

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/17/03 H3/28/03

A Bill

HOUSE BILL 2353

5 By: Representatives Pritchard, Hathorn, Borhauer, Berry, Fite, Parks, Medley, Bledsoe, Lamoureux,
6 Blair, Bolin, Rosenbaum, Harris, Childers, Key, Hutchinson, Nichols, Thyer, Bennett, Walters,
7 Dickinson, Bright, C. Taylor, Green, *Agee, Edwards, Matayo, Judy, Lendall, Norton*
8 By: Senators Altes, Baker, G. Jeffress, Madison, Critcher, Hendren
9

For An Act To Be Entitled

12 THE ARKANSAS DRUG COURT ACT.

Subtitle

15 THE ARKANSAS DRUG COURT ACT.

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

20 *SECTION 1. This act shall be known as the "Arkansas Drug Court Act".*

22 *SECTION 2. Definitions.*

23 *For purposes of this act;*

24 *(1) "Drug court program" means an highly structured judicial*
25 *intervention process for substance abuse treatment of eligible offenders*
26 *which requires successful completion of the Drug Court Program treatment in*
27 *lieu of incarceration; and*

28 *(2) "Drug court team" means a circuit judge, a prosecuting attorney, a*
29 *defense attorney, and one (1) or more addiction counselors.*

31 *SECTION 3. Drug court programs authorized.*

32 *(a) Each judicial district of this state is authorized to establish a*
33 *drug court program under this act, which may be preadjudication or*
34 *postadjudication subject to availability of funds.*

35 *(b)(1) Drug court programs shall not be available to any defendant*
36 *having a pending violent criminal charge against them.*



1 (2) Eligible offenses may further be restricted by the rules of
2 the specific drug court program.

3 (3) Nothing in this act shall require a drug court to consider
4 or accept every offender with a treatable condition or addiction, regardless
5 of the fact that the controlling offense is eligible for consideration in the
6 program.

7 (4) Any offender who is determined not appropriate for the drug
8 court program shall be prosecuted as provided by law.

9 (c)(1) Drug court programs may require a separate judicial processing
10 system differing in practice and design from the traditional adversarial
11 criminal prosecution and trial systems.

12 (2) A drug court team shall be designated consisting of a
13 circuit judge to administer the program, a prosecuting attorney, a defense
14 attorney, and one (1) or more addiction counselors who shall have appropriate
15 understanding of the goals of the program and of the appropriate treatment
16 methods for the various conditions and any other individual(s) determined
17 necessary by the drug court judge.

18 (3) The administrative judge of the judicial district or an
19 agreement of a majority of the circuit judges in the judicial district, shall
20 designate one or more judges to administer the drug court program.

21 (d) All drug court programs shall be required to keep reliable data on
22 recidivism, relapse, restarts, sanctions imposed, and incentives given.

23 (e) Each judicial district may develop a training and implementation
24 manual for drug court programs with the assistance of the Department of Human
25 Services, the Department of Education, the Department of Workforce Education,
26 the Department of Correction, the Department of Community Correction, and the
27 Administrative Office of the Courts.

28
29 SECTION 4. Cost and fees.

30 (a) The drug court judge may order the offender to pay court costs,
31 treatment costs, drug testing costs, a program user fee not to exceed twenty
32 dollars (\$20.00) per month, and necessary supervision fees including any
33 applicable residential treatment fees.

34 (b)(1) The drug court judge shall establish a schedule
35 for the payment of costs and fees.

36 (2) The cost for treatment, drug testing, and supervision shall

1 be set by the treatment and supervision providers respectively and made part
2 of the drug court judge's order for payment.

3 (3) User fees shall be set by the drug court judge within the
4 maximum amount authorized by this subsection and payable directly to the
5 court clerk for the benefit and administration of the drug court program.

6 (4) Treatment, drug testing, and supervision costs shall be paid
7 to the respective providers.

8 (5) The court clerk or the drug court judge's designee shall
9 collect all other costs and fees ordered.

10 (6)(A) The remaining user fees shall be remitted to the
11 Treasurer of State by the court clerk for deposit in the MAGNUM Drug Court
12 Fund which is a special revenue fund created and established on the books of
13 the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the
14 State.

15 (B) The MAGNUM Drug Court Fund shall consist of user fees
16 and any other moneys provided by law.

17 (7) Court orders for costs and fees shall remain an obligation
18 of the offender with court monitoring until fully paid.

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20 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly of the State of Arkansas that there is serious overcrowding
22 in Department of Correction facilities; that the overcrowding is likely to
23 worsen if alternative sentencing measures are not enacted; and that this act
24 is immediately necessary because it is designed to establish a procedure to
25 help alleviate the overcrowding by offering sentencing alternates to person
26 charged with certain drug offenses and should be given immediate effect.
27 Therefore, an emergency is declared to exist and this act being necessary for
28 the preservation of the public peace, health, and safety shall become
29 effective on July 1, 2003.

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31 /s/ Pritchard, et al
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