

1 HB348  
2 115084-1  
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

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the Administrative  
9 Office of Courts administers programs for drug  
10 courts in this state.

11 This bill would authorize the presiding  
12 judge of each judicial circuit to establish a drug  
13 court or courts to address the drug offender's  
14 identified substance abuse problem as a condition  
15 of pretrial release, pretrial diversion, probation,  
16 jail, prison, parole, community corrections, or  
17 other release from a correctional facility; would  
18 provide for screening of drug offenders, treatment,  
19 support services, and drug testing; and would  
20 provide referrals to programs certified by the  
21 Department of Mental Health for indicated  
22 treatment.

23 This bill would require the Administrative  
24 Office of Courts to assist in planning,  
25 implementing, and developing drug courts; would  
26 require recommendations concerning the legal,

1 policy, and procedural issues confronting drug  
2 courts; and would provide for civil immunity.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Relating to drug courts; to authorize each presiding  
9 judge of a judicial circuit to establish a drug court or  
10 courts; to provide for screening of drug offenders, treatment,  
11 support services, and drug testing; to provide referrals to  
12 programs certified by the Department of Mental Health for  
13 indicated treatment; to require the Administrative Office of  
14 Courts to assist in planning, implementing, and developing  
15 drug courts; to provide recommendations concerning the legal,  
16 policy, and procedural issues confronting drug courts; and to  
17 provide for civil immunity.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

- 25 a. Drug court judge, who shall serve as chair.  
26 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:

25 a. A controlled substance, a drug or other substance  
26 for which a medical prescription or other legal authorization  
27 is required for purchase or possession.

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

3           c. Other harmful substance, a misused substance  
4 otherwise legal to possess, including alcohol.

5           (7) DRUG COURT. A judicial intervention program that  
6 incorporates the Ten Key Components as enumerated in  
7 subsection (f) of Section 4 and may include any of the  
8 following:

9           a. Pre-adjudication. A drug offender is ordered to  
10 participate in drug court before acceptance of a plea of  
11 guilty or conviction.

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

15           c. Reentry. A drug offender is ordered to  
16 participate in drug court upon release from a sentence of  
17 incarceration.

18           d. Combination program. May include  
19 pre-adjudication, post-adjudication, and/or reentry.

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

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

25           a. Drug court judge.

26           b. District attorney or his or her designee.

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

3 d. A law enforcement officer.

4 e. Drug court coordinator.

5 f. A representative from community corrections,  
6 court referral program, or the Board of Pardons and Paroles.

7 g. Any other persons selected by the drug court  
8 team.

9 (10) DRUG OFFENDER. A person charged with or  
10 convicted of a drug-related offense or an offense in which  
11 substance abuse is determined from the evidence to have been a  
12 significant factor in the commission of the offense and who  
13 has applied for or been accepted to participate in a drug  
14 court program.

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

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

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

24 (14) SCREENING. The process of gathering basic  
25 information to determine whether the offender meets  
26 established drug court eligibility criteria and shall include,  
27 but is not limited to, the current charge, a substance abuse

1 evaluation, a brief questionnaire to determine if a risk or  
2 needs assessment is needed, and drug testing, and may include,  
3 but is not limited to, a substance abuse evaluation, risk  
4 assessment, or needs assessment.

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

7 (16) STAFFING. The meeting before an appearance of a  
8 drug offender in drug court in which the drug court team  
9 discusses a coordinated response to the drug offender's  
10 behavior.

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

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

14 (19) SUBSTANCE ABUSE TREATMENT. The application of  
15 professionally planned, managed, administered, and monitored  
16 procedures for the purpose of alleviating, minimizing, and  
17 stabilizing the effect of substance-related disorders and  
18 restoring impaired functionality.

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

21 Section 3. (a) The Legislature recognizes that a  
22 critical need exists in this state for the criminal justice  
23 system to more effectively address the number of defendants  
24 who are involved with substance abuse or addiction. For the  
25 criminal justice system to maintain credibility, court and  
26 community alternatives for the substance abuse and addiction  
27 involved defendant must be expanded. A growing body of

1 research demonstrates the impact of substance abuse on public  
2 safety, personal health, and health care costs, the spread of  
3 communicable disease, educational performance and attainment,  
4 work force reliability and productivity, family safety, and  
5 financial stability. Requiring accountability and effective  
6 treatment, in addition to or in place of, conventional and  
7 expensive incarceration, will promote public safety, the  
8 welfare of the individuals involved, reduce the burden upon  
9 the state treasury and benefit the common welfare of this  
10 state. The goals of this act are to do all of the following:

11 (1) Enhance community safety and quality of life for  
12 citizens.

