

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 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1076

4
5 By: Representative Trammell
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR LONG-TERM METHAMPHETAMINE-CRACK
10 COCAINE TREATMENT PROGRAMS TO TREAT CRIMINAL
11 DEFENDANTS WHO ARE ADDICTED OR IN DANGER OF BEING
12 ADDICTED TO METHAMPHETAMINE OR CRACK COCAINE; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15 AN ACT TO PROVIDE FOR LONG-TERM
16 METHAMPHETAMINE-CRACK COCAINE TREATMENT
17 PROGRAMS TO TREAT CRIMINAL DEFENDANTS
18 WHO ARE ADDICTED OR IN DANGER OF BEING
19 ADDICTED TO METHAMPHETAMINE OR CRACK
20 COCAINE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. This act shall be known and may be cited as "The Long-Term
27 Methamphetamine-Crack Cocaine Treatment Act."
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29 SECTION 2. For the purpose of this act:

30 (1) "Administrator" means the administrator of a methamphetamine-crack
31 cocaine treatment program;

32 (2) "Bureau" means the Bureau of Alcohol and Drug Abuse Prevention of
33 the Department of Health;

34 (3) "Methamphetamine-crack cocaine treatment program" means a drug
35 treatment and rehabilitation services program that has received a grant or
36 contract from the bureau to provide services to offenders in criminal

1 prosecutions who are addicted or in danger of being addicted to
2 methamphetamine or crack cocaine, and who are placed on probation and ordered
3 to submit to treatment pursuant to this act; and

4 (4) "Offender" means a person who is a defendant in a criminal
5 prosecution.

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7 SECTION 3. (a)(1) There is established on the books of the Treasurer
8 of State, the Auditor of State, and the Chief Fiscal Officer of the State, a
9 fund to be known as the "Methamphetamine-Crack Cocaine Treatment Program
10 Fund."

11 (2) The fund shall consist of any federal funds which may become
12 available, gifts, and any other funds made available by the General Assembly.

13 (3) The fund shall be used by the Bureau of Alcohol and Drug
14 Abuse Prevention of the Department of Health to reimburse methamphetamine-
15 crack cocaine treatment programs for the cost or a portion of the cost of the
16 treatment of offenders ordered to participate in the treatment program as a
17 condition of probation.

18 (b) The bureau's duty to provide reimbursement for the treatment of
19 offenders under this act shall be limited to the funds available in the
20 Methamphetamine-Crack Cocaine Treatment Program Fund.

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22 SECTION 4. (a) The bureau shall issue grants or contracts to provide
23 drug treatment and rehabilitation services to offenders who are addicted or in
24 danger of being addicted to methamphetamine or crack cocaine, and who are
25 placed on probation and ordered to submit to treatment pursuant to this act.

26 (b) The applicant for a grant or contract to provide services as a
27 methamphetamine-crack cocaine treatment program must:

28 (1) Be a community-based drug treatment program that has provided
29 services in the State of Arkansas for at least three (3) years; and

30 (2) Hold an alcohol and drug abuse treatment program license
31 under Arkansas Code 20-64-901 through 20-64-909 or hold a temporary operating
32 permit as an alcohol and drug abuse treatment program.

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34 SECTION 5. (a) The drug treatment and rehabilitation services provided
35 by a methamphetamine-crack cocaine treatment program shall be for a twenty-
36 four (24) month period as follows:

1 (1) At least the first twelve (12) months shall be residential
2 treatment and during at least the first six (6) months the offender shall be
3 confined to the treatment facility;

4 (2) During the second twelve (12) month period the treatment may
5 be either residential treatment or outpatient treatment, as determined to be
6 appropriate by the administrator of the methamphetamine-crack cocaine
7 treatment program; and

8 (3) An offender who has been released to a less restrictive level
9 of care may be returned to a more restrictive level, if determined to be
10 appropriate by the administrator of the methamphetamine-crack cocaine
11 treatment program.

12 (b) An offender ordered to participate in a methamphetamine-crack
13 cocaine treatment program pursuant to this act shall:

14 (1) Pay for a portion of the cost of treatment based on the
15 offender's financial ability to pay;

16 (2) Seek employment unless he or she is confined to the treatment
17 facility; and

18 (3) Submit to random drug testing.

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20 SECTION 6. A court may order an offender to participate in a
21 methamphetamine-crack cocaine treatment program as a condition of probation
22 if:

23 (1) The offender requests to participate in the methamphetamine-
24 crack cocaine treatment program as a condition of probation;

25 (2) The offender agrees to the release of confidential
26 information regarding treatment in order to permit the court, the probation
27 officer, the prosecutor, and the defense attorney to have access to
28 information relating to the offender's attendance, attitude, participation,
29 and results of drug screens;

30 (3) The court determines that the offender's use or dependence on
31 the drug methamphetamine or crack cocaine was a factor leading to the criminal
32 activity with which the offender is charged, and rehabilitation through
33 treatment would substantially reduce the likelihood of additional criminal
34 activity; and

35 (4) The administrator of the methamphetamine-crack cocaine
36 treatment program determines that:

1 (A) The treatment offered by the methamphetamine-crack
2 cocaine treatment program is appropriate for the offender;

3 (B) Appropriate housing and services are available through
4 the methamphetamine-crack cocaine treatment program; and

5 (C) Sufficient funding has been made available to the
6 methamphetamine-crack cocaine treatment program through the bureau from the
7 Methamphetamine-Crack Cocaine Treatment Program Fund.

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9 SECTION 7. (a) The administrator of the methamphetamine-crack cocaine
10 treatment program shall report to the probation officer who has the duty to
11 control and supervise the offender.

12 (b) Reports shall be made:

13 (1) At any periodic reporting period the court requires;

14 (2) When the offender's level of care is changed:

15 (A) From residential confinement to residential treatment
16 with the privilege of leaving the facility;

17 (B) From residential treatment to outpatient treatment, or

18 (C) To a more restrictive level of treatment;

19 (3) When the administrator determines that the offender has
20 committed a substantial or serious violation of the requirements and
21 conditions of his or her treatment; and

22 (4) When the offender completes the treatment program.

23 (c) When the administrator files a report under subdivision (b)(3) of
24 this section the administrator shall include his or her recommendation on
25 whether the offender should be removed from the program. Upon receiving the
26 report the probation officer shall immediately notify the court and the court
27 shall hold a hearing to determine whether to return the offender to the care
28 of the methamphetamine-crack cocaine treatment program or to enter an
29 adjudication of guilt and impose upon the offender a term of imprisonment.

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