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SENATE BILL DRS15162-MS-107A (03/15)

Short Title: Modernization of Drug Court Program. (Public)

Sponsors: Senators Randleman, J. Davis, and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH JUDICIALLY MANAGED ACCOUNTABILITY AND
3 RECOVERY COURTS THROUGHOUT THE STATE OF NORTH CAROLINA TO
4 PROVIDE CASE MANAGEMENT AND CONTINUITY OF CARE FOR THOSE
5 ENROLLED IN THE PROGRAM.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The titles of Subchapter XIV of Article 62 of Chapter 7A of the
8 General Statutes and Article 62 of Chapter 7A of the General Statutes and G.S. 7A-790 read as
9 rewritten:

10 "~~SUBCHAPTER XIV. DRUG TREATMENT COURTS.~~ ACCOUNTABILITY AND
11 RECOVERY COURTS.

12 "Article 62.

13 "~~North Carolina Drug Treatment Court Act.~~ Judicially Managed Accountability and Recovery
14 Court Act.

15 "**§ 7A-790. Short title.**

16 This Article shall be known and may be cited as the "~~North Carolina Drug Treatment Court~~
17 ~~Act of 1995~~." "Judicially Managed Accountability and Recovery Court Act of 2017."

18 **SECTION 2.** G.S. 7A-791 reads as rewritten:

19 "**§ 7A-791. Purpose.**

20 The General Assembly recognizes that a critical need exists in this State for judicial
21 programs that will reduce the incidence of alcohol and other ~~drug~~ substance abuse or
22 dependence and crimes, including the offense of driving while impaired, delinquent acts, and
23 child abuse and neglect committed as a result of alcohol and other ~~drug~~ substance abuse or
24 ~~dependence, and dependence~~; child abuse and neglect where alcohol and other ~~drug~~ substance
25 abuse or dependence are significant factors in the child abuse and ~~neglect~~ neglect; and offenses,
26 delinquent acts, and child abuse and neglect where mental, behavioral, or medical health is a
27 significant factor in commission of the offense or act. It is the intent of the General Assembly
28 by this Article to create a program to facilitate the creation and operation of ~~local drug~~
29 ~~treatment court programs and driving while impaired (DWI) treatment court~~
30 ~~programs.~~ judicially managed accountability and recovery courts."

31 **SECTION 3.** G.S. 7A-792 reads as rewritten:

32 "**§ 7A-792. Goals.**

33 The goals of the ~~drug treatment court programs~~ judicially managed accountability and
34 recovery courts funded under this Article include the following:



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- 1 (1) To reduce alcoholism and other ~~drug~~substance abuse and dependencies
 2 among adult and juvenile offenders and defendants and among respondents
 3 in juvenile petitions for abuse, neglect, or both;
 4 (2) To reduce criminal and delinquent recidivism and the incidence of child
 5 abuse and neglect;
 6 (3) To reduce the alcohol-related and other ~~drug-related~~substance-related court
 7 workload;
 8 (4) To reduce the mental, behavioral, or medical health-related court workload;
 9 ~~(4)~~(5) To increase the personal, familial, and societal accountability of adult and
 10 juvenile offenders and defendants and respondents in juvenile petitions for
 11 abuse, neglect, or both; and
 12 ~~(5)~~(6) To promote effective ~~interaction and~~interaction, collaboration, coordination,
 13 and use of resources among criminal and juvenile justice personnel, child
 14 protective services personnel, and community agencies."

15 **SECTION 4.** G.S. 7A-793 reads as rewritten:

16 **"§ 7A-793. Establishment of Program.**

17 The North Carolina ~~Drug Treatment Court~~Judicially Managed Accountability and Recovery
 18 Court Program is established in the Administrative Office of the Courts to facilitate the
 19 ~~ereation~~creation, administration, and funding of local drug treatment court programsjudicially
 20 managed accountability and recovery courts. The Director of the Administrative Office of the
 21 Courts shall provide any necessary staff for planning, organizing, and administering the
 22 program. Local drug treatment court programs funded pursuant to this Article shall be operated
 23 consistently with the guidelines adopted pursuant to G.S. 7A-795. Local ~~drug treatment court~~
 24 ~~programs~~judicially managed accountability and recovery courts established and funded
 25 pursuant to this Article may consist of ~~adult drug treatment court programs, juvenile drug~~
 26 ~~treatment court programs, family drug treatment court programs, or any combination of these~~
 27 ~~programs~~programs approved by the Administrative Office of the Courts."

28 **SECTION 5.** G.S. 7A-794 reads as rewritten:

29 **"§ 7A-794. Fund administration.**

30 ~~The Drug Treatment Court Program Fund is created in the Administrative Office of the~~
 31 ~~Courts and is administered by the Director of the Administrative Office of the Courts in~~
 32 ~~consultation with the State Drug Treatment Court Advisory Committee.~~The Administrative
 33 Office of the Courts shall administer funding related to the North Carolina Judicially Managed
 34 Accountability and Recovery Court Program."

35 **SECTION 6.** G.S. 7A-795 reads as rewritten:

36 **"§ 7A-795. State ~~Drug Treatment Court~~ Judicially Managed Accountability and**
 37 **Recovery Court Advisory Committee.**

38 The State ~~Drug Treatment Court~~Judicially Managed Accountability and Recovery Court
 39 Advisory Committee is established to develop and recommend to the Director of the
 40 Administrative Office of the Courts guidelines for the ~~drug treatment court~~judicially managed
 41 accountability and recovery court program and to monitor local ~~programs~~courts wherever they
 42 are ~~implemented~~implemented and administered. The Committee shall be chaired by the
 43 Director or the Director's designee and shall consist of not less than seven members appointed
 44 by the Director and broadly representative of the courts, law enforcement, corrections, juvenile
 45 justice, child protective services, and substance abuse treatment communities. In developing
 46 guidelines, the Advisory Committee shall ~~consider the Substance Abuse and the Courts Action~~
 47 ~~Plan and other recommendations of the Substance Abuse and the Courts State Task~~
 48 ~~Force~~provide minimum standards of judicially managed accountability and recovery courts."

