

1 HB348
2 120726-2
3 By Representatives Scott, Black, Spicer, Buskey, Gordon,
4 England, Kennedy, Guin, Robinson (O) and Rogers
5 RFD: Government Appropriations
6 First Read: 19-JAN-10

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

- a. Drug court judge, who shall serve as chair.
- b. The district attorney.

1 c. Public defender or member of the criminal defense
2 bar.

3 d. Drug court coordinator.

4 e. Court clerk.

5 f. Community corrections and/or court referral
6 officer.

7 g. Pretrial services.

8 h. Law enforcement.

9 i. Substance abuse treatment providers.

10 j. Any other persons as the chair deems appropriate.

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

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

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

22 (5) CO-OCCURRING. A substance abuse and mental
23 health disorder.

24 (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.

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

3 (7) Reduce the costs of incarceration.

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

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

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

25 Nothing in this act shall affect the authority of
26 the district attorney to establish a deferred prosecution

1 program or a pretrial diversion program within his or her
2 judicial circuit or affect his or her ability to nolle prosequere
3 a particular case. Notwithstanding the foregoing, all drug
4 courts shall comply with this act and rules promulgated by the
5 Supreme Court.

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

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

14 (1) Is performing satisfactorily in drug court.

15 (2) Is benefiting from education, treatment, and
16 rehabilitation.

17 (3) Has not engaged in criminal conduct.

18 (4) Has not violated the terms and conditions of the
19 agreement.

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

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

24 (2) Is not benefiting from education, treatment, or
25 rehabilitation.

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

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

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

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

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

22 (1) Integration of drug, alcohol, and other drug
23 treatment or educational services with justice system case
24 processing.

25 (2) Use of a non-adversarial approach, with
26 prosecution and defense counsel promoting public safety while

1 protecting the due process rights of drug offenders
2 participating in the program.

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

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

7 (5) Monitoring of abstinence by frequent alcohol and
8 other drug testing.

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

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

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

16 (9) Continuing interdisciplinary education to
17 promote effective drug court planning, implementation, and
18 operations.

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

22 (g) Cases handled pursuant to this act shall be
23 calendared on dedicated dockets, set aside from other criminal
24 cases.

25 (h) Each local jurisdiction that intends to
26 establish a drug court, or continue the operation of an

1 existing drug court, shall establish a local drug court team
2 and may also establish a local drug court advisory committee.

3 (i) The drug court team, when practicable, shall
4 conduct a staffing prior to each drug court session to discuss
5 and provide updated information regarding drug offenders.
6 After determining their progress, or lack thereof, the drug
7 court team shall agree on the appropriate incentive or
8 sanction to be applied. If the drug court team cannot agree on
9 the appropriate action, the court shall make the decision
10 based on information presented in the staffing. Nothing in
11 this act shall prohibit the authority of the district attorney
12 to file a petition to remove the drug offender from the drug
13 court program for good cause shown.

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

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

25 (l) Any agency charged with supervising a drug
26 offender under drug court jurisdiction shall timely forward

1 information to the drug court concerning the progress and
2 compliance of the drug offender with any court-imposed terms
3 and conditions.

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

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

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

10 (2) The drug offender requests a screening.

11 (3) The drug offender admits to substance use or
12 abuse within the year preceding the arrest for the present
13 charge.

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

16 (5) The drug offender, within the previous five
17 years, has been convicted in any state or federal court
18 involving a violation described in subsection (b) (1), (b) (3),
19 or (b) (4).

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

22 (c) Notwithstanding the requirements of subsection
23 (a), the court shall order a drug offender to undergo a
24 screening if the court has reason to believe the drug offender
25 is a substance abuser or would otherwise benefit from
26 undergoing a screening.

1 (d) If a drug offender is ordered to undergo a
2 screening and has not done so at the time of his or her
3 release prior to trial or probation, submission to a screening
4 shall be a condition of his or her pre-trial release or
5 probation.

6 (e) Unless otherwise ordered by the court, the drug
7 test results and screening of a drug offender shall be
8 provided as soon as practical after the initial appearance of
9 the drug offender before the drug court team, or other
10 appropriate authority in the case of an inmate.

11 (f) The screening shall include recommendations
12 concerning the drug offender's need for a needs or risk
13 assessment.

14 (g) Anyone receiving drug test results, a screening,
15 an assessment, or other personal medical information shall
16 maintain that information in accordance with federal and state
17 confidentiality laws.

18 (h) A court shall immediately consider ordering a
19 drug offender to participate in drug court if all of the
20 following apply:

21 (1) A screening reveals that a drug offender is a
22 substance abuser, and the court recommends that the drug
23 offender participate in drug court.

