

1 SB410  
2 117515-2  
3 By Senators Bedford and Smitherman  
4 RFD: Judiciary  
5 First Read: 11-FEB-10

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to drug courts; to authorize each presiding  
12 judge of a judicial circuit to establish a drug court or  
13 courts; to provide for screening of drug offenders, treatment,  
14 support services, and drug testing; to provide referrals to  
15 programs certified by the Department of Mental Health for  
16 indicated treatment; to require the Administrative Office of  
17 Courts to assist in planning, implementing, and developing  
18 drug courts; to provide recommendations concerning the legal,  
19 policy, and procedural issues confronting drug courts; and to  
20 provide for civil immunity.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall be known and may be cited  
23 as the "Alabama Drug Offender Accountability Act."

24 Section 2. As used in this act, the following words  
25 shall have the following meanings:

26 (1) ADVISORY COMMITTEE. A local committee which may  
27 consist of the following members or their designees:

- 1 a. Drug court judge, who shall serve as chair.
- 2 b. The district attorney.
- 3 c. Public defender or member of the criminal defense
- 4 bar.
- 5 d. Drug court coordinator.
- 6 e. Court clerk.
- 7 f. Community corrections and/or court referral
- 8 officer.
- 9 g. Pretrial services.
- 10 h. Law enforcement.
- 11 i. Substance abuse treatment providers.
- 12 j. Any other persons as the chair deems appropriate.

13 (2) ASSESSMENT. A diagnostic evaluation for  
14 placement in a treatment program which shall be performed in  
15 accordance with criteria certified by the Department of Mental  
16 Health, Substance Abuse Services Division.

17 (3) CHARGE. As defined in Section 12-25-32(13) of  
18 the Code of Alabama 1975.

19 (4) CONTINUUM OF CARE. A seamless and coordinated  
20 course of substance abuse education and treatment designed to  
21 meet the needs of drug offenders as they move through the  
22 criminal justice system and beyond, maximizing  
23 self-sufficiency.

24 (5) CO-OCCURRING. A substance abuse and mental  
25 health disorder.

26 (6) DRUG. Includes all of the following:

1           a. A controlled substance, a drug or other substance  
2 for which a medical prescription or other legal authorization  
3 is required for purchase or possession.

4           b. An illegal drug, a drug whose manufacture, sale,  
5 use, or possession is forbidden by law.

6           c. Other harmful substance, a misused substance  
7 otherwise legal to possess, including alcohol.

8           (7) DRUG COURT. A judicial intervention program for  
9 drug offenders in the criminal division of the circuit or  
10 district court that incorporates the Ten Key Components as  
11 enumerated in subsection (f) of Section 4 and may include any  
12 of the following:

13           a. Pre-adjudication. A drug offender is ordered to  
14 participate in drug court before acceptance of a plea of  
15 guilty or conviction.

16           b. Post-adjudication. A drug offender is ordered to  
17 participate in drug court after entering a plea of guilty or  
18 having been found guilty.

19           c. Reentry. A drug offender is ordered to  
20 participate in drug court upon release from a sentence of  
21 incarceration.

22           d. Combination program. May include  
23 pre-adjudication, post-adjudication, and/or reentry.

24           (8) DRUG COURT COORDINATOR. An individual who is  
25 responsible for coordinating the establishment, staffing,  
26 operation, evaluation, and integrity of the drug court.

1 (9) DRUG COURT TEAM. Consists of all of the  
2 following members who are assigned to the drug court:

- 3 a. Drug court judge.
- 4 b. District attorney or his or her designee.
- 5 c. Public defender or member of the criminal defense  
6 bar.
- 7 d. A law enforcement officer.
- 8 e. Drug court coordinator.
- 9 f. A representative from community corrections,  
10 court referral program, or the Board of Pardons and Paroles.
- 11 g. Any other persons selected by the drug court  
12 team.