13 (2) Reduce recidivism.

14 (3) Reduce substance abuse.

15 (4) Increase the personal, familial, and societal  
16 accountability of drug offenders.

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

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

21 (7) Reduce the costs of incarceration.

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

24 (b) As a general proposition, all drug offenders  
25 should receive timely eligibility screening and, where  
26 indicated, assessment and the appropriate level of treatment.  
27 The criminal justice system should be used constructively to

1 motivate drug offenders to accept treatment and engage in the  
2 treatment process.

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

16 Nothing in this act shall affect the authority of  
17 the district attorney to establish a deferred prosecution  
18 program or a pretrial diversion program within his or her  
19 judicial circuit or affect his or her ability to nolle prosequere  
20 a particular case. Notwithstanding the foregoing, all drug  
21 courts shall comply with this act and rules promulgated by the  
22 Supreme Court.

23 (b) Participation in drug court shall require the  
24 consent of the district attorney and the court and shall be  
25 pursuant to a written agreement. A drug offender may  
26 participate in a pre-adjudication, post-adjudication, reentry,  
27 probation violation, or combination program.

1 (c) The court may grant reasonable incentives under  
2 the written agreement if the court finds that the drug  
3 offender:

4 (1) Is performing satisfactorily in drug court.

5 (2) Is benefiting from education, treatment, and  
6 rehabilitation.

7 (3) Has not engaged in criminal conduct.

8 (4) Has not violated the terms and conditions of the  
9 agreement.

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

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

14 (2) Is not benefiting from education, treatment, or  
15 rehabilitation.

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

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

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

21 (e) Upon successful completion of drug court, a drug  
22 offender's case shall be disposed of by the judge in the  
23 manner prescribed by the agreement and by the applicable  
24 policies and procedures adopted by the drug court. This may  
25 include, but is not limited to, withholding criminal charges,  
26 nolle prosequere of charges recommended by the district attorney,  
27 probation, deferred sentencing, suspended sentencing, split

1 sentencing, or a reduced period of incarceration. Records of  
2 all such dispositions shall be maintained and be available to  
3 judges and prosecutors statewide. This provision shall not  
4 authorize the disclosure of youthful offender or juvenile  
5 records to the general public.

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

10 (1) Integration of drug, alcohol, and other drug  
11 treatment or educational services with justice system case  
12 processing.

13 (2) Use of a non-adversarial approach, with  
14 prosecution and defense counsel promoting public safety while  
15 protecting the due process rights of drug offenders  
16 participating in the program.

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

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

21 (5) Monitoring of abstinence by frequent alcohol and  
22 other drug testing.

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

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

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

3                   (9) Continuing interdisciplinary education to  
4 promote effective drug court planning, implementation, and  
5 operations.

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

9                   (g) Cases handled pursuant to this act shall be  
10 calendared on dedicated dockets, set aside from other criminal  
11 cases.

12                   (h) Each local jurisdiction that intends to  
13 establish a drug court, or continue the operation of an  
14 existing drug court, shall establish a local drug court team  
15 and may also establish a local drug court advisory committee.

16                   (i) The drug court team, when practicable, shall  
17 conduct a staffing prior to each drug court session to discuss  
18 and provide updated information regarding drug offenders.  
19 After determining their progress, or lack thereof, the drug  
20 court team shall agree on the appropriate incentive or  
21 sanction to be applied. If the drug court team cannot agree on  
22 the appropriate action, the court shall make the decision  
23 based on information presented in the staffing. Nothing in  
24 this act shall prohibit the authority of the district attorney  
25 to file a petition to remove the drug offender from the drug  
26 court program for good cause shown.

