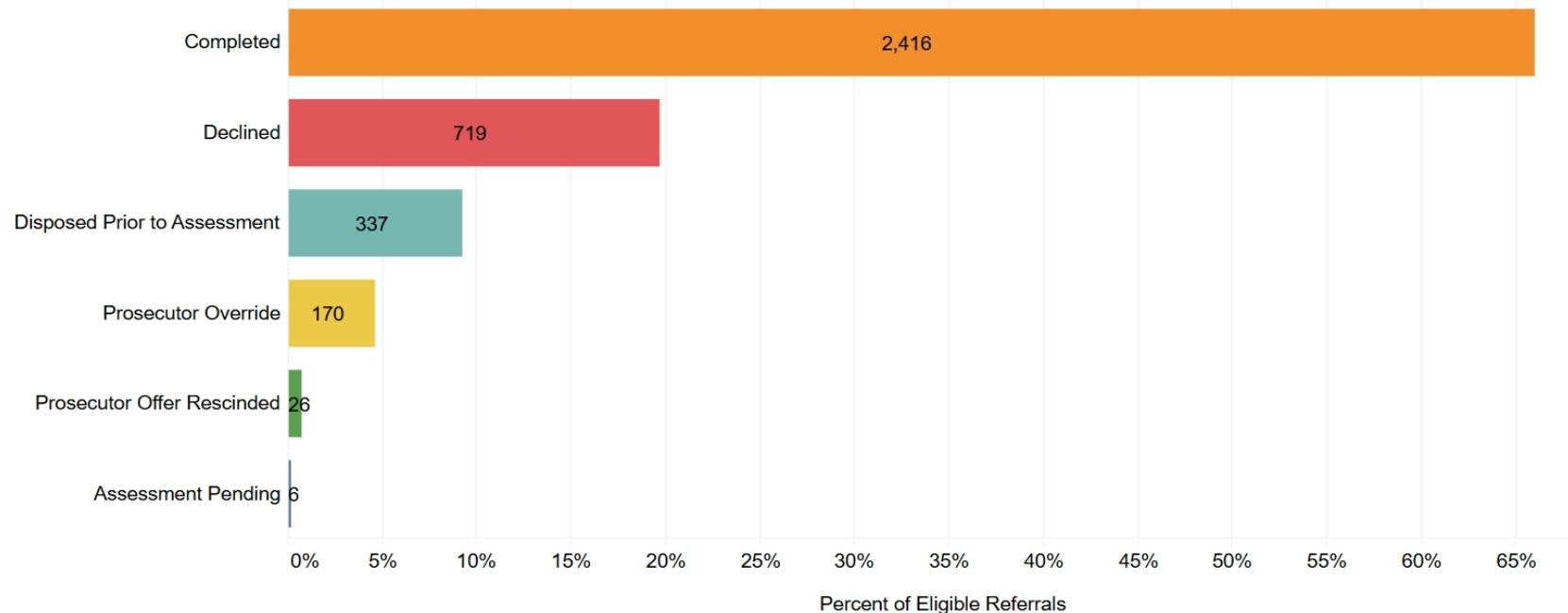
Completion Rates of Clinical Assessments

