



1 HB360
2 ZQQ5VRR-2
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13 Travis
14 RFD: Judiciary
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TO BE ENTITLED

AN ACT

Relating to courts; to amend Sections 12-23A-1, 12-23A-2, 12-23A-3, 12-23A-4, 12-23A-5, 12-23A-6, 12-23A-7, 12-23A-8, 12-23A-9, 12-23A-10, 12-23A-11, 12-23A-12, and 12-23A-13, Code of Alabama 1975, to rename "drug courts" to "accountability courts" and to expand the scope of whom accountability courts serve to include offenders with mental illness and offenders who are veterans; to further provide for the duties of the Administrative Office of the Courts; and to repeal Section 12-23A-7, Code of Alabama 1975, relating to drug court procedures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-23A-1, 12-23A-2, 12-23A-3,

12-23A-4, 12-23A-5, 12-23A-6, 12-23A-8, 12-23A-9, 12-23A-10,

12-23A-11, 12-23A-12, and 12-23A-13, Code of Alabama 1975, are

amended to read as follows:

"§12-23A-1

This chapter shall be known and may be cited as the

Alabama Drug-Offender Accountability Act."

"§12-23A-2

As used in this chapter, the following words shall have



29 the following meanings:

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

32 a. The drug court judge, who shall serve as chair.

33 b. The district attorney.

34 c. The public defender or a member of the criminal
35 defense bar.

36 d. The drug court coordinator.

37 e. The court clerk.

38 f. A community corrections or court referral officer,
39 or both.

40 g. A pretrial services provider.

41 h. A law enforcement officer.

42 i. Substance abuse treatment providers.

43 j. Any other person the chair deems appropriate.

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

48 (3) CHARGE. As defined in Section 12-25-32(13).

49 (4) CONTINUUM OF CARE. A seamless and coordinated
50 course of substance abuse education and treatment or other
51 evidence based programs designed to meet the needs of drug
52 offenders who are: (i) veterans; (ii) in need of substance
53 abuse services; or (iii) in need of mental health services as
54 they move through the criminal justice system and beyond,
55 maximizing self-sufficiency.

56 (5) CO-OCCURRING. A substance abuse and mental health



57 disorder.

58 (6) DRUG(10) SUBSTANCE. Includes all of the following:

59 a. A controlled substance, drug, or other substance for
60 which a medical prescription or other legal authorization is
61 required for purchase or possession.

62 b. A drug whose manufacture, sale, use, or possession
63 is forbidden by law.

64 c. Other harmful substance, a misused substance
65 otherwise legal to possess, including alcohol.

66 (7) DRUG(1) ACCOUNTABILITY COURT. A judicial
67 intervention program for ~~drug~~ offenders including, but not
68 limited to, those who are: (i) veterans; (ii) in need of
69 substance abuse services; or (iii) in need of mental health
70 services, in the criminal division of the circuit or district
71 court that incorporates the ten key components as enumerated
72 in subsection (f) of Section 12-23A-4 the evidence based
73 programs as set forth in the policies and procedures adopted
74 by AOC, and may include any of the following:

75 a. Pre-adjudication. ~~A drug offender is ordered to~~
76 ~~participate~~Participation in ~~drug~~accountability court before
77 acceptance of a plea of guilty or conviction.

78 b. Post-adjudication. ~~A drug offender is ordered to~~
79 ~~participate~~Participation in ~~drug~~accountability court after
80 entering a plea of guilty or having been found guilty.

81 c. Reentry. ~~A drug offender is ordered to~~
82 ~~participate~~Participation in ~~drug~~accountability court upon
83 release from a sentence of incarceration.

84 d. Combination program. ~~May include~~Includes



85 pre-adjudication, post-adjudication, ~~and/or~~ and reentry.

