

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2353
"THE ARKANSAS DRUG COURT ACT."

Amendment No. 2 to House Bill No. 2353.

Amend House Bill No. 2353 as engrossed, 3/17/03:

Add Representatives Agee, Edwards, Matayo, Judy, Lendall and Norton as cosponsors of the bill

AND

Delete everything after the enacting clause and substitute:

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

SECTION 2. Definitions.

For purposes of this act;

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

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

SECTION 3. Drug court programs authorized.

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

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

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

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

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

(c)(1) Drug court programs may require a separate judicial processing system differing in practice and design from the traditional adversarial



criminal prosecution and trial systems.

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

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

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

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

SECTION 4. Cost and fees.

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

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

(2) The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the drug court judge's order for payment.

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

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

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

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

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

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

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there is serious overcrowding in Department of Correction facilities; that the overcrowding is likely to worsen if alternative sentencing measures are not enacted; and that this act is immediately necessary because it is designed to establish a procedure to help alleviate the overcrowding by offering sentencing alternates to person charged with certain drug offenses and should be given immediate effect.

Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003."

The Amendment was read _____
By: Representative Pritchard
PBB/RCK - 032720030919
RCK818

Chief Clerk