

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 479

Short Title: Drug Treatment Court Act.

(Public)

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Sponsors: Senators Ballance, Rand, and Hartsell.

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Referred to: Judiciary II/Election Laws

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March 27, 1995

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA DRUG TREATMENT COURT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by adding a new Subchapter to read:

**"SUBCHAPTER XIV. DRUG TREATMENT COURTS.**

**"ARTICLE 62.**

**"NORTH CAROLINA DRUG TREATMENT COURT ACT.**

**"§ 7A-790. Short title.**

This Article shall be known and may be cited as the 'North Carolina Drug Treatment Court Act of 1995'.

**"§ 7A-291. Purpose.**

The General Assembly recognizes that a critical need exists in this State for criminal justice system programs that will reduce the incidence of drug use and drug addiction and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of drug treatment court pilot programs in a minimum of two judicial districts.

**"§ 7A-792. Goals.**

1       The goals of the drug treatment court programs funded under this Article include the  
2 following:

- 3           (1)    To reduce alcoholism and other drug dependencies among offenders;
- 4           (2)    To reduce recidivism;
- 5           (3)    To reduce the drug-related court workload;
- 6           (4)    To increase the personal, familial, and societal accountability of  
7               offenders; and
- 8           (5)    To promote effective interaction and use of resources among criminal  
9               justice personnel and community agencies.

10 **"§ 7A-793. Establishment of Program.**

11       The North Carolina Drug Treatment Court Program is established in the  
12 Administrative Office of the Courts to facilitate the creation of drug treatment court  
13 programs and the funding of pilot drug treatment court programs. Drug treatment court  
14 programs funded pursuant to this Article shall be operated consistent with the guidelines  
15 promulgated by the Director of the Administrative Office of the Courts in consultation  
16 with the State Drug Treatment Court Advisory Committee established in G.S. 7A-795.

17 **"§ 7A-794. Fund administration.**

18       The Drug Treatment Court Program Fund is created in the Administrative Office of  
19 the Courts and is administered by the Director of the Administrative Office of the Courts  
20 in consultation with the State Drug Treatment Court Advisory Committee. The Director  
21 of the Administrative Office of the Courts shall award grants from this Fund and  
22 implement drug treatment court programs in a minimum of two judicial districts. Grants  
23 shall be awarded based upon the general guidelines set forth by the Director of the  
24 Administrative Office of the Courts and the State Drug Treatment Court Advisory  
25 Committee.

26 **"§ 7A-795. State Drug Treatment Court Advisory Committee.**

27       The State Drug Treatment Court Advisory Committee is established to develop  
28 guidelines for the drug treatment court program and to monitor programs wherever they  
29 are implemented. The Committee shall be chaired by the Director of the Administrative  
30 Office of the Courts or the Director's designee and shall consist of not less than seven  
31 members appointed by the Director and broadly representative of the courts, corrections,  
32 and substance abuse treatment communities.

33 **"§ 7A-796. Local drug treatment court management committee.**

34       Each judicial district choosing to establish a drug treatment court or applying to  
35 participate in a funded pilot program shall form a local drug treatment court management  
36 committee, which may consist of some or all of the following:

- 37           (1)    A judge of the superior court;
- 38           (2)    A judge of the district court;
- 39           (3)    A district attorney or assistant district attorney;
- 40           (4)    A public defender or assistant public defender in judicial districts served  
41               by a public defender;
- 42           (5)    A member of the private criminal defense bar;
- 43           (6)    A clerk of superior court;

- 1           (7)    The trial court administrator in judicial districts served by a trial court  
2           administrator;  
3           (8)    A probation officer;  
4           (9)    A local law enforcement officer;  
5           (10) A representative of the local community college;  
6           (11) A representative of the treatment providers;  
7           (12) The local program director provided for in G.S. 7A-798; and  
8           (13) Any other persons selected by the local management committee.

9           The local drug treatment court management committee shall develop local guidelines  
10 and procedures, not inconsistent with the State guidelines, that are necessary for the  
11 operation and evaluation of the local drug treatment court.

12 **"§ 7A-797. Eligible population; drug treatment court procedures.**

13           The Director of the Administrative Office of the Courts, in conjunction with the State  
14 Drug Treatment Court Advisory Committee, shall develop criteria for eligibility and  
15 other procedural and substantive guidelines for drug treatment court operation.

16 **"§ 7A-798. Drug treatment court grant application; local program director.**

17           (a)   Grant applications for the pilot programs shall be submitted to the Director of  
18 the Administrative Office of the Courts, in such form and with such information as the  
19 Director may require consistent with the provisions of this Article. Grants shall be  
20 awarded to two or more judicial districts that submit the most comprehensive and feasible  
21 plans for the implementation and operation of a drug treatment court. The Director shall  
22 award and administer grants in accordance with any laws made for that purpose,  
23 including appropriations acts and provisions in appropriations acts, and may adopt rules  
24 for the implementation, operation, and monitoring of grant-funded programs.

25           (b)   Grant applications shall specify a local program director who shall be  
26 responsible for local administration of the project. Grant funds may be used to fund a  
27 full-time or part-time local program director position. The local program director may be  
28 an employee of the grant recipient, an employee of the court, or a grant-established  
29 position under the senior resident superior court judge or chief district court judge.

30 **"§ 7A-799. Treatment not guaranteed.**

31           Nothing contained in this Article shall confer a right or an expectation of a right to  
32 treatment for a defendant or offender within the criminal justice system.

33 **"§ 7A-800. Payment of costs of treatment program.**

34           Each defendant shall contribute to the cost of the substance abuse treatment received  
35 in the drug treatment court program, based upon guidelines developed by the local drug  
36 treatment court management committee.

37 **"§ 7A-801. Plan for evaluation.**

38           Each grant application requesting funding for the pilot program shall include a  
39 method for evaluating the pilot program's effectiveness, based upon the goals stated in  
40 G.S. 7A-792. Each funded program shall submit evaluation reports to the Administrative  
41 Office of the Courts as requested. Additionally, the Administrative Office of the Courts  
42 shall be responsible for developing an evaluation model on the State level to compare the

1 effectiveness of all pilot programs and shall submit a report to the General Assembly by  
2 May 1, 1998."

3           Sec. 2. Funds to implement and evaluate the pilot programs established under  
4 the North Carolina Drug Treatment Court Act shall be allocated from the reserve of eight  
5 hundred thousand dollars (\$800,000) created in Section 41 of Chapter 24 of the Session  
6 Laws of the 1994 Extra Session.

7           Sec. 3. Section 1 of this act becomes effective July 1, 1995, and expires June  
8 30, 1998. The remainder of this act becomes effective October 1, 1995.