86 ~~(8) DRUG COURT COORDINATOR. An individual who is~~
87 ~~responsible for coordinating the establishment, staffing,~~
88 ~~operation, evaluation, and integrity of the drug court.~~

89 ~~(9) DRUG (2) ACCOUNTABILITY COURT TEAM. Consists of all~~
90 ~~of the following members~~ Members who are assigned to the
91 ~~drug accountability court~~ as set forth in the policies and
92 procedures adopted by AOC.÷

93 a. ~~The drug court judge.~~

94 b. ~~The district attorney or his or her designee.~~

95 c. ~~The public defender or a member of the criminal~~
96 ~~defense bar.~~

97 d. ~~A law enforcement officer.~~

98 e. ~~The drug court coordinator.~~

99 f. ~~A representative from community corrections, court~~
100 ~~referral program, or the Board of Pardons and Paroles.~~

101 g. ~~Any other persons selected by the drug court team.~~

102 ~~(10) DRUG (7) OFFENDER. A person~~ An individual charged
103 with or convicted of: (i) a drug-related offense ~~or;~~ (ii) an
104 offense in which substance abuse is determined from the
105 evidence to have been a significant factor in the commission
106 of the offense; (iii) an offense in which mental illness is
107 determined from the evidence to have been a significant factor
108 in the commission of the offense, or a veteran for whom
109 substance abuse or mental illness is determined from the
110 evidence to have been a significant factor in the commission
111 of the offense, and who has applied for or been accepted to
112 participate in a ~~drug~~ accountability court program ~~for drug~~



113 offenders in the criminal division of the circuit or district
114 court.

115 ~~(11)~~ (6) MEMORANDUM OF UNDERSTANDING. A written document
116 setting forth an agreed upon procedure.

117 ~~(12)~~ RECIDIVISM. A subsequent conviction or plea of
118 ~~nolo contendere~~ in this or any other state or federal court of
119 the United States within three years of successful completion
120 of, or termination from, drug court for any offense carrying a
121 sentence of one year or more.

122 ~~(13)~~ (8) RELAPSE. A return to substance use after a
123 period of abstinence from substance abuse or the recurrence of
124 a prior mental illness by an offender.

125 ~~(14)~~ SCREENING. The process of gathering basic
126 information to determine whether the offender meets
127 established drug court eligibility criteria and shall include,
128 but is not limited to, the current charge, a substance abuse
129 evaluation, a brief questionnaire to determine if a risk or
130 needs assessment is needed, and drug testing, and may include,
131 but is not limited to, a substance abuse evaluation, risk
132 assessment, or needs assessment.

133 ~~(15)~~ (9) SPLIT SENTENCING. A sentence ~~which~~that includes
134 a period of incarceration followed by a period of probation.

135 ~~(16)~~ STAFFING. The meeting before an appearance of a
136 drug offender in drug court in which the drug court team
137 discusses a coordinated response to the drug offender's
138 behavior.

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

140 ~~(18)~~ (11) SUBSTANCE ABUSE. The illegal or improper



141 consumption of a drug.

142 ~~(19) SUBSTANCE ABUSE (12) TREATMENT.~~ The application of
143 an evidence based program professionally planned, managed,
144 administered, and monitored ~~procedures~~ for the purpose of
145 alleviating, minimizing, and stabilizing the effect of
146 ~~substance-related disorders~~substance abuse or mental illness
147 and restoring impaired functionality.

148 ~~(20) (13) VIOLENT OFFENSE OR CHARGE.~~ As defined in
149 Section 12-25-32(13).

150 (3) AOC. The Administrative Office of Courts."

151 "§12-23A-3

152 (a) The Legislature recognizes that a critical need
153 exists in this state for the criminal justice system to more
154 effectively address the number of ~~defendants who are involved~~
155 with offenders who have a substance abuse or
156 addiction disorder, who suffer from mental illness, or who
157 suffer from a condition related to a veteran's mental illness
158 or substance abuse. ~~For the criminal justice system to~~
159 ~~maintain credibility, court and community alternatives for the~~
160 ~~substance abuse and addiction involved defendant must be~~
161 ~~expanded. A growing body of research demonstrates the impact~~
162 ~~of substance abuse on public safety, personal health, and~~
163 ~~health care costs, the spread of communicable disease,~~
164 ~~educational performance and attainment, work force reliability~~
165 ~~and productivity, family safety, and financial stability.~~
166 Requiring accountability and effective treatment, in addition
167 ~~to, or in place of, conventional and expensive incarceration,~~
168 ~~will promote public safety, promote the welfare of the~~



169 individuals involved, reduce the burden upon the State
170 Treasury, and benefit the common welfare of this state. The
171 goals of this chapter are to do all of the following:

172 (1) Enhance community safety and quality of life for
173 citizens.

174 (2) Reduce recidivism.

175 (3) ~~Reduce substance abuse~~Hold offenders accountable
176 for their criminal behavior.

177 (4) ~~Increase the personal, familial, and societal~~
178 accountability of drug offenders.

179 (5) ~~Restore drug~~ offenders to productive, law-abiding,
180 and taxpaying citizens.

181 (5) ~~(6)~~ Promote effective interaction and use of
182 resources among criminal justice and community agencies.

183 (6) ~~(7)~~ Reduce the costs of incarceration.

184 (7) ~~(8)~~ Improve the efficiency of the criminal justice
185 system ~~by enacting an effective methodology.~~

186 (b) As a general proposition, all ~~drug~~ offenders should
187 receive timely eligibility screening and, where indicated,
188 assessment and the appropriate level of treatment. The
189 criminal justice system should be used constructively to
190 motivate ~~drug~~ offenders to accept treatment and engage in the
191 treatment process."

192 "§12-23A-4

193 (a) (1) The presiding judge of each judicial circuit,
194 ~~with the consent of the district attorney of that judicial~~
195 ~~circuit, may establish a drug~~an accountability court or
196 ~~courts, under which drug offenders shall be processed,~~ to



197 appropriately address the identified substance abuse problem
198 disorder, mental illness, or other issue of the ~~drug~~ offender
199 as a condition of pretrial release, pretrial diversion,
200 probation, jail, prison, parole, community corrections, or
201 other release or diversion from a correctional facility. The
202 structure, method, and operation of each ~~drug~~ accountability
203 court may differ and should be based upon the specific needs
204 of and resources available to the judicial ~~district or~~ circuit
205 where the ~~drug~~ accountability court is located, but shall be
206 created and operate pursuant to this chapter and in compliance
207 with ~~rules promulgated~~ policies and procedures adopted by the
208 ~~Alabama Supreme Court~~ AOC.

209 (2) Nothing in this chapter shall affect the authority
210 of the district attorney to establish a deferred prosecution
211 program or a pretrial diversion program within his or her
212 judicial circuit or affect his or her ability to nolle prosse
213 a particular case. ~~Notwithstanding the foregoing, all drug~~
214 ~~courts shall comply with this chapter and rules promulgated by~~
215 ~~the Alabama Supreme Court.~~

216 (b) Participation of an offender in an accountability
217 ~~drug~~ court shall require the consent of the district attorney
218 and the court and shall be pursuant to a written agreement. A
219 ~~drug~~ An offender may participate in a pre-adjudication,
220 post-adjudication, reentry, probation violation, or
221 combination program.

222 (c) The court may grant reasonable incentives under the
223 written agreement if the court finds that the ~~drug~~ offender:
224 (1) Is performing satisfactorily in ~~drug~~ court.



225 (2) Is benefiting from education, treatment, and
226 rehabilitation.

227 (3) Has not engaged in criminal conduct.

228 (4) Has not violated the terms and conditions of the
229 agreement.

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

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

234 (2) Is not benefiting from education, treatment, or
235 rehabilitation.

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

238 (4) Has otherwise violated the terms and conditions of
239 the agreement.

