

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 18

5 By: Senator B. Pritchard
6
7

For An Act To Be Entitled

9 AN ACT TO EXPAND DRUG COURT PROGRAMS; TO CREATE A
10 DIVISION OF DRUG COURT PROGRAMS WITHIN THE
11 ADMINISTRATIVE OFFICE OF THE COURTS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

15 TO EXPAND DRUG COURT PROGRAMS AND TO
16 CREATE A DIVISION OF DRUG COURT PROGRAMS
17 WITHIN THE ADMINISTRATIVE OFFICE OF THE
18 COURTS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 16-98-302 is amended to read as follows:
24 16-98-302. Definitions Purpose and intent.

25 ~~For purposes of this subchapter:~~

26 ~~(1) "Drug court program" means a highly structured judicial~~
27 ~~intervention process for substance abuse treatment of eligible offenders~~
28 ~~which requires successful completion of the drug court program treatment in~~
29 ~~lieu of incarceration; and~~

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

32 (a) There is a critical need for judicial intervention and support for
33 effective treatment programs that reduce the incidence of drug use, drug
34 addiction, and family separation due to parental substance abuse and drug-
35 related crimes. It is the intent of the General Assembly for this subchapter
36 to enhance public safety by facilitating the creation, expansion, and



1 coordination of drug court programs.

2 (b) The goals of the drug court programs in this state shall be
3 consistent with the standards adopted by the United States Department of
4 Justice and recommended by the National Association of Drug Court
5 Professionals and shall include the following key components:

6 (1) Integration of substance abuse treatment with justice system
7 case processing;

8 (2) Use of a nonadversarial approach in which prosecution and
9 defense promote public safety while protecting the right of the accused to
10 due process;

11 (3) Early identification of eligible participants and prompt
12 placement of eligible participants;

13 (4) Access to a continuum of treatment, rehabilitation, and
14 related services;

15 (5) Frequent testing for alcohol and illicit drugs;

16 (6) A coordinated strategy among the judge, prosecution,
17 defense, and treatment providers to govern offender compliance;

18 (7) Ongoing judicial interaction with each participant;

19 (8) Monitoring and evaluation of the achievement of program
20 goals and effectiveness;

21 (9) Continuing interdisciplinary education to promote effective
22 planning, implementation, and operation; and

23 (10) Development of partnerships with public agencies and
24 community-based organizations to generate local support and enhance drug
25 court effectiveness.

26 (c)(1) Drug court programs are specialized court dockets within the
27 existing structure of the Arkansas court system. Drug court programs offer
28 judicial monitoring of intensive treatment and strict supervision of addicts
29 in drug and drug-related cases.

30 (2) The creation of a drug court docket and the appointment of a
31 circuit judge to that docket shall be approved by the administrative judge in
32 each judicial circuit and made a part of the judicial circuit's
33 administrative plan required by Arkansas Supreme Court Administrative Order
34 Number 14.

35
36 SECTION 2. Arkansas Code § 16-98-303 is amended to read as follows:

1 16-98-303. Drug court programs authorized.

2 (a)(1) Each judicial district of this state is authorized to establish
3 a drug court program under this subchapter, ~~which,~~

4 (2)(A) The structure, method, and operation of each drug court
5 program may differ and should be based upon the specific needs of and
6 resources available to the judicial district where the drug court program is
7 located.

8 (B) A drug court program may be preadjudication or
9 postadjudication subject to the availability of funds.

10 (b)(1) A drug court program shall incorporate services from the
11 Department of Community Correction, the Department of Health and Human
12 Services, and the Administrative Office of the Courts.

13 (2) The Department of Community Correction shall provide:

14 (A) Positions for persons to serve as probation officers,
15 drug counselors, and administrative assistants;

16 (B) Funding for drug testing for drug court program
17 participants;

18 (C) Funding for intensive outpatient treatment for drug
19 court program participants; and

20 (D) Funding for intensive short-term and long-term
21 residential treatment for drug court program participants.

22 (3) The Department of Health and Human Services shall:

23 (A) Certify and license treatment providers and treatment
24 facilities that serve drug court program participants;

25 (B) Provide and oversee residential beds for drug court
26 programs;

27 (C) Oversee catchment area facilities for drug court
28 programs;

29 (D) Act as a liaison between the courts and drug court
30 program participants; and

31 (E) Oversee performance standards for residential and
32 long-term facilities providing services to drug court programs.