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

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

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

5 (i) A drug offender shall not be eligible for
6 admission into a drug court program if any of the following
7 applies:

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

11 (2) The drug offender has been convicted of a
12 violent felony offense or any felony in which a firearm or
13 deadly weapon or dangerous instrument was used or adjudicated
14 as a youthful offender or delinquent as a juvenile of a
15 violent felony offense or any felony in which a firearm or
16 deadly weapon or dangerous instrument was used.

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

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

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

23 (k) The Commissioner of the Department of
24 Corrections shall develop criteria regarding the evaluation
25 and eligibility of an inmate for early release into a reentry

1 drug court program consistent with the requirements of
2 subsection (i).

3 Section 6. (a) As part of the assessment, each
4 jurisdiction shall establish a system to ensure that drug
5 offenders are placed into a substance abuse treatment program
6 approved by the Department of Mental Health. To accomplish
7 this, the entity conducting the assessment should make
8 specific recommendations to the drug court team regarding the
9 level of treatment program and duration necessary so that the
10 individualized needs of a drug offender may be addressed.
11 These assessments and resulting recommendations shall be
12 performed by a certified, professional, or licensed alcohol
13 and drug professional in accordance with the criteria
14 certified by the Department of Mental Health, Substance Abuse
15 Services Division. Treatment recommendations accepted by the
16 court, pursuant to this act, shall be deemed to be reasonable
17 and necessary.

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

20 (c) The drug court, when practicable, shall ensure
21 that no agency provide both assessment and treatment services
22 for a drug court to avoid potential conflicts of interest or
23 the appearance that a given assessment agency might benefit by
24 determining that an offender is in need of the particular form
25 of treatment that the assessor provides.

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

5 (e) The court shall determine which treatment
6 programs are authorized to provide the recommended treatment
7 to a drug offender. The relationship between the treatment
8 program and the court should be governed by a memorandum of
9 understanding, which should include the timely reporting of
10 the progress or lack thereof of the drug offender to the drug
11 court.

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

16 (g) Recognizing that appropriate levels of substance
17 abuse treatment, including appropriate length of stay, impact
18 success, the drug court team may require assessments that
19 determine the appropriate level of care and refer to programs
20 certified by the Department of Mental Health for the provision
21 of the indicated treatment.

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

24 (b) The drug offender shall be ordered to submit to
25 frequent, random, and observed drug testing to monitor
26 abstinence.

1 (c) The results of all drug tests shall be provided
2 to the drug court team as soon as practicable, and in the
3 event of a positive drug test, the team shall be notified
4 immediately.

5 (d) Anyone in receipt of drug test results shall
6 maintain the information in compliance with the requirements
7 of federal and state confidentiality laws.

8 Section 8. Any drug court in this state may transfer
9 to or accept transfer from any other drug court in this state,
10 as well as any drug court in any other state which is a part
11 of the Interstate Compact for Adult Offender Supervision, any
12 drug offender for admission into the respective drug court
13 program based upon the residence of the drug offender. All
14 terms and conditions of the transfer and supervision shall be
15 clearly stated, in writing, and shall not be valid unless
16 agreed to, in writing, by all of the following:

17 (1) The drug offender.

18 (2) The defense attorney.

19 (3) The judge and prosecutor of the transferring
20 drug court.

21 (4) The judge and prosecutor of the receiving drug
22 court.

23 Section 9. (a) The Administrative Office of Courts,
24 hereinafter AOC, shall assist in the planning, implementation,
25 and development of drug courts statewide. AOC shall make
26 recommendations to the Alabama Supreme Court and the Chief

1 Justice concerning the legal, policy, and procedural issues
2 confronting the drug courts in the state. Nothing in this
3 section shall impede the constitutional authority of the
4 district attorney.

5 (b) AOC shall provide state-level coordination and
6 support for drug court judges and their programs and operate
7 as a liaison between drug court judges and other state-level
8 agencies providing services to or benefitting from drug court
9 programs.

10 (c) The Administrative Director of Courts shall make
11 recommendations to the Chief Justice of the Alabama Supreme
12 Court concerning criteria for eligibility, the promulgation of
13 procedural rules, the establishment of guidelines for
14 operation, and adoption of standards and protocols for the
15 various drug courts of this state. All rules, guidelines,
16 standards, and protocols shall periodically be reviewed and
17 revised.

18 (d) AOC shall identify existing resources for
19 assessment and treatment and make recommendations for the
20 allocation of those resources; explore grants and funds
21 necessary to support drug courts; promote and provide annual
22 training and technical assistance for all drug court judges
23 and criminal justice personnel involved in drug courts, as
24 well as education for the public about the effectiveness of
25 drug court; and establish evaluation criteria and procedures,
26 including tracking the status of drug offenders after

1 concluding drug court. The critical performance measures to be
2 collected shall include those set forth in subsection (a) of
3 Section 10.