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

241 (e) Upon successful completion of drug
242 accountability court, a drug offender's case shall be disposed
243 of by the judge in the manner prescribed ~~by the agreement and~~
244 by the applicable policies and procedures adopted by the
245 drugaccountability court. This may include, but is not limited
246 to, withholding criminal charges, nolle prosse of charges
247 recommended by the district attorney, probation, deferred
248 sentencing, suspended sentencing, split sentencing, or a
249 reduced period of incarceration. Records of all such
250 dispositions shall be maintained and be available to judges
251 and prosecutors statewide. This ~~provision shall~~subsection does
252 not authorize the disclosure of youthful offender or juvenile



253 records to the general public.

254 ~~(f) Drug courts shall include all of the following ten~~
255 ~~key components, as defined by the United States Department of~~
256 ~~Justice, and the drug court team shall act to ensure~~
257 ~~compliance with each of the components:~~

258 ~~(1) Integration of drug, alcohol, and other drug~~
259 ~~treatment or educational services with justice system case~~
260 ~~processing.~~

261 ~~(2) Use of a non-adversarial approach, with prosecution~~
262 ~~and defense counsel promoting public safety while protecting~~
263 ~~the due process rights of drug offenders participating in the~~
264 ~~program.~~

265 ~~(3) Early identification of drug offenders eligible to~~
266 ~~participate and prompt placement in the drug court program.~~

267 ~~(4) Access to a continuum of alcohol, drug, and other~~
268 ~~related treatment and rehabilitation services.~~

269 ~~(5) Monitoring of abstinence by frequent alcohol and~~
270 ~~other drug testing.~~

271 ~~(6) Adoption and implementation of a coordinated~~
272 ~~strategy which governs drug court responses to the compliance~~
273 ~~of drug offenders participating in the program.~~

274 ~~(7) Ongoing judicial interaction with each drug court~~
275 ~~of drug offenders participating in the program.~~

276 ~~(8) Monitoring and evaluation to measure the~~
277 ~~achievement of program goals and gauge effectiveness.~~

278 ~~(9) Continuing interdisciplinary education to promote~~
279 ~~effective drug court planning, implementation, and operations.~~

280 ~~(10) Forging partnerships among drug courts, public~~



281 agencies, and community-based organizations to generate local
282 support and enhance drug court effectiveness.

283 (g) Cases handled pursuant to this chapter shall be
284 calendared on dedicated dockets, set aside from other criminal
285 cases.

286 (h) Each local jurisdiction that intends to establish a
287 drug court, or continue the operation of an existing drug
288 court, shall establish a local drug court team and may also
289 establish a local drug court advisory committee.

290 (i) The drug court team, when practicable, shall
291 conduct a staff meeting prior to each drug court session to
292 discuss and provide updated information regarding drug
293 offenders. After determining their progress, or lack thereof,
294 the drug court team shall agree on the appropriate incentive
295 or sanction to be applied. If the drug court team cannot agree
296 on the appropriate action, the court shall make the decision
297 based on information presented in the staff meeting. Nothing
298 in this chapter shall prohibit the authority of the district
299 attorney to file a petition to remove the drug offender from
300 the drug court program for good cause shown.

301 (j) (d) Nothing contained in this chapter shall confer a
302 right, or an expectation of a right, to participate in drug an
303 accountability court, nor does it obligate the drug
304 accountability court to accept every drug offender. Neither
305 the establishment of any drug accountability court nor
306 anything in this chapter shall be construed as limiting the
307 discretion of the district attorney. Nothing in this chapter
308 shall be construed to prohibit the authority of the district



309 attorney to file a petition to remove the offender from the
310 accountability court for good cause shown. Each drug
311 accountability court judge may establish rules and may make
312 special orders and rules, as necessary, that do not conflict
313 with this chapter or rules promulgated policies and procedures
314 adopted by AOC the Alabama Supreme Court.