33 (4) The Administrative Office of the Courts shall:

34 (A) Provide state-level coordination and support for drug
35 court judges and their programs;

36 (B) Administer funds for the maintenance and operation of

1 local drug court programs;

2 (C) Provide training and education to drug court judges
3 and other professionals involved in drug court programs; and

4 (D) Operate as a liaison between drug court judges and
5 other state-level agencies providing services to drug court programs.

6 ~~(b)(c)~~(1) A drug court program shall not be available to any defendant
7 who:

8 (A) ~~having~~ Has a pending violent criminal charge against
9 him or her; or

10 (B) Is required to register under the Sex Offender
11 Registration Act of 1997, § 12-12-901 et seq.

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

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

18 (4) Any ~~offender~~ defendant who is ~~determined not appropriate for~~
19 ~~the~~ denied entry to a drug court program shall be prosecuted as provided by
20 law.

21 ~~(e)(d)~~(1) Drug court programs may require a separate judicial
22 processing system differing in practice and design from the traditional
23 adversarial criminal prosecution and trial systems.

24 (2) A drug court team shall be designated by a circuit judge
25 assigned to manage the drug court docket and may include ~~consisting of~~ a
26 circuit judge ~~to administer the program~~, a prosecuting attorney, a public
27 defender or private defense attorney, ~~and~~ one (1) or more addiction
28 counselors, one (1) or more probation officers, one (1) or more private
29 treatment provider representatives, who has appropriate understanding of the
30 goals of the program and of the appropriate treatment methods for the various
31 ~~conditions~~ and any other individual or individuals determined necessary by
32 the drug court judge.

33 (3) The administrative judge of the judicial district ~~or an~~
34 ~~agreement of a majority of the circuit judges in the judicial district~~ shall
35 designate one (1) or more circuit judges to administer the drug court
36 program.

1 ~~(d) All drug court programs shall be required to keep reliable data~~
2 ~~on:~~

- 3 ~~(1) Recidivism;~~
4 ~~(2) Relapses;~~
5 ~~(3) Restarts;~~
6 ~~(4) Sanctions imposed; and~~
7 ~~(5) Incentives given.~~

8 (e) Each judicial district may develop a training and implementation
9 manual for drug court programs with the assistance of the:

- 10 (1) Department of Health and Human Services;
11 (2) Department of Education;
12 (3) Department of Workforce Education;
13 (4) Department of Correction;
14 (5) Department of Community Correction; and
15 (6) Administrative Office of the Courts.

16 (f) A Division of Drug Court Programs is created within the
17 Administrative Office of the Courts. The position of Drug Court Coordinator
18 is created within the Division of Drug Court Programs and the Drug Court
19 Coordinator shall:

20 (1) Provide assistance, counsel, and advice to the Drug Court
21 Committee of the Arkansas Judicial Council;

22 (2) Serve as a coordinator between drug court judges, the
23 Department of Community Correction, the Bureau of Alcohol and Drug Abuse
24 Prevention, private treatment provider representatives, and public health
25 advocates;

26 (3) Establish, manage, and maintain a uniform statewide drug
27 court information system to track information and data on drug court program
28 participants;

29 (4) Train and educate drug court judges and drug court staff in
30 those judicial districts maintaining a drug court program;

31 (5) Provide staff assistance to the Arkansas Association of Drug
32 Court Professionals;

33 (6) Oversee the disbursement of state funds for the maintenance
34 and operation of local drug court programs based on a formula developed by
35 the Administrative Office of the Courts and approved by the Drug Court
36 Committee of the Arkansas Judicial Council; and

1 (7) Develop guidelines to serve as a framework for developing
 2 effective local drug court programs and to provide a structure for conducting
 3 research and evaluation for drug court program accountability.

4
 5 SECTION 3. Arkansas Code Title 16, Chapter 98, Subchapter 3 is amended
 6 to add additional sections to read as follows:

7 16-98-305. Required resources.

