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SENATE BILL DRS35153-NDa-109

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

Sponsors: Senators Lazzara 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 AND TO APPROPRIATE FUNDS FOR AN ONSLOW
6 COUNTY JUDICIALLY MANAGED ACCOUNTABILITY AND RECOVERY COURT
7 PILOT PROGRAM FOCUSED ON VETERANS OF THE UNITED STATES ARMED
8 FORCES.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Subchapter XIV of Chapter 7A of the General Statutes reads as
11 rewritten:

12 **"SUBCHAPTER XIV. ~~DRUG TREATMENT COURTS.~~ ACCOUNTABILITY AND**
13 **RECOVERY COURTS.**

14 "Article 62.

15 "~~North Carolina Drug Treatment Court Act.~~ Judicially Managed Accountability and Recovery
16 Court Act.

17 "**§ 7A-790. Short title.**

18 This Article shall be known and may be cited as the "~~North Carolina Drug Treatment Court~~
19 ~~Act of 1995~~". Judicially Managed Accountability and Recovery Court Act of 2021.

20 "**§ 7A-791. Purpose.**

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

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 in
3 juvenile petitions for abuse, neglect, or both;
- 4 (2) To reduce criminal and delinquent recidivism and the incidence of child abuse
5 and neglect;
- 6 (3) To reduce the alcohol-related and other ~~drug-related~~ substance-related court
7 workload;
- 8 (3a) To reduce the mental, behavioral, or medical health-related court workload;
- 9 (4) 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) 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 **"§ 7A-793. Establishment of Program.**

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

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

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

48 **"§ 7A-796. Local ~~drug treatment court management~~ judicially managed accountability and**
49 **recovery court committee.**

50 Each judicial district choosing to establish a ~~drug treatment court~~ judicially managed
51 accountability and recovery court shall form a local ~~drug treatment court management~~ judicially

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

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

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

43 **"§ 7A-797. Eligible population; drug treatment court procedures.**

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

49 ...

50 **"§ 7A-799. Treatment not guaranteed.**

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

4 **"§ 7A-800. Payment of costs of treatment program.**

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

11 **"§ 7A-801. Monitoring and annual report.**

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

19 **"§ 7A-802. Exemption from Article.**

20 This Article does not apply to drug treatment courts or judicially managed accountability and
21 recovery courts in existence on or before July 1, 2021, to the extent that compliance with this
22 Article would disqualify the court for grant funding provided by the National Association of
23 Drug Court Professionals."

24 **SECTION 2.(a) Pilot Program.** – The Administrative Office of the Courts, in
25 coordination with the District Attorney's Office in Onslow County, shall establish a pilot program
26 in Onslow County that creates a judicially managed accountability and recovery court, as
27 governed by Article 62 of Chapter 7A of the General Statutes. The goals of the accountability
28 and recovery court are to reduce alcoholism and other substance abuse and dependencies among
29 offenders, to reduce recidivism, to reduce the drug-related court workload, to reduce the mental,
30 behavioral, or medical health-related court workload, to increase the personal, familial, and
31 societal accountability of offenders, and to promote effective interaction, collaboration,
32 coordination, and use of resources among criminal justice personnel. The judicially managed
33 accountability and recovery court created by this subsection shall prioritize participation of
34 offenders that are veterans of the United States Armed Forces.

35 **SECTION 2.(b) Appropriation.** – There is appropriated from the General Fund to
36 the Administrative Office of the Courts the sum of one hundred fifty thousand dollars (\$150,000)
37 in nonrecurring funds for each year of the 2021-2023 fiscal biennium to fund the implementation
38 of the judicially managed accountability and recovery court in Onslow County.

39 **SECTION 2.(c) Policy.** – It is the intent of the General Assembly that the
40 appropriation made in this section will aid Onslow County in the original creation and operation
41 of its judicially managed accountability and recovery court, but that continued, recurring funding
42 for the court beyond the 2022-2023 fiscal year will come from local expenditures, grants, and
43 other available sources.

44 **SECTION 2.(d) Report.** – The Administrative Office of the Courts shall report on
45 the results of the pilot program to the 2023 Regular Session of the General Assembly, upon its
46 reconvening.

47 **SECTION 2.(e)** This section becomes effective July 1, 2021.

48 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
49 law.