BHCDP Clinical Assessment Completion Rates
Referred 1/1/23 - 12/31/25

Completed
Declined

Disposed Prior to Assessment
Prosecutor Override

Prosecutor Offer Rescinded
Assessment Pending

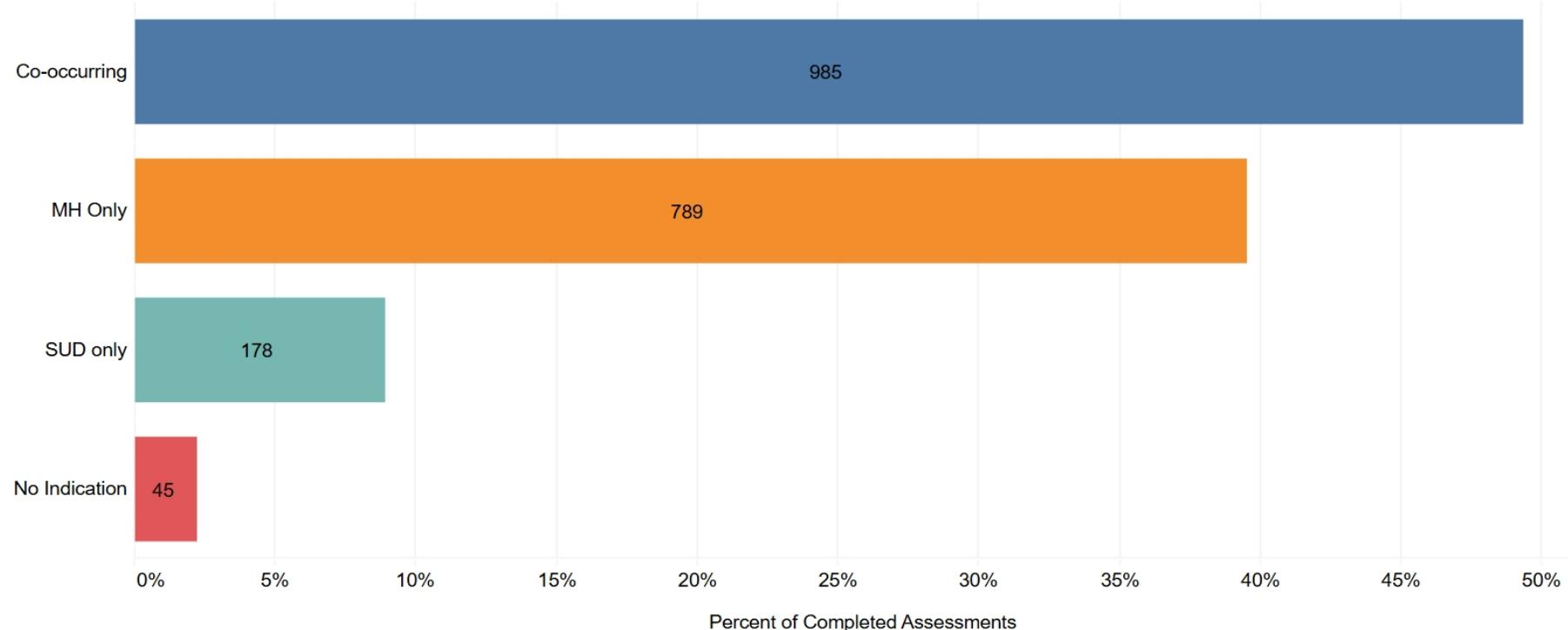


***Eligible referrals include those in which an individual has been referred to BHCDP by either Pretrial Services or the Prosecutor and the Case Navigator has been able to make contact with the individual to offer the program.**

Clinical Assessment Results

BHCDP Clinical Assessment Results
Assessed 1/1/23 - 12/31/25

■ Co-occurring ■ MH Only ■ SUD Only ■ No Indication



Excludes those assessments which have been completed, but for which Pretrial has not yet received results.

Statewide Numbers

Statewide BHCDP Referrals, Completed Assessments, and Signed Agreements by Year
Referred 1/1/2023 - 12/31/25

Year of Referral Date		Referred to Program	Completed Assessment	Signed Agreement
2023	Referrals	958	384	315
	Cases	956	382	314
	People	878	329	264
2024	Referrals	1,987	1,002	688
	Cases	1,987	1,001	687
	People	1,779	858	589
2025	Referrals	2,335	1,036	730
	Cases	2,330	1,030	727
	People	2,136	912	634
Grand Total	Referrals	5,280	2,422	1,733
	Cases	5,261	2,401	1,717
	People	4,662	2,026	1,439

***This table displays distinct counts of Referrals, Cases, and People. One person can have multiple cases and multiple referrals. One referral can only be tied to one person, but it can contain multiple cases. One case can only be tied to one person, but a case can be referred more than one time. ***

Completion Status

Statewide BHCDP Program Completion Status by Referral Year

Referred 1/1/2023 - 12/31/25

Year of Referral Date		Participant Deceased	Unsuccessful	Successfully Completed	Treatment In Progress	Grand Total
2023	Referrals	1	75	202	37	315
	Cases	1	76	202	37	314
	People	1	64	173	34	264
2024	Referrals	2	167	344	175	688
	Cases	2	167	345	175	687
	People	2	137	313	151	589
2025	Referrals		94	99	537	730
	Cases		94	99	534	727
	People		84	94	464	634
Grand Total	Referrals	3	336	645	749	1,733
	Cases	3	336	646	745	1,717
	People	3	282	568	637	1,439

***This table displays distinct counts of Referrals, Cases, and People. One person can have multiple cases and multiple referrals. One referral can only be tied to one person, but it can contain multiple cases. One case can only be tied to one person, but a case can be referred more than one time. ***

Extension Request

- Data on outcomes
- Cost analysis benefits
- No additional funds necessary
- Expansion throughout Commonwealth



Questions?

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