The Section of Criminal Justice recommends adoption of the following resolution:

**BE IT RESOLVED,** That the American Bar Association reaffirms its support for the Uniform Alcoholism and Intoxication Treatment Act drafted by the National Conference of Commissioners on Uniform State Laws;

**BE IT FURTHER RESOLVED,** That the ABA urges those states which have not already done so to utilize newly-available federal funding (under P.L. 93-282) to implement the provisions of this Uniform Act;

**BE IT FURTHER RESOLVED,** That the ABA generally reaffirms its support for the principle of decriminalization of alcoholism; and

**BE IT FURTHER RESOLVED,** That the President of the ABA or his designee be authorized to contact every state governor, legislature, and state bar association, and logical ABA-affiliated groups, to express Association support for the above-named Uniform Act, and to request their support in its implementation.
Background: The Uniform Act

The American Bar Association in 1971 formally approved the Alcoholism and Intoxication Treatment Act drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL). The Act was a significant breakthrough, establishing the principle that alcoholism is an affliction which should be disassociated from criminality. The purpose of the Act is that "alcoholics and intoxicated persons may not be criminal prosecutions because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order to lead normal lives as productive members of society." 1/

The Act would preclude the handling of drunkenness under offense statutes such as vagrancy and loitering. The proposed also would forbid county, city or other local regulations which taxation an element in offenses punishable by criminal or civil penalties. The Uniform Act allows two exceptions to the policy of not treating a criminal offense--first, laws prohibiting drunken driving and those restricting the sale and use of alcoholic beverages to certain places--both of which would not be repealed under the Uniform Act.

The purposes of the Uniform Act, as set forth by the ABA, are: First, to rehabilitate victims of alcoholism using modern and constructive punishments; second, to help the families of alcoholics; third, to alert users and potential users to the dangers of alcohol; fourth, to coordinate all efforts to fight alcoholism at the state and national level; and, sixth, to ensure that victims of alcohol abuse are treated on a voluntary basis whenever possible, and committed for treatment under legal protection for the patient. 2/

ABA Involvement and Implementation by the States:

The American Bar Association's Criminal Justice Section with the NCCUSL in its drafting of the Uniform Alcoholism and Intoxication Treatment Act. Since ABA approval was given in 1971, the Section on Alcoholism, attempted to work with NCCUSL towards implementation of the Uniform Act by the states. Adoption by the states, however, has been going slowly. Some 12 states, according to the NCCUSL, have adopted the Uniform Act. 3/

1. Uniform Alcoholism & Intoxication Treatment Act, § 1 [Decl 1971]
2. From series of papers on Uniform Alcoholism & Intoxication, Allan D. Vestal, professor of law, University of Iowa College of Law
3. The states include Alaska, Colorado, Georgia, Illinois, Minnesota, New Jersey, South Dakota, Washington State and Wisconsin; however, have adopted the Act with variations in some
Additionally, some 22 states are reported by NOCSLE to have decriminalized public intoxication.4/

Federal funding has recently become available, however, to spur additional states to adopt the Uniform Act. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974 (P.L. 93-282), passed by the 93rd Congress, provides the states with $80 million over fiscal years 1975 and 1976 to operate community-based programs for alcoholism treatment, and to develop methods for diverting problem drinkers from the criminal justice system into prevention and treatment programs. Provision is made for special grants to assist the states in adopting the Uniform Alcoholism and Intoxication Treatment Act and in implementing its provisions, thus serving as an incentive to the states to take action in this important area.

Unfortunately, many states still seem unaware that such federal funding assistance is available. The purpose of this resolution is to urge the American Bar Association to follow through on its previous support for this Uniform Act by ensuring its full implementation by the states. The bar has a key role to play in this critical area.

Pursuant to its previous involvement in the drafting and implementation of the Uniform Act, the Criminal Justice Section's Committee on Alcoholism and Drug Abuse presented a resolution urging reaffirmation of ABA support for the Act to the Section's Council at its October 26-27, 1974 meeting in Charleston, S. C. The Council unanimously approved the report.

In summary, the House of Delegates is urged to reaffirm its past support for the Uniform Alcoholism and Intoxication Treatment Act; to thereby reiterate its belief in the principle of decriminalization of alcoholism; and to help ensure the Act's implementation by the states by alerting those which have not yet taken advantage of federal funding to the availability of same.

In view of their possible interest in the subject matter of this report, copies have been sent to the Individual Rights and Responsibilities Section; Young Lawyers Section; Law Student Division; Judicial Administration Division; Special Committee on Administration of Criminal Justice; Commission on Mentally Disabled; Commission on Correctional Facilities and Services; National Conference of Commissioners on Uniform State Laws; Family Law Section; and the ABA Governmental Relations Office.

Respectfully submitted,

Ben R. Miller, Chairman

February, 1975

4. Additional states which have decriminalized public drunkenness but have not adopted the full Uniform Act include Arizona, Florida, Hawaii, Oregon, Maryland, Massachusetts, Nevada, New Mexico, North Dakota, and Rhode Island; also the District.