8 Each drug court program established under this subchapter shall be
 9 provided with the following resources to be paid for by state funds as funds
 10 are specifically appropriated for that purpose:

11 (1) The Department of Community Correction shall provide funding
 12 for:

13 (A) A minimum of one (1) drug counselor position for every
 14 thirty (30) drug court participants;

15 (B) A minimum of one (1) probation officer position for
 16 every sixty (60) drug court participants;

17 (C) A minimum of one (1) administrative assistant position
 18 for each drug court program;

19 (D) Drug screens and testing as needed; and

20 (E)(i) Intensive outpatient treatment and short-term and
 21 long-term inpatient treatment beds to be made available to drug court
 22 programs in each judicial district based upon a formula adopted by the Drug
 23 Court Committee of the Arkansas Judicial Council and approved by the
 24 Legislative Council.

25 (ii) Expenditures of funds allocated to each
 26 judicial district pursuant to the formula described in subdivision (1)(E)(i)
 27 of this section shall be at the direction of the drug court judge;

28 (2) The Administrative Office of the Courts shall provide
 29 funding for additional ongoing maintenance and operation costs of local drug
 30 court programs not provided by the Department of Community Correction
 31 including local drug court program supplies, education, travel, and related
 32 expenses; and

33 (3) The Auditor of State may provide for each drug court program
 34 one (1) drug court manager position to:

35 (A) Provide direct support to the drug court judge and
 36 drug court program;

1 (B) Provide coordination between the multidisciplinary
2 team and the drug court judge;

3 (C) Provide case management;

4 (D) Monitor compliance of drug court participants with
5 drug court program requirements; and

6 (E) Provide drug court program evaluation and
7 accountability.

8
9 16-98-306. Collection of data.

10 (a) A drug court program shall collect and provide data on drug court
11 applicants, drug court participants, and the entire drug court program as
12 required by the Division of Drug Court Programs within the Administrative
13 Office of the Courts.

14 (b) The information collected for evaluation purposes under subsection
15 (a) of this section shall:

16 (1) Include a minimum standard data set developed and specified
17 by the Division of Drug Court Programs; and

18 (2) Be maintained in the court files or be otherwise accessible
19 by the courts and the Division of Drug Court Programs.

20 (c)(1) As directed by the Division of Drug Court Programs after an
21 individual is discharged either upon completion or termination of a drug
22 court program, the drug court program should conduct, as much as practicable,
23 follow-up contacts with and reviews of former drug court participants for key
24 outcome indicators of drug use, recidivism, and employment.

25 (2)(A) The follow-up contacts with and reviews of former drug
26 court participants shall be conducted as frequently and for a period of time
27 determined by the Division of Drug Court Programs based upon the nature of
28 the drug court program and the nature of the participants.

29 (B) The follow-up contacts with and reviews of former drug
30 court participants are not extensions of the drug court's jurisdiction over
31 the drug court participants.

32 (d) For purposes of standardized measurement of success of drug court
33 programs across the state, the Division of Drug Court Programs in
34 consultation with other state agencies shall adopt an operational definition
35 of terms such as "recidivism" and "retention" to be used in any evaluation
36 and report of drug court programs.

1 (e) Each drug court program shall provide to the Division of Drug
2 Court Programs all information requested by the Division of Drug Court
3 Programs.

4 (f) The Division of Drug Court Programs, the Department of Community
5 Correction, the Bureau of Alcohol and Drug Abuse Prevention, and the Arkansas
6 Crime Information Center shall work together to share and make available data
7 to provide a comprehensive data management system for the state's drug court
8 programs.

9 (g) Any personally identifying information collected under this
10 section is exempt from disclosure under the Freedom of Information Act of
11 1967, § 25-19-101 et seq., regarding:

12 (1) An individual applicant to a drug court program for the
13 purpose of application to that program; and

14 (2) A participant who successfully completed a drug court
15 program.

16 (h)(1) The Administrative Office of the Courts shall develop a
17 statewide evaluation model and conduct ongoing evaluations of the
18 effectiveness and efficiency of all drug court programs.

19 (2) A report of the evaluations of the Administrative Office of
20 the Courts shall be submitted to the General Assembly by December 1 of each
21 year.

22
23
24
25
26
27
28
29
30
31
32
33
34
35
36