

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Senators Everett and Snyder**

A Bill

Call Item No.44
ACT 53 OF 1994
SENATE BILL 48

For An Act To Be Entitled

"AN ACT TO PROVIDE AUTHORITY FOR THE ESTABLISHMENT OF
PRETRIAL OR POSTTRIAL TREATMENT, INTERVENTION AND
DIVERSION PROGRAMS; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE AUTHORITY FOR THE
ESTABLISHMENT OF PRETRIAL OR POSTTRIAL
TREATMENT, INTERVENTION AND DIVERSION
PROGRAMS."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Any judicial district, with the agreement of the parties, may establish a program whereby a defendant may be transferred to a pretrial or posttrial treatment program for drug abuse provided:

(a) The treatment program is at least one year in length and meets the minimum standards of treatment promulgated by the Bureau of Alcohol and Drug Abuse Prevention of the Arkansas Department of Health;

(b) The charge or charges against the defendant carries a punishment which may be suspended;

(c) The defendant waived his rights to a speedy trial and such other rights as agreed to by the parties and executed a consent for limited release of confidential information regarding treatment permitting the judge, prosecutor and defense attorney access to information relating to attendance, attitude, participation and results of drug screens;

(d) The defendant is eighteen (18) years of age or older. This provision may be waived with the consent of the prosecuting attorney.

SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 4. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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/s/ Everett and Snyder

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APPROVED: 8-25-94

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