

FIFTH JUDICIAL DISTRICT DRUG COURT ADMISSIONS POLICY

SB 123 Qualified Defendants

All Defendants qualified under the provisions of SB 123, either directly or through the departure procedures established by SB 123, are automatically admitted to the program when sentence is entered by the sentencing Judge requiring the defendant to complete mandatory drug treatment under the provisions of SB 123. Said defendants are required to appear before the Drug Court at the next Drug Court session immediately following their sentencing hearing.

Non SB 123 Qualified Defendants

The Fifth Judicial District Court Drug Court Program will accept for admission Non SB 123 sentenced defendants only when the following requirements have been satisfied.

1. Prior to the sentencing of a non SB 123 treatment qualified defendant, an alcohol and drug evaluation must be completed on the defendant by a drug court treatment provider. That evaluation must be presented to the drug court team with a recommendation by the evaluator as to the defendant's amenability for the program. The team will review the evaluation and make recommendations regarding admission to the Drug Court Judge who will make the eligibility determination. The Drug Court Coordinator will notify the sentencing Judge of the acceptance or denial of the defendant's admission to the program.
2. For any Non SB 123 defendant to be considered for drug court admission, they must immediately contact the Drug Court coordinator upon entry of a plea or conviction. The drug court coordinator will then assign an evaluator to the defendant and the defendant shall be directed to immediately contact the evaluator for an appointment to obtain the evaluation. The drug court coordinator has the authority to direct the defendant to attend the next drug court session for the purpose of meeting with the assigned evaluator for scheduling purposes. The defendant shall be responsible for the payment of the evaluation fee to the evaluator. Indigent defendants may be required to obtain payment approval for the evaluation fee from the BID fund prior to the evaluation being completed. This approval should be obtained at the time of plea or conviction.
3. Non SB 123 defendants will not be assessed the \$300.00 SB 123 treatment fee established by the Fifth Judicial District. Non SB 123 defendants will be required to pay for all evaluations and treatment required by the Drug Court program as directed by the evaluator and or treatment providers or the sentencing court.
4. All Non SB 123 qualified defendants who have been accepted for admission and sentenced to the Drug Court program are required to appear before the Drug Court at the next Drug Court session immediately following their sentencing hearing.