

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 251
PROPOSED COMMITTEE SUBSTITUTE S251-PCS45274-BBa-3

Short Title: Modernization of Drug Court Program.

(Public)

Sponsors:

Referred to:

March 14, 2019

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. Subchapter XIV of Chapter 7A of the General Statutes reads as
8 rewritten:

9 "**SUBCHAPTER XIV. DRUG TREATMENT COURTS, ACCOUNTABILITY AND**
10 **RECOVERY COURTS.**

11 "Article 62.

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

14 "**§ 7A-790. Short title.**

15 This Article shall be known and may be cited as the "~~North Carolina Drug Treatment Court~~
16 ~~Act of 1995~~": "Judicially Managed Accountability and Recovery Court Act of 2019."

17 "**§ 7A-791. Purpose.**

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

29 "**§ 7A-792. Goals.**

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

- 32 (1) To reduce alcoholism and other ~~drug substance~~ abuse and dependencies
33 among adult and juvenile offenders and defendants and among respondents in
34 juvenile petitions for abuse, neglect, or both;
- 35 (2) To reduce criminal and delinquent recidivism and the incidence of child abuse
36 and neglect;



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

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

11 The North Carolina ~~Drug Treatment Court~~ Judicially Managed Accountability and Recovery
12 Court Program is established in the Administrative Office of the Courts to facilitate the ~~creation~~
13 creation, administration, and funding of local drug treatment court programs- judicially managed
14 accountability and recovery courts. The Director of the Administrative Office of the Courts shall
15 provide any necessary staff for planning, organizing, and administering the program. Local drug
16 treatment court programs funded pursuant to this Article shall be operated consistently with the
17 guidelines adopted pursuant to G.S. 7A-795. Local ~~drug treatment court programs- judicially~~
18 managed accountability and recovery courts established and funded pursuant to this Article may
19 consist of ~~adult drug treatment court programs, juvenile drug treatment court programs, family~~
20 ~~drug treatment court programs, or any combination of these programs-~~ programs approved by the
21 Administrative Office of the Courts. With the consent of either the chief district court judge or
22 the senior resident superior court judge, a judicially managed accountability and recovery court
23 may be established.

24 **"§ 7A-794. Fund administration.**

25 The ~~Drug Treatment Court Program Fund~~ is created in the Administrative Office of the
26 Courts and is administered by the Director of the Administrative Office of the Courts in
27 consultation with the State Drug Treatment Court Advisory Committee. The Administrative
28 Office of the Courts shall administer funding related to the North Carolina Judicially Managed
29 Accountability and Recovery Court Program.

30 **"§ 7A-795. State ~~Drug Treatment Court~~ Judicially Managed Accountability and Recovery**
31 **Court Advisory Committee.**

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

43 **"§ 7A-796. Local ~~drug treatment court management- judicially managed accountability and~~**
44 **recovery court committee.**

45 Each judicial district choosing to establish a ~~drug treatment court- judicially managed~~
46 accountability and recovery court shall form a local ~~drug treatment court management- judicially~~
47 managed accountability and recovery court committee, which shall be comprised to assure
48 representation appropriate to the type or types of ~~drug treatment court- judicially managed~~
49 accountability and recovery court operations to be conducted in the district and shall consist of
50 persons appointed by the senior resident superior court judge with the concurrence of the chief
51 district court judge and the district attorney for that district, chosen from the following list:

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

33 The local ~~drug treatment court management~~ judicially managed accountability and recovery
 34 court committee shall develop local guidelines and procedures, not inconsistent with the State
 35 ~~guidelines,~~ guidelines and minimum standards, that are necessary for the operation and
 36 evaluation of the local ~~drug treatment court.~~ judicially managed accountability and recovery
 37 court.

38 **"§ 7A-797. Eligible population; drug treatment court procedures.**

39 The Director of the Administrative Office of the Courts, in conjunction with the State ~~Drug~~
 40 ~~Treatment Court~~ Judicially Managed Accountability and Recovery Court Advisory Committee,
 41 shall develop criteria for ~~eligibility~~ eligibility, minimum standards, and other procedural and
 42 substantive guidelines for ~~drug treatment court.~~ judicially managed accountability and recovery
 43 court operation.

44 ...

45 **"§ 7A-799. Treatment not guaranteed.**

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

49 **"§ 7A-800. Payment of costs of treatment program.**

50 Each defendant, offender, or respondent in a juvenile petition for abuse, neglect, or both, who
 51 receives treatment under a local ~~drug treatment court program~~ judicially managed accountability

1 and recovery court shall contribute to the cost of the alcohol and other ~~drug~~ substance abuse or
2 dependency treatment received in the ~~drug treatment court program, judicially managed~~
3 accountability and recovery court, based upon guidelines developed by the local ~~drug treatment~~
4 ~~court management~~ judicially managed accountability and recovery court committee.

5 **"§ 7A-801. Monitoring and annual report.**

6 The Administrative Office of the Courts shall monitor all State-recognized and funded local
7 ~~drug treatment~~ judicially managed accountability and recovery courts, prepare an annual report
8 on the implementation, operation, and effectiveness of the statewide ~~drug treatment court~~
9 judicially managed accountability and recovery court program, and submit the report to the
10 General Assembly by March 1 of each year. Each local ~~drug treatment court program~~ judicially
11 managed accountability and recovery court shall submit evaluation reports to the Administrative
12 Office of the Courts as requested.

13 **"§ 7A-802. Exemption from Article.**

14 This Article does not apply to drug treatment courts or judicially managed accountability and
15 recovery courts in existence on or before July 1, 2019, to the extent that compliance with this
16 Article would disqualify the court for grant funding provided by the National Association of
17 Drug Court Professionals."

18 **SECTION 2.(a) Pilot Program.** – The Administrative Office of the Courts, in
19 coordination with the District Attorney's Office in each county, shall establish pilot programs in
20 Haywood, Robeson, and Wayne counties that create judicially managed accountability and
21 recovery courts, as governed by Article 62 of Chapter 7A of the General Statutes. The goals of
22 the accountability and recovery courts are to reduce alcoholism and other substance abuse and
23 dependencies among offenders, to reduce recidivism, to reduce the drug-related court workload,
24 to reduce the mental, behavioral, or medical health-related court workload, to increase the
25 personal, familial, and societal accountability of offenders, and to promote effective interaction,
26 collaboration, coordination, and use of resources among criminal justice personnel.

27 **SECTION 2.(b) Report.** – The Administrative Office of the Courts shall report on
28 the results of the pilot program to the 2021 Regular Session of the General Assembly, upon its
29 reconvening.

30 **SECTION 2.(c) Appropriation.** – There is appropriated from the General Fund to
31 the Administrative Office of the Courts the sum of one hundred fifty thousand dollars (\$150,000)
32 for the 2019-2020 and 2020-2021 fiscal years to fund the implementation of the judicially
33 managed accountability and recovery courts in Haywood County. There is appropriated from the
34 General Fund to the Administrative Office of the Courts the sum of one hundred fifty thousand
35 dollars (\$150,000) for the 2019-2020 and 2020-2021 fiscal years to fund the implementation of
36 the judicially managed accountability and recovery courts in Robeson County. There is
37 appropriated from the General Fund to the Administrative Office of the Courts the sum of one
38 hundred fifty thousand dollars (\$150,000) for the 2019-2020 and 2020-2021 fiscal years to fund
39 the implementation of the judicially managed accountability and recovery courts in Wayne
40 County.

41 **SECTION 2.(d)** This section becomes effective when it becomes law.

42 **SECTION 3.** Except as otherwise provided, this act becomes effective July 1, 2019.