13 (10) DRUG OFFENDER. A person charged with or  
14 convicted of a drug-related offense or an offense in which  
15 substance abuse is determined from the evidence to have been a  
16 significant factor in the commission of the offense and who  
17 has applied for or been accepted to participate in a drug  
18 court program for drug offenders in the criminal division of  
19 the circuit or district court.

20 (11) MEMORANDUM OF UNDERSTANDING (MOU). A written  
21 document setting forth an agreed upon procedure.

22 (12) RECIDIVISM. A subsequent conviction or plea of  
23 nolo contendere in this or any other state or federal court of  
24 the United States within three years of successful completion  
25 of, or termination from, drug court for any offense carrying a  
26 sentence of one year or more.

1 (13) RELAPSE. A return to substance use after a  
2 period of abstinence from substance abuse.

3 (14) SCREENING. The process of gathering basic  
4 information to determine whether the offender meets  
5 established drug court eligibility criteria and shall include,  
6 but is not limited to, the current charge, a substance abuse  
7 evaluation, a brief questionnaire to determine if a risk or  
8 needs assessment is needed, and drug testing, and may include,  
9 but is not limited to, a substance abuse evaluation, risk  
10 assessment, or needs assessment.

11 (15) SPLIT SENTENCING. A sentence which includes a  
12 period of incarceration followed by a period of probation.

13 (16) STAFFING. The meeting before an appearance of a  
14 drug offender in drug court in which the drug court team  
15 discusses a coordinated response to the drug offender's  
16 behavior.

17 (17) SUBSTANCE. Drug as defined in subdivision (6).

18 (18) SUBSTANCE ABUSE. The illegal or improper  
19 consumption of a drug.

20 (19) SUBSTANCE ABUSE TREATMENT. The application of  
21 professionally planned, managed, administered, and monitored  
22 procedures for the purpose of alleviating, minimizing, and  
23 stabilizing the effect of substance-related disorders and  
24 restoring impaired functionality.

25 (20) VIOLENT OFFENSE OR CHARGE. As defined in  
26 Section 12-25-32(13), Code of Alabama 1975.

1           Section 3. (a) The Legislature recognizes that a  
2           critical need exists in this state for the criminal justice  
3           system to more effectively address the number of defendants  
4           who are involved with substance abuse or addiction. For the  
5           criminal justice system to maintain credibility, court and  
6           community alternatives for the substance abuse and addiction  
7           involved defendant must be expanded. A growing body of  
8           research demonstrates the impact of substance abuse on public  
9           safety, personal health, and health care costs, the spread of  
10          communicable disease, educational performance and attainment,  
11          work force reliability and productivity, family safety, and  
12          financial stability. Requiring accountability and effective  
13          treatment, in addition to or in place of, conventional and  
14          expensive incarceration, will promote public safety, the  
15          welfare of the individuals involved, reduce the burden upon  
16          the state treasury and benefit the common welfare of this  
17          state. The goals of this act are to do all of the following:

18                 (1) Enhance community safety and quality of life for  
19                 citizens.

20                 (2) Reduce recidivism.

21                 (3) Reduce substance abuse.

22                 (4) Increase the personal, familial, and societal  
23                 accountability of drug offenders.

24                 (5) Restore drug offenders to productive,  
25                 law-abiding, and taxpaying citizens.

26                 (6) Promote effective interaction and use of  
27                 resources among criminal justice and community agencies.

1 (7) Reduce the costs of incarceration.

2 (8) Improve the efficiency of the criminal justice  
3 system by enacting an effective methodology.

4 (b) As a general proposition, all drug offenders  
5 should receive timely eligibility screening and, where  
6 indicated, assessment and the appropriate level of treatment.  
7 The criminal justice system should be used constructively to  
8 motivate drug offenders to accept treatment and engage in the  
9 treatment process.