315 ~~(k) A drug court coordinator shall be responsible for~~
316 ~~the general administration of drug court.~~

317 ~~(l) (e) Any agency charged with supervising a drug an~~
318 ~~offender under drug accountability court jurisdiction shall~~
319 ~~timely forward information to the drug accountability court~~
320 ~~concerning the progress and compliance of the drug offender~~
321 ~~with any court imposed terms and conditions."~~

322 "§12-23A-5

323 ~~(a) Any drug offender subject to this chapter who posts~~
324 ~~bail shall submit to random observed drug tests as a condition~~
325 ~~of pretrial release.~~

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

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

329 ~~(2) The drug offender requests a screening.~~

330 ~~(3) The drug offender admits to substance use or abuse~~
331 ~~within the year preceding the arrest for the present charge.~~

332 ~~(4) The present charge involves a violation of the~~
333 ~~controlled substances or impaired driving statutes.~~

334 ~~(5) The drug offender, within the previous five years,~~
335 ~~has been convicted in any state or federal court involving a~~
336 ~~violation described in subsection (b) (1), (b) (3), or (b) (4).~~



337 (6) The drug offender refuses to undergo a drug test as
338 required by this chapter.

339 (c) Notwithstanding the requirements of subsection (a),
340 the court shall order a drug offender to undergo a screening
341 if the court has reason to believe the drug offender is a
342 substance abuser or would otherwise benefit from undergoing a
343 screening.

344 (d) If a drug offender is ordered to undergo a
345 screening and has not done so at the time of his or her
346 release prior to trial or probation, submission to a screening
347 shall be a condition of his or her pretrial release or
348 probation.

349 (e) Unless otherwise ordered by the court, the drug
350 test results and screening of a drug offender shall be
351 provided as soon as practical after the initial appearance of
352 the drug offender before the drug court team, or other
353 appropriate authority in the case of an inmate.

354 (f) The screening shall include recommendations
355 concerning the drug offender's need for a needs or risk
356 assessment.

357 (g) (a) Anyone receiving drug or substance test results,
358 a screening, an assessment, or other personal medical
359 information shall maintain that information in accordance with
360 federal and state confidentiality laws.

361 (h) A court shall immediately consider ordering a drug
362 offender to participate in drug court if all of the following
363 apply:

364 (1) A screening reveals that a drug offender is a



365 substance abuser, and the court recommends that the drug
366 offender participate in drug court.

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

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

372 (4) The case of the drug offender is handled pursuant
373 to subsection (b) of Section 12-23A-4.

374 (b) An-(i) A drug offender shall not be eligible for
375 admission into a drug an accountability court program if any
376 of the following applies:

377 (1) The drug offender has a pending violent criminal
378 charge against him or her or any felony charge in which a
379 firearm or deadly weapon or dangerous instrument was used-;

380 (2) The drug offender has been convicted of a violent
381 felony offense or any felony in which a firearm or deadly
382 weapon or dangerous instrument was used or adjudicated as a
383 youthful offender or delinquent as a juvenile of a violent
384 felony offense or any felony in which a firearm or deadly
385 weapon or dangerous instrument was used-;

386 (3) The drug offender is required to register as a sex
387 offender or currently charged with a felony sex offense-; or

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

390 (c)-(j) Eligible offenses may be further restricted by
391 the rules of a specific local drug accountability court
392 program.



393 (d) ~~(k)~~ The Commissioner of the Department of
394 Corrections shall develop criteria regarding the evaluation
395 and eligibility of an inmate for early release into a reentry
396 ~~drug accountability~~ court program consistent with the
397 requirements of subsection ~~(b)-(i)~~."

