

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35054-NDa-61

Short Title: Modernization of Drug Court Program.

(Public)

Sponsors: Senators Britt, Corbin, and Perry (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH JUDICIALLY MANAGED ACCOUNTABILITY AND
RECOVERY COURTS THROUGHOUT THE STATE OF NORTH CAROLINA TO
PROVIDE CASE MANAGEMENT AND CONTINUITY OF CARE FOR THOSE
ENROLLED IN THE PROGRAM AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

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

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

"Article 62.

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

"§ 7A-790. Short title.

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

"§ 7A-791. Purpose.

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

"§ 7A-792. Goals.

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

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



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

"§ 7A-793. Establishment of Program.

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

"§ 7A-794. Fund administration.

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

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

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

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

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

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

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

"§ 7A-797. Eligible population; ~~drug treatment~~ judicially managed accountability and recovery court procedures.

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

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"§ 7A-799. Treatment not guaranteed.

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

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

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

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

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

"§ 7A-802. Exemption from Article.

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

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

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

SECTION 2.(c) Appropriation. – There is appropriated from the General Fund to the Administrative Office of the Courts the following:

- (1) One hundred fifty thousand dollars (\$150,000) in nonrecurring funds in each fiscal year of the 2021-2023 fiscal biennium to fund the implementation of the judicially managed accountability and recovery court in Haywood County.
- (2) One hundred fifty thousand dollars (\$150,000) in nonrecurring funds in each fiscal year of the 2021-2023 fiscal biennium to fund the implementation of the judicially managed accountability and recovery court in Robeson County.
- (3) One hundred fifty thousand dollars (\$150,000) in nonrecurring funds in each fiscal year of the 2021-2023 fiscal biennium to fund the implementation of the judicially managed accountability and recovery court in Wayne County.

SECTION 3. This act becomes effective July 1, 2021.