10 Section 4. (a) The presiding judge of each judicial  
11 circuit, with the consent of the district attorney of that  
12 judicial circuit may establish a drug court or courts, under  
13 which drug offenders shall be processed, to appropriately  
14 address the identified substance abuse problem of the drug  
15 offender as a condition of pretrial release, pretrial  
16 diversion, probation, jail, prison, parole, community  
17 corrections, or other release or diversion from a correctional  
18 facility. The structure, method, and operation of each drug  
19 court may differ and should be based upon the specific needs  
20 of and resources available to the judicial district or circuit  
21 where the drug court is located, but shall be created and  
22 operate pursuant to this act and in compliance with rules  
23 promulgated by the Alabama Supreme Court.

24 Nothing in this act shall affect the authority of  
25 the district attorney to establish a deferred prosecution  
26 program or a pretrial diversion program within his or her  
27 judicial circuit or affect his or her ability to nolle prosequere



1 a particular case. Notwithstanding the foregoing, all drug  
2 courts shall comply with this act and rules promulgated by the  
3 Supreme Court.

4 (b) Participation in drug court shall require the  
5 consent of the district attorney and the court and shall be  
6 pursuant to a written agreement. A drug offender may  
7 participate in a pre-adjudication, post-adjudication, reentry,  
8 probation violation, or combination program.

9 (c) The court may grant reasonable incentives under  
10 the written agreement if the court finds that the drug  
11 offender:

12 (1) Is performing satisfactorily in drug court.

13 (2) Is benefiting from education, treatment, and  
14 rehabilitation.

15 (3) Has not engaged in criminal conduct.

16 (4) Has not violated the terms and conditions of the  
17 agreement.

18 (d) The court may impose reasonable sanctions under  
19 the written agreement or may incarcerate or expel the offender  
20 from the program if the court finds that the drug offender:

21 (1) Is not performing satisfactorily in drug court.

22 (2) Is not benefiting from education, treatment, or  
23 rehabilitation.

24 (3) Has engaged in conduct rendering him or her  
25 unsuitable for the program.

26 (4) Has otherwise violated the terms and conditions  
27 of the agreement.

1 (5) Is for any reason unable to participate.

2 (e) Upon successful completion of drug court, a drug  
3 offender's case shall be disposed of by the judge in the  
4 manner prescribed by the agreement and by the applicable  
5 policies and procedures adopted by the drug court. This may  
6 include, but is not limited to, withholding criminal charges,  
7 nolle prosequere of charges recommended by the district attorney,  
8 probation, deferred sentencing, suspended sentencing, split  
9 sentencing, or a reduced period of incarceration. Records of  
10 all such dispositions shall be maintained and be available to  
11 judges and prosecutors statewide. This provision shall not  
12 authorize the disclosure of youthful offender or juvenile  
13 records to the general public.

14 (f) Drug courts shall include all of the following  
15 Ten Key Components, as defined by the U.S. Department of  
16 Justice, and the drug court team shall act to ensure  
17 compliance with each of the components:

18 (1) Integration of drug, alcohol, and other drug  
19 treatment or educational services with justice system case  
20 processing.

21 (2) Use of a non-adversarial approach, with  
22 prosecution and defense counsel promoting public safety while  
23 protecting the due process rights of drug offenders  
24 participating in the program.

25 (3) Early identification of drug offenders eligible  
26 to participate and prompt placement in the drug court program.

1 (4) Access to a continuum of alcohol, drug, and  
2 other related treatment and rehabilitation services.

3 (5) Monitoring of abstinence by frequent alcohol and  
4 other drug testing.

5 (6) Adoption and implementation of a coordinated  
6 strategy which governs drug court responses to the compliance  
7 of drug offenders participating in the program.

8 (7) Ongoing judicial interaction with each drug  
9 court of drug offenders participating in the program.

10 (8) Monitoring and evaluation to measure the  
11 achievement of program goals and gauge effectiveness.

12 (9) Continuing interdisciplinary education to  
13 promote effective drug court planning, implementation, and  
14 operations.

15 (10) Forging partnerships among drug courts, public  
16 agencies, and community-based organizations to generate local  
17 support and enhance drug court effectiveness.

18 (g) Cases handled pursuant to this act shall be  
19 calendared on dedicated dockets, set aside from other criminal  
20 cases.

21 (h) Each local jurisdiction that intends to  
22 establish a drug court, or continue the operation of an  
23 existing drug court, shall establish a local drug court team  
24 and may also establish a local drug court advisory committee.

25 (i) The drug court team, when practicable, shall  
26 conduct a staffing prior to each drug court session to discuss  
27 and provide updated information regarding drug offenders.

1 After determining their progress, or lack thereof, the drug  
2 court team shall agree on the appropriate incentive or  
3 sanction to be applied. If the drug court team cannot agree on  
4 the appropriate action, the court shall make the decision  
5 based on information presented in the staffing. Nothing in  
6 this act shall prohibit the authority of the district attorney  
7 to file a petition to remove the drug offender from the drug  
8 court program for good cause shown.

9 (j) Nothing contained in this act shall confer a  
10 right, or an expectation of a right, to participate in drug  
11 court, nor does it obligate the drug court to accept every  
12 drug offender. Neither the establishment of any drug court nor  
13 anything in this act shall be construed as limiting the  
14 discretion of the district attorney. Each drug court judge may  
15 establish rules and may make special orders and rules, as  
16 necessary, that do not conflict with this act or rules  
17 promulgated by the Alabama Supreme Court.

18 (k) A drug court coordinator shall be responsible  
19 for the general administration of drug court.

20 (l) Any agency charged with supervising a drug  
21 offender under drug court jurisdiction shall timely forward  
22 information to the drug court concerning the progress and  
23 compliance of the drug offender with any court-imposed terms  
24 and conditions.

25 Section 5. (a) Any drug offender subject to this act  
26 who posts bail shall submit to random observed drug tests as a  
27 condition of pretrial release.

1 (b) A drug offender shall be required to undergo a  
2 screening under any of the following conditions:

3 (1) The results of a drug test are positive.

4 (2) The drug offender requests a screening.

5 (3) The drug offender admits to substance use or  
6 abuse within the year preceding the arrest for the present  
7 charge.

8 (4) The present charge involves a violation of the  
9 controlled substances or impaired driving statutes.

10 (5) The drug offender, within the previous five  
11 years, has been convicted in any state or federal court  
12 involving a violation described in subsection (b) (1), (b) (3),  
13 or (b) (4).

14 (6) The drug offender refuses to undergo a drug test  
15 as required by this act.

16 (c) Notwithstanding the requirements of subsection  
17 (a), the court shall order a drug offender to undergo a  
18 screening if the court has reason to believe the drug offender  
19 is a substance abuser or would otherwise benefit from  
20 undergoing a screening.

21 (d) If a drug offender is ordered to undergo a  
22 screening and has not done so at the time of his or her  
23 release prior to trial or probation, submission to a screening  
24 shall be a condition of his or her pre-trial release or  
25 probation.

26 (e) Unless otherwise ordered by the court, the drug  
27 test results and screening of a drug offender shall be

1 provided as soon as practical after the initial appearance of  
2 the drug offender before the drug court team, or other  
3 appropriate authority in the case of an inmate.

4 (f) The screening shall include recommendations  
5 concerning the drug offender's need for a needs or risk  
6 assessment.

7 (g) Anyone receiving drug test results, a screening,  
8 an assessment, or other personal medical information shall  
9 maintain that information in accordance with federal and state  
10 confidentiality laws.

11 (h) A court shall immediately consider ordering a  
12 drug offender to participate in drug court if all of the  
13 following apply:

14 (1) A screening reveals that a drug offender is a  
15 substance abuser, and the court recommends that the drug  
16 offender participate in drug court.

17 (2) The court has reason to believe that  
18 participation in drug court will benefit the drug offender by  
19 addressing his or her substance abuse.

20 (3) The district attorney consents to the  
21 participation of the drug offender in the program.