49 **SECTION 7.** G.S. 7A-796 reads as rewritten:

50 **"§ 7A-796. Local ~~drug treatment court management~~ judicially managed accountability**
 51 **and recovery court committee.**

1 Each judicial district choosing to establish a ~~drug treatment court~~judicially managed
 2 accountability and recovery court shall form a local ~~drug treatment court management~~judicially
 3 managed accountability and recovery court committee, which shall be comprised to assure
 4 representation appropriate to the type or types of ~~drug treatment court~~judicially managed
 5 accountability and recovery court operations to be conducted in the district and shall consist of
 6 persons appointed by ~~the senior resident superior court judge with the concurrence of the chief~~
 7 district court judge and the district attorney for that district, chosen from the following list:

- 8 (1) ~~A judge of the superior court;~~
 9 (2)(1) A judge of the district court;
 10 (3)(2) A district attorney or assistant district attorney;
 11 (4)(3) A public defender or assistant public defender in judicial districts served by
 12 a public ~~defender;~~defender, a member of the private criminal defense bar, or
 13 a member of the private bar who represents respondents in department of
 14 social services juvenile matters;
 15 (5)(4) An attorney representing a county department of social ~~services~~services, the
 16 director or director's designee of the child welfare services division of a
 17 county department of social services, or a representative of the guardian ad
 18 litem from within the district;
 19 (6) ~~A representative of the guardian ad litem;~~
 20 (7) ~~A member of the private criminal defense bar;~~
 21 (8) ~~A member of the private bar who represents respondents in department of~~
 22 ~~social services juvenile matters;~~
 23 (9)(5) A clerk of superior court;
 24 (10) ~~The trial court administrator in judicial districts served by a trial court~~
 25 ~~administrator;~~
 26 (11) ~~The director or member of the child welfare services division of a county~~
 27 ~~department of social services within the district;~~
 28 (12)(6) The chief juvenile court counselor for the district;
 29 (13)(7) A probation officer;
 30 (8) The sheriff or sheriff's designee;
 31 (14)(9) A local law enforcement officer;
 32 (15)(10) A representative of the local school administrative unit;
 33 (16)(11) A representative of the local community ~~college;~~college or other
 34 adjacent secondary educational institution with a school of social work;
 35 (17)(12) A representative of the treatment providers;
 36 (18)(13) A representative of the area mental health ~~program;~~entity managed care
 37 organization;
 38 (19)(14) Any local ~~drug treatment~~recovery court coordinator; and
 39 (20)(15) Any other persons selected by the local management committee.

40 The local ~~drug treatment court management~~judicially managed accountability and recovery
 41 court committee shall develop local guidelines and procedures, not inconsistent with the State
 42 guidelines, guidelines and minimum standards, that are necessary for the operation and
 43 evaluation of the local ~~drug treatment court~~judicially managed accountability and recovery
 44 court."

45 **SECTION 8.** G.S. 7A-797 reads as rewritten:

46 "**§ 7A-797. Eligible population; drug treatment court procedures.**

47 The Director of the Administrative Office of the Courts, in conjunction with the State ~~Drug~~
 48 ~~Treatment Court~~Judicially Managed Accountability and Recovery Court Advisory Committee,
 49 shall develop criteria for ~~eligibility~~eligibility, minimum standards, and other procedural and
 50 substantive guidelines for ~~drug treatment court~~judicially managed accountability and recovery
 51 court operation."

1 **SECTION 9.** G.S. 7A-799 reads as rewritten:

2 "**§ 7A-799. Treatment not guaranteed.**

3 Nothing contained in this Article shall confer a right or an expectation of a right to
4 ~~treatment~~ or recovery management for a defendant or offender within the criminal or juvenile
5 justice system or a respondent in a juvenile petition for abuse, neglect, or both."

6 **SECTION 10.** G.S. 7A-800 reads as rewritten:

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

8 Each defendant, offender, or respondent in a juvenile petition for abuse, neglect, or both,
9 who receives treatment under a local ~~drug treatment court program~~ judicially managed
10 accountability and recovery court shall contribute to the cost of the alcohol and other
11 ~~drug~~ substance abuse or dependency treatment received in the ~~drug treatment court~~
12 ~~program~~ judicially managed accountability and recovery court, based upon guidelines
13 developed by the local ~~drug treatment court management~~ judicially managed accountability and
14 recovery court committee."

15 **SECTION 11.** G.S. 7A-801 reads as rewritten:

16 "**§ 7A-801. Monitoring and annual report.**

17 The Administrative Office of the Courts shall monitor all State-recognized and funded local
18 ~~drug treatment~~ judicially managed accountability and recovery courts, prepare an annual report
19 on the implementation, operation, and effectiveness of the statewide ~~drug treatment~~
20 ~~court~~ judicially managed accountability and recovery court program, and submit the report to
21 the General Assembly by March 1 of each year. Each ~~local drug treatment court~~
22 ~~program~~ judicially managed accountability and recovery court shall submit evaluation reports to
23 the Administrative Office of the Courts as requested."

24 **SECTION 12.** This act is effective when it becomes law.