

Part 2 Drug Court

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.
- (6)
 - (a) The Judicial Council shall develop rules prescribing eligibility requirements for participation in adult criminal drug courts.
 - (b) Acceptance of an offender into a drug court shall be based on a risk and needs assessment, without regard to the nature of the offense.

Amended by Chapter 412, 2015 General Session

78A-5-202 Creation of Drug Board Pilot Project -- Definition of Drug Board Pilot Project -- Criteria for parolee participation in the Drug Board Pilot Project -- Reporting requirements.

- (1) There may be created a Drug Board Pilot Project in Davis and Weber counties that includes intensive substance abuse treatment, frequent drug testing, and other additional conditions of parole, with the expectation that the offender will be required to complete the substance abuse treatment, remain drug free, and meet all other conditions of parole.

- (2) Screening criteria for parolee participation in the Drug Board Pilot Project shall:
- (a) be determined by the Board of Pardons and Parole and the Department of Corrections; and
 - (b) include parolees who are facing an eminent return to prison due to substance abuse.

Renumbered and Amended by Chapter 3, 2008 General Session