22 (4) The case of the drug offender is handled  
23 pursuant to subsection (b) of Section 4.

24 (i) A drug offender shall not be eligible for  
25 admission into a drug court program if any of the following  
26 applies:

1           (1) The drug offender has a pending violent criminal  
2 charge against him or her or any felony charge in which a  
3 firearm or deadly weapon or dangerous instrument was used.

4           (2) The drug offender has been convicted of a  
5 violent felony offense or any felony in which a firearm or  
6 deadly weapon or dangerous instrument was used or adjudicated  
7 as a youthful offender or delinquent as a juvenile of a  
8 violent felony offense or any felony in which a firearm or  
9 deadly weapon or dangerous instrument was used.

10          (3) The drug offender is required to register as a  
11 sex offender or currently charged with a felony sex offense.

12          (4) The drug offender is charged with distribution,  
13 manufacturing, or trafficking of a controlled substance.

14          (j) Eligible offenses may be further restricted by  
15 the rules of a specific local drug court program.

16          (k) The Commissioner of the Department of  
17 Corrections shall develop criteria regarding the evaluation  
18 and eligibility of an inmate for early release into a reentry  
19 drug court program consistent with the requirements of  
20 subsection (i).

21          Section 6. (a) As part of the assessment, each  
22 jurisdiction shall establish a system to ensure that drug  
23 offenders are placed into a substance abuse treatment program  
24 approved by the Department of Mental Health. To accomplish  
25 this, the entity conducting the assessment should make  
26 specific recommendations to the drug court team regarding the  
27 level of treatment program and duration necessary so that the

1 individualized needs of a drug offender may be addressed.  
2 These assessments and resulting recommendations shall be  
3 performed by a certified, professional, or licensed alcohol  
4 and drug professional in accordance with the criteria  
5 certified by the Department of Mental Health, Substance Abuse  
6 Services Division. Treatment recommendations accepted by the  
7 court, pursuant to this act, shall be deemed to be reasonable  
8 and necessary.

9 (b) An adequate continuum of care for drug offenders  
10 shall be established in response to this act.

11 (c) The drug court, when practicable, shall ensure  
12 that no agency provide both assessment and treatment services  
13 for a drug court to avoid potential conflicts of interest or  
14 the appearance that a given assessment agency might benefit by  
15 determining that an offender is in need of the particular form  
16 of treatment that the assessor provides.

17 (d) A drug court making a referral for substance  
18 abuse treatment shall refer the drug offender to a program  
19 that is certified by the Department of Mental Health,  
20 Substance Abuse Services Division.

21 (e) The court shall determine which treatment  
22 programs are authorized to provide the recommended treatment  
23 to a drug offender. The relationship between the treatment  
24 program and the court should be governed by a memorandum of  
25 understanding, which should include the timely reporting of  
26 the progress or lack thereof of the drug offender to the drug  
27 court.



1 (f) Appropriate services for mental health treatment  
2 should be made available by the Department of Mental Health,  
3 where practicable, recognizing that a drug offender is  
4 frequently co-occurring.

5 (g) Recognizing that appropriate levels of substance  
6 abuse treatment, including appropriate length of stay, impact  
7 success, the drug court team may require assessments that  
8 determine the appropriate level of care and refer to programs  
9 certified by the Department of Mental Health for the provision  
10 of the indicated treatment.

11 Section 7. (a) The drug court team shall ensure  
12 fair, accurate, and reliable drug testing procedures.

13 (b) The drug offender shall be ordered to submit to  
14 frequent, random, and observed drug testing to monitor  
15 abstinence.

16 (c) The results of all drug tests shall be provided  
17 to the drug court team as soon as practicable, and in the  
18 event of a positive drug test, the team shall be notified  
19 immediately.

20 (d) Anyone in receipt of drug test results shall  
21 maintain the information in compliance with the requirements  
22 of federal and state confidentiality laws.

