

***Superseded 5/12/2015***

**78A-5-201 Creation and expansion of existing drug court programs -- Definition of drug court program -- Criteria for participation in drug court programs -- Reporting requirements.**

- (1) There may be created a drug court program in any judicial district that demonstrates:
  - (a) the need for a drug court program; and
  - (b) the existence of a collaborative strategy between the court, prosecutors, defense counsel, corrections, and substance abuse treatment services to reduce substance abuse by offenders.
- (2) The collaborative strategy in each drug court program shall:
  - (a) include monitoring and evaluation components to measure program effectiveness; and
  - (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:
    - (i) executive director of the Department of Human Services;
    - (ii) executive director of the Department of Corrections; and
    - (iii) state court administrator.
- (3)
  - (a) Funds disbursed to a drug court program shall be allocated as follows:
    - (i) 87% to the Department of Human Services for testing, treatment, and case management;  
and
    - (ii) 13% to the Administrative Office of the Courts for increased judicial and court support costs.
  - (b) This provision does not apply to Federal Block Grant funds.
- (4) A drug court program shall include continuous judicial supervision using a cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment services, juvenile court probation, and the Division of Child and Family Services as appropriate to promote public safety, protect participants' due process rights, and integrate substance abuse treatment with justice system case processing.
- (5) Screening criteria for participation in a drug court program shall include:
  - (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or drug-related offense;
  - (b) an agreement to frequent alcohol and other drug testing;
  - (c) participation in one or more substance abuse treatment programs; and
  - (d) an agreement to submit to sanctions for noncompliance with drug court program requirements.