

PROPOSED LEGISLATION SUBMITTED 1/23/19

“The State’s Attorney will afford a person the opportunity to participate in a post plea adult drug or dui treatment docket if:

(a) 1. The person is charged with a new criminal offense or a violation of conditions of a probationary sentence, where the offense is an outcome of substance dependence; and

2. The person has been screened as having high prognostic risk and high criminogenic needs by a treatment docket coordinator applying a validated instrument to determine if the individual meets high risk criteria.

(b) A person charged with a qualifying crime as defined above shall be presumed eligible for participation in at treatment docket unless the prosecutor states on the record, after consultation with the victim, why a referral to the program would not serve the ends of justice after consideration of the following factors:

1. Public Safety: Evidence demonstrates that the individual cannot be managed safely or effectively in a treatment docket; or

2. Treatment: Adequate treatment is not available to the individual in the treatment docket’s jurisdiction

(c) Referrals to determine eligibility may be made by the court, defense counsel or the State and should be made within 90 days of arraignment, but a person will not be deemed ineligible if a referral is made beyond that time.

(d) If a person is found eligible for a treatment docket but a docket is not available in the county of offense, the court will consider a motion to transfer venue to a county with a treatment docket.”