



October 6, 2025

**SUBMISSION OF KATHLEEN M. SWEET, ESQ.
PRESIDENT OF THE NEW YORK STATE BAR ASSOCIATION
ON THE TREATMENT COURT EXPANSION ACT (S.4547)**

Chair Fernandez and Honorable Members of the Senate Standing Committee on Alcoholism and Substance Use Disorders:

Please accept this correspondence and the accompanying report as testimony to the Committee's hearing on the Treatment Court Expansion Act (TCEA). For the reasons detailed in the New York State Bar Association's 2023 Report by the Task Force on Mental Health and Trauma Informed Representation¹, our association has supported the policies advanced in TCEA back to when the proposal was referred to as the "Treatment Not Jail Act."²

As outlined in our report, this legislation would expand judicial powers to grant diversion, offer pre-plea participation in treatment, ensure clinical and scientific individual-oriented and harm-reduction based models of treatment rather than punitive ones, embrace "procedural justice," and create diversion courts in every county in New York State. TCEA advances important reforms to our judicial system; expanding and guiding judicial discretion to divert a person with a mental health condition, substance use disorder, or other cognitive or intellectual disability from incarceration to treatment. These legislative changes would ensure mental health courts are available for any charged offense, provided that the individual's "functional impairment" contributed to their pending charges. Importantly, TCEA would also require the presiding judge to engage in a public safety analysis based on clinical evaluation of potential participants and reflecting on the current case to determine whether a treatment mandate is in both the public and individual's best interests.

For all these reasons the New York State Bar Association strongly supports the Treatment Court Expansion Act and commends the Senate for making it a priority to hold a hearing regarding judicial diversion programs.

If you have any questions, please contact me or NYSBA's Director of Government Relations Matthew Pennello, who can be reached at mpennello@nysba.org, 518-487-5748.

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¹ *Report and recommendations of Task Force on Mental Health and Trauma Informed Representation*

Approved by the NYSBA House of Delegates on June 10, 2023, pg. 82, at <https://nysba.org/wp-content/uploads/2023/06/final-report-Task-Force-on-Mental-Health-and-Trauma-Informed-Representation-June-2023.pdf>

² Current memorandum in support available here: <https://nysba.org/wp-content/uploads/2025/04/NYSBA-Support-S4547.pdf>