398 "§12-23A-6

399 (a) ~~As part of the assessment, each jurisdiction shall~~
400 ~~establish a system to ensure that drug offenders are placed~~
401 ~~into a substance abuse treatment program approved by the~~
402 ~~Department of Mental Health. To accomplish this, the entity~~
403 ~~conducting the assessment should make specific recommendations~~
404 ~~to the drug court team regarding the level of treatment~~
405 ~~program and duration necessary so that the individualized~~
406 ~~needs of a drug offender may be addressed. These assessments~~
407 ~~and resulting recommendations shall be performed by a~~
408 ~~certified or licensed alcohol and drug professional in~~
409 ~~accordance with the criteria certified by the Department of~~
410 ~~Mental Health, Substance Abuse Services Division. Treatment~~
411 ~~recommendations accepted by the court, pursuant to this~~
412 ~~chapter, shall be deemed to be reasonable and necessary.~~

413 (b) ~~An adequate continuum of care for drug offenders~~
414 ~~shall be established in response to this chapter.~~

415 (a) ~~(e)~~ The ~~drug accountability~~ court, when practicable,
416 shall ensure that no agency provide both assessment and
417 treatment services for ~~a drug~~ ~~an~~ ~~accountability~~ court to avoid
418 potential conflicts of interest or the appearance that a given
419 assessment agency might benefit by determining that an
420 offender is in need of the particular form of treatment that



421 the assessor provides.

422 (b) An accountability~~(d) A drug~~ court making a referral
423 for substance abuse treatment shall refer the~~drug~~ offender to
424 a program that: (i) is certified by the Department of Mental
425 Health; (ii) agrees to become certified by the Department of
426 Mental Health within 90 days of service implementation; or
427 (iii) can provide documentation that it is using
428 evidence-based practices, ~~Substance Abuse Services Division~~.

429 (c)~~(e)~~ The court shall determine which treatment
430 programs are authorized to provide the recommended treatment
431 to a~~drug~~ an offender. The relationship between the treatment
432 program and the accountability court should be governed by a
433 memorandum of understanding, which should include the timely
434 reporting of the progress or lack thereof of the~~drug~~ offender
435 to the~~drug~~ accountability court.

436 (d)~~(f)~~ Appropriate services for mental health treatment
437 should be made available by the Department of Mental Health,
438 where practicable, ~~recognizing that a drug offender is~~
439 ~~frequently co-occurring~~.

440 ~~(g) Recognizing that appropriate levels of substance~~
441 ~~abuse treatment, including appropriate length of stay, impact~~
442 ~~success, the drug court team may require assessments that~~
443 ~~determine the appropriate level of care and refer to programs~~
444 ~~certified by the Department of Mental Health for the provision~~
445 ~~of the indicated treatment."~~

446 "§12-23A-8

447 (a) Any~~drug~~ accountability court in this state may
448 transfer to or accept transfer from any other~~drug~~



449 accountability court in this state, as well as and any drug
450 accountability court, or similar court in any other state
451 which is a part of the Interstate Compact for Adult Offender
452 Supervision, any drug offender for admission into the
453 respective drug accountability court program based upon the
454 residence of the drug offender. All terms and conditions of
455 the transfer and supervision shall be clearly stated, in
456 writing, and shall not be valid unless agreed to, in writing,
457 by all of the following:

458 (1) The drug offender.
459 (2) The defense attorney.
460 (3) The judge and prosecutor of the transferring drug
461 court.
462 (4) The judge and prosecutor of the receiving drug
463 court.

464 (b) Any accountability court in this state may accept
465 the transfer of offenders with an identified substance abuse
466 disorder or mental illness from any municipal court within its
467 jurisdiction which does not have its own municipal
468 accountability court."

469 "§12-23A-9
470 (a) The Administrative Office of Courts, hereinafter
471 AOC, shall assist in adopt policies and procedures regarding
472 best practices in the planning, implementation, and
473 development of drug accountability courts statewide. AOC shall
474 make recommendations to the Alabama Supreme Court and the
475 Chief Justice concerning the legal, policy, and procedural
476 issues confronting the drug courts in the state. Nothing in



477 ~~this section shall impede the constitutional authority of the~~
478 ~~district attorney.~~

479 (b) AOC shall provide state-level coordination and
480 support for ~~drugaccountability~~ court judges and their programs
481 and operate as a liaison between ~~drugaccountability~~ court
482 judges and other state-level agencies providing services to or
483 ~~benefitting~~benefiting from ~~drugaccountability~~ court programs.

484 ~~(c) The Administrative Director of Courts shall make~~
485 ~~recommendations to the Chief Justice of the Alabama Supreme~~
486 ~~Court concerning criteria for eligibility, the promulgation of~~
487 ~~procedural rules, the establishment of guidelines for~~
488 ~~operation, and adoption of standards and protocols for the~~
489 ~~various drug courts of this state. All rules, guidelines,~~
490 ~~standards, and protocols shall periodically be reviewed and~~
491 ~~revised.~~

492 ~~(d) AOC shall identify existing resources for~~
493 ~~assessment and treatment and make recommendations for the~~
494 ~~allocation of those resources; explore grants and funds~~
495 ~~necessary to support drug courts; promote and provide annual~~
496 ~~training and technical assistance for all drug court judges~~
497 ~~and criminal justice personnel involved in drug courts, as~~
498 ~~well as education for the public about the effectiveness of~~
499 ~~drug court; and establish evaluation criteria and procedures,~~
500 ~~including tracking the status of drug offenders after~~
501 ~~concluding drug court. The critical performance measures to be~~
502 ~~collected shall include those set forth in subsection (a) of~~
503 ~~Section 12-23A-10.~~

504 ~~(e) The local drug court team or advisory committee, or~~



505 ~~both, shall ensure the provision of a full continuum of care~~
506 ~~for drug offenders.~~

507 ~~(f) The presiding judge of each circuit shall report to~~
508 ~~AOC by the fifteenth day of January of each year. The report~~
509 ~~shall include all of the following:~~

510 ~~(1) A description of the drug court operating within~~
511 ~~the jurisdiction.~~

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

513 ~~(3) Community involvement.~~

514 ~~(4) Education and training.~~

515 ~~(5) Use of existing resources.~~

516 ~~(6) Collaborative efforts.~~

517 ~~(7) An evaluation of the critical data elements~~
518 ~~required by subsection (a) of Section 12-23A-10.~~

519 ~~(g) (c) The Administrative Director of Courts shall~~
520 ~~provide a statewide report each year during the regular~~
521 ~~legislative session to the Alabama Supreme Court, Legislature,~~
522 ~~and Governor regarding the need for, and implementation of,~~
523 ~~this chapter. The report shall include a synopsis of such~~
524 ~~information or data necessary to determine the impact,~~
525 ~~utility, and cost-effectiveness of its implementation and~~
526 ~~ongoing operation."~~

527 "§12-23A-10

528 ~~(a) A drug court shall collect and maintain the~~
529 ~~following information for each drug offender that is~~
530 ~~considered for admission or admitted into drug court:~~

531 ~~(1) Prior criminal history.~~

532 ~~(2) Prior substance abuse treatment history, including~~



533 information on the success or failure of the drug offender in
534 those programs.

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

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

538 (5) a. Instances of recidivism occurring after
539 successful completion of drug court. Recidivism shall be
540 measured at a period of three years after successful
541 graduation.

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

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

548 (7) The number of drug offenders screened for
549 eligibility, the number of eligible drug offenders who were
550 and were not admitted into drug court, the reasons for
551 non-admission for those drug offenders not admitted into drug
552 court, and the case disposition for each drug offender
553 admitted into drug court.

554 (8) The cost of operation and sources of funding for
555 each drug court.

556 (b) A drug offender subject to this chapter may be
557 required, as a condition of pretrial release, probation,
558 diversion, parole, or community corrections to provide the
559 information in subsection (a). The collection and maintenance
560 of this information shall be collected in a standardized



561 ~~format according to applicable guidelines.~~

562 (a) ~~(e)~~ To protect the privacy of ~~a drug~~ an offender in
563 accordance with federal and state confidentiality laws,
564 treatment records shall be kept in a secure environment,
565 separated from the court records to which the public has
566 access.

567 (d) ~~All drug court personnel shall be trained in
568 accordance with subsection (d) of Section 12-23A-9.~~

569 (e) ~~Evaluations shall be conducted in accordance with
570 subsection (a).~~

571 (b) ~~(f)~~ The ~~drug~~ offender shall be responsible for all
572 fees, court costs, and restitution associated with the terms
573 of release of the offender, supervision, treatment, and
574 successful completion in ~~drug~~ an accountability court, unless
575 the offender is determined to be indigent, in which event
576 ~~such~~the fees may be waived in whole or in part. Determination
577 of indigency shall be subject to continuing review by the
578 accountability court. All ~~such~~ fees, which do not include
579 regular court costs normally collected by the clerk of court,
580 shall be collected and accounted for by the ~~drug~~accountability
581 court ~~or other entity designated by the drug court team,~~ in
582 accordance with generally accepted uniform accounting
583 principles, ~~which shall be subject to approval by the Chief~~
584 ~~Examiner of the Department of Examiners of Public Accounts.~~
585 Drug Accountability courts shall establish and maintain a
586 uniform accounting system.

587 (c) ~~(g)~~ The annual reports and all records of accounts
588 and financial records of all funds received from fees or by



589 grant, contract, or otherwise from state, local, or federal
590 sources, ~~shall~~may be subject to audit ~~annually~~ by the Chief
591 Examiner of the Department of Examiners of Public Accounts.
592 The audit may be performed by a licensed independent certified
593 public accountant ~~approved by the Chief Examiner of the~~
594 ~~Department of Examiners of Public Accounts.~~

595 (d) ~~(h)~~ All audits shall be completed as soon as
596 practicable ~~after the end of the fiscal year~~. One copy of each
597 audit shall be furnished to the presiding circuit judge, the
598 district attorney, the Administrative Director of Courts, and
599 the Chief Examiner of the Department of Examiners of Public
600 Accounts. ~~Copies of each audit shall also be made available to~~
601 ~~the press~~ The audit report shall be considered a public
602 writing."

603 "§12-23A-11

604 (a) Absent negligence, wantonness, recklessness, or
605 deliberate misconduct, any individual who, in good faith,
606 provides services pursuant to this chapter, shall not be
607 liable in any civil action. The grant of immunity provided for
608 in this subsection shall extend to all employees,
609 administrative personnel, substance abuse and mental illness
610 professionals, and drug accountability court team members, as
611 well as volunteers.

612 (b) Any qualified person individual who obtains, in a
613 medically accepted manner, a specimen of breath, blood, urine,
614 or other bodily substance pursuant to this chapter shall not
615 be liable in any civil action."

616 "§12-23A-12



617 Nothing in this chapter shall be construed to require a
618 county commission or any county employee to participate in or
619 fund in whole or in part the development or operation of a
620 ~~drug~~an accountability court program authorized in this
621 chapter."

622 "§12-23A-13

623 A holder of a commercial ~~driver's~~driver license, a
624 commercial driver ~~learner's~~learner permit holder, ~~and~~or any
625 other operator of a commercial motor vehicle that is subject
626 to Part 383 of the Federal Motor Carrier Safety Regulations
627 shall be ineligible to participate in any ~~drug~~accountability
628 court program."

629 Section 2. Section 12-23A-7, Code of Alabama 1975,
630 relating to drug testing procedures, is repealed.

631 Section 3. This act shall become effective on October
632 1, 2025.



633
634
635

House of Representatives

636 Read for the first time and referred 27-Feb-25
637 to the House of Representatives
638 committee on Judiciary
639
640 Read for the second time and placed 05-Mar-25
641 on the calendar:
642 1 amendment
643
644 Read for the third time and passed 19-Mar-25
645 as amended
646
647 Yeas 102
648 Nays 0
649 Abs 0
650 John Treadwell
651 Clerk
652