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

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

10 (1) A description of the drug court operating within
11 the jurisdiction.

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

13 (3) Community involvement.

14 (4) Education and training.

15 (5) Use of existing resources.

16 (6) Collaborative efforts.

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

19 (g) The Administrative Director of Courts shall
20 provide a statewide report each year during the regular
21 legislative session to the Alabama Supreme Court, Legislature,
22 and Governor regarding the need for, and implementation of,
23 this act. The report shall include a synopsis of such
24 information or data necessary to determine the impact,
25 utility, and cost-effectiveness of its implementation and
26 ongoing operation.

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

4 (1) Prior criminal history.

5 (2) Prior substance abuse treatment history,
6 including information on the success or failure of the drug
7 offender in those programs.

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

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

11 (5)a. Instances of recidivism occurring after
12 successful completion of drug court. Recidivism shall be
13 measured at a period of three years after successful
14 graduation.

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

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

21 (7) The number of drug offenders screened for
22 eligibility, the number of eligible drug offenders who were
23 and were not admitted into drug court, the reasons for
24 non-admission for those drug offenders not admitted into drug
25 court, and the case disposition for each drug offender
26 admitted into drug court.

1 (8) The cost of operation and sources of funding for
2 each drug court.

3 (b) A drug offender subject to this act may be
4 required, as a condition of pretrial release, probation,
5 diversion, parole, or community corrections to provide the
6 information in subsection (a). The collection and maintenance
7 of this information shall be collected in a standardized
8 format according to applicable guidelines.

9 (c) To protect the privacy of a drug offender in
10 accordance with federal and state confidentiality laws,
11 treatment records shall be kept in a secure environment,
12 separated from the court records to which the public has
13 access.

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

16 (e) Evaluations shall be conducted in accordance
17 with subsection (a).

18 (f) The drug offender shall be responsible for all
19 fees, court costs, and restitution associated with the terms
20 of release of the offender, supervision, treatment, and
21 successful completion in drug court, unless the offender is
22 determined to be indigent, in which event such fees may be
23 waived in whole or in part. Determination of indigency shall
24 be subject to continuing review by the court. All such fees,
25 which do not include regular court costs normally collected by
26 the clerk of court, shall be collected and accounted for by

1 the drug court or other entity designated by the drug court
2 team, in accordance with generally accepted uniform accounting
3 principles, which shall be subject to approval by the State
4 Chief Examiner of the Department of Public Accounts. Drug
5 courts shall establish and maintain a uniform accounting
6 system.

7 (g) The annual reports and all records of accounts
8 and financial records of all funds received from fees or by
9 grant, contract, or otherwise from state, local, or federal
10 sources, shall be subject to audit annually by the Chief
11 Examiner of the Department of Public Accounts. The audit may
12 be performed by a licensed independent certified public
13 accountant approved by the Chief Examiner of the Department of
14 Public Accounts.

15 (h) All audits shall be completed as soon as
16 practicable after the end of the fiscal year. One copy of each
17 audit shall be furnished to the presiding circuit judge, the
18 district attorney, the Administrative Director of Courts, and
19 the Chief Examiner of the Department of Public Accounts.
20 Copies of each audit shall also be made available to the
21 press.

22 Section 11. (a) ~~Any~~ Absent negligence, wantonness,
23 recklessness, or deliberate misconduct, any individual who, in
24 good faith, provides services pursuant to this act, shall not
25 be liable in any civil action. The grant of immunity provided
26 for in this subsection shall extend to all employees,

1 administrative personnel, and drug court team members, as well
2 as volunteers.

3 (b) Any qualified person who obtains, in a medically
4 accepted manner, a specimen of breath, blood, urine, or other
5 bodily substance pursuant to this act shall not be liable in
6 any civil action.

7 Section 12. Nothing in this act shall be construed
8 to require a county commission or any county employee to
9 participate in or fund in whole or in part the development or
10 operation of a drug court program authorized in this act.

11 Section 13. A holder of a commercial driver's
12 license (CDL), a commercial driver learner's permit holder,
13 and any other operator of a commercial motor vehicle that is
14 subject to Part 383 of the Federal Motor Carrier Safety
15 Regulations shall be ineligible to participate in any drug
16 court program.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Government Ap-
propriations 19-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 25-MAR-10

Read for the third time and passed
as amended 01-APR-10

Yeas 101, Nays 0, Abstains 0

Greg Pappas
Clerk