23 Section 8. Any drug court in this state may transfer  
24 to or accept transfer from any other drug court in this state,  
25 as well as any drug court in any other state which is a part  
26 of the Interstate Compact for Adult Offender Supervision, any  
27 drug offender for admission into the respective drug court

1 program based upon the residence of the drug offender. All  
2 terms and conditions of the transfer and supervision shall be  
3 clearly stated, in writing, and shall not be valid unless  
4 agreed to, in writing, by all of the following:

5 (1) The drug offender.

6 (2) The defense attorney.

7 (3) The judge and prosecutor of the transferring  
8 drug court.

9 (4) The judge and prosecutor of the receiving drug  
10 court.

11 Section 9. (a) The Administrative Office of Courts,  
12 hereinafter AOC, shall assist in the planning, implementation,  
13 and development of drug courts statewide. AOC shall make  
14 recommendations to the Alabama Supreme Court and the Chief  
15 Justice concerning the legal, policy, and procedural issues  
16 confronting the drug courts in the state. Nothing in this  
17 section shall impede the constitutional authority of the  
18 district attorney.

19 (b) AOC shall provide state-level coordination and  
20 support for drug court judges and their programs and operate  
21 as a liaison between drug court judges and other state-level  
22 agencies providing services to or benefitting from drug court  
23 programs.

24 (c) The Administrative Director of Courts shall make  
25 recommendations to the Chief Justice of the Alabama Supreme  
26 Court concerning criteria for eligibility, the promulgation of  
27 procedural rules, the establishment of guidelines for

1 operation, and adoption of standards and protocols for the  
2 various drug courts of this state. All rules, guidelines,  
3 standards, and protocols shall periodically be reviewed and  
4 revised.

5 (d) AOC shall identify existing resources for  
6 assessment and treatment and make recommendations for the  
7 allocation of those resources; explore grants and funds  
8 necessary to support drug courts; promote and provide annual  
9 training and technical assistance for all drug court judges  
10 and criminal justice personnel involved in drug courts, as  
11 well as education for the public about the effectiveness of  
12 drug court; and establish evaluation criteria and procedures,  
13 including tracking the status of drug offenders after  
14 concluding drug court. The critical performance measures to be  
15 collected shall include those set forth in subsection (a) of  
16 Section 10.

17 (e) The local drug court team or advisory committee,  
18 or both, shall ensure the provision of a full continuum of  
19 care for drug offenders.

20 (f) The presiding judge of each circuit shall report  
21 to AOC by the fifteenth day of January of each year. The  
22 report shall include all of the following:

23 (1) A description of the drug court operating within  
24 the jurisdiction.

25 (2) The name of the participating judge or judges.

26 (3) Community involvement.

27 (4) Education and training.

1 (5) Use of existing resources.

2 (6) Collaborative efforts.

3 (7) An evaluation of the critical data elements  
4 required by subsection (a) of Section 10.

5 (g) The Administrative Director of Courts shall  
6 provide a statewide report each year during the regular  
7 legislative session to the Alabama Supreme Court, Legislature,  
8 and Governor regarding the need for, and implementation of,  
9 this act. The report shall include a synopsis of such  
10 information or data necessary to determine the impact,  
11 utility, and cost-effectiveness of its implementation and  
12 ongoing operation.

13 Section 10. (a) A drug court shall collect and  
14 maintain the following information for each drug offender that  
15 is considered for admission or admitted into drug court:

16 (1) Prior criminal history.

17 (2) Prior substance abuse treatment history,  
18 including information on the success or failure of the drug  
19 offender in those programs.

20 (3) Employment, education, and income histories.

21 (4) Gender, race, ethnicity, marital and family  
22 status, and any child custody and support obligations.

23 (5)a. Instances of recidivism occurring after  
24 successful completion of drug court. Recidivism shall be  
25 measured at a period of three years after successful  
26 graduation.

1           b. Instances of recidivism occurring after a drug  
2 offender's termination in drug court for a period of three  
3 years from release into the community.

4           (6) The drug of choice and the estimated daily  
5 financial cost to the drug offender at the time of entry into  
6 the program.

7           (7) The number of drug offenders screened for  
8 eligibility, the number of eligible drug offenders who were  
9 and were not admitted into drug court, the reasons for  
10 non-admission for those drug offenders not admitted into drug  
11 court, and the case disposition for each drug offender  
12 admitted into drug court.

13           (8) The cost of operation and sources of funding for  
14 each drug court.

15           (b) A drug offender subject to this act may be  
16 required, as a condition of pretrial release, probation,  
17 diversion, parole, or community corrections to provide the  
18 information in subsection (a). The collection and maintenance  
19 of this information shall be collected in a standardized  
20 format according to applicable guidelines.

21           (c) To protect the privacy of a drug offender in  
22 accordance with federal and state confidentiality laws,  
23 treatment records shall be kept in a secure environment,  
24 separated from the court records to which the public has  
25 access.

26           (d) All drug court personnel shall be trained in  
27 accordance with subsection (d) of Section 9.

1           (e) Evaluations shall be conducted in accordance  
2 with subsection (a).

3           (f) The drug offender shall be responsible for all  
4 fees, court costs, and restitution associated with the terms  
5 of release of the offender, supervision, treatment, and  
6 successful completion in drug court, unless the offender is  
7 determined to be indigent, in which event such fees may be  
8 waived in whole or in part. Determination of indigency shall  
9 be subject to continuing review by the court. All such fees,  
10 which do not include regular court costs normally collected by  
11 the clerk of court, shall be collected and accounted for by  
12 the drug court or other entity designated by the drug court  
13 team, in accordance with generally accepted uniform accounting  
14 principles, which shall be subject to approval by the State  
15 Chief Examiner of the Department of Public Accounts. Drug  
16 courts shall establish and maintain a uniform accounting  
17 system.

18           (g) The annual reports and all records of accounts  
19 and financial records of all funds received from fees or by  
20 grant, contract, or otherwise from state, local, or federal  
21 sources, shall be subject to audit annually by the Chief  
22 Examiner of the Department of Public Accounts. The audit may  
23 be performed by a licensed independent certified public  
24 accountant approved by the Chief Examiner of the Department of  
25 Public Accounts.

26           (h) All audits shall be completed as soon as  
27 practicable after the end of the fiscal year. One copy of each

1 audit shall be furnished to the presiding circuit judge, the  
2 district attorney, the Administrative Director of Courts, and  
3 the Chief Examiner of the Department of Public Accounts.  
4 Copies of each audit shall also be made available to the  
5 press.

6 Section 11. (a) Absent negligence, wantonness,  
7 recklessness, or deliberate misconduct, any individual who, in  
8 good faith, provides services pursuant to this act, shall not  
9 be liable in any civil action. The grant of immunity provided  
10 for in this subsection shall extend to all employees,  
11 administrative personnel, and drug court team members, as well  
12 as volunteers.

13 (b) Absent negligence, wantonness, recklessness, or  
14 deliberate misconduct, any qualified person who obtains, in a  
15 medically accepted manner, a specimen of breath, blood, urine,  
16 or other bodily substance pursuant to this act shall not be  
17 liable in any civil action.

18 Section 12. Nothing in this act shall be construed  
19 to require a county commission or any county employee to  
20 participate in or fund in whole or in part the development or  
21 operation of a drug court program authorized in this act.

22 Section 13. A holder of a commercial driver's  
23 license (CDL) shall be ineligible to participate in any drug  
24 court program.

25 Section 14. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
  
12  
13  
14  
15  
16  
17  
18  
19

Senate

Read for the first time and referred to  
the Senate committee on Judiciary ..... 11-FEB-10

Read for the second time and placed on  
the calendar 4 amendments ..... 11-MAR-10

Read for the third time and passed as  
amended ..... 08-APR-10

Yeas 30  
Nays 1  
Abstaining 1

McDowell Lee  
Secretary