1           (j) Nothing contained in this act shall confer a  
2 right, or an expectation of a right, to participate in drug  
3 court, nor does it obligate the drug court to accept every  
4 drug offender. Neither the establishment of any drug court nor  
5 anything in this act shall be construed as limiting the  
6 discretion of the district attorney. Each drug court judge may  
7 establish rules and may make special orders and rules, as  
8 necessary, that do not conflict with this act or rules  
9 promulgated by the Alabama Supreme Court.

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

12           (l) Any agency charged with supervising a drug  
13 offender under drug court jurisdiction shall timely forward  
14 information to the drug court concerning the progress and  
15 compliance of the drug offender with any court-imposed terms  
16 and conditions.

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

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

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

23           (2) The drug offender requests a screening.

24           (3) The drug offender admits to substance use or  
25 abuse within the year preceding the arrest for the present  
26 charge.

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

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

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

9           (c) Notwithstanding the requirements of subsection  
10 (a), the court shall order a drug offender to undergo a  
11 screening if the court has reason to believe the drug offender  
12 is a substance abuser or would otherwise benefit from  
13 undergoing a screening.

14           (d) If a drug offender is ordered to undergo a  
15 screening and has not done so at the time of his or her  
16 release prior to trial or probation, submission to a screening  
17 shall be a condition of his or her pre-trial release or  
18 probation.

19           (e) Unless otherwise ordered by the court, the drug  
20 test results and screening of a drug offender shall be  
21 provided as soon as practical after the initial appearance of  
22 the drug offender before the drug court team, or other  
23 appropriate authority in the case of an inmate.

24           (f) The screening shall include recommendations  
25 concerning the drug offender's need for a needs or risk  
26 assessment.

1 (g) Anyone receiving drug test results, a screening,  
2 an assessment, or other personal medical information shall  
3 maintain that information in accordance with federal and state  
4 confidentiality laws.

5 (h) A court shall immediately consider ordering a  
6 drug offender to participate in drug court if all of the  
7 following apply:

8 (1) A screening reveals that a drug offender is a  
9 substance abuser, and the court recommends that the drug  
10 offender participate in drug court.

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

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

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

18 (i) A drug offender shall not be eligible for  
19 admission into a drug court program if any of the following  
20 applies:

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

24 (2) The drug offender has been convicted of a  
25 violent felony offense or any felony in which a firearm or  
26 deadly weapon or dangerous instrument was used or adjudicated  
27 as a youthful offender or delinquent as a juvenile of a

1 violent felony offense or any felony in which a firearm or  
2 deadly weapon or dangerous instrument was used.

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

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

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

9 (k) The Commissioner of the Department of  
10 Corrections shall develop criteria regarding the evaluation  
11 and eligibility of an inmate for early release into a reentry  
12 drug court program consistent with the requirements of  
13 subsection (i).

14 Section 6. (a) As part of the assessment, each  
15 jurisdiction shall establish a system to ensure that drug  
16 offenders are placed into a substance abuse treatment program  
17 approved by the Department of Mental Health. To accomplish  
18 this, the entity conducting the assessment should make  
19 specific recommendations to the drug court team regarding the  
20 level of treatment program and duration necessary so that the  
21 individualized needs of a drug offender may be addressed.  
22 These assessments and resulting recommendations shall be  
23 performed by a certified, professional, or licensed alcohol  
24 and drug professional in accordance with the criteria  
25 certified by the Department of Mental Health, Substance Abuse  
26 Services Division. Treatment recommendations accepted by the

1 court, pursuant to this act, shall be deemed to be reasonable  
2 and necessary.

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

5 (c) The drug court, when practicable, shall ensure  
6 that no agency provide both assessment and treatment services  
7 for a drug court to avoid potential conflicts of interest or  
8 the appearance that a given assessment agency might benefit by  
9 determining that an offender is in need of the particular form  
10 of treatment that the assessor provides.

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

15 (e) The court shall determine which treatment  
16 programs are authorized to provide the recommended treatment  
17 to a drug offender. The relationship between the treatment  
18 program and the court should be governed by a memorandum of  
19 understanding, which should include the timely reporting of  
20 the progress or lack thereof of the drug offender to the drug  
21 court.

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

26 (g) Recognizing that appropriate levels of substance  
27 abuse treatment, including appropriate length of stay, impact

1 success, the drug court team may require assessments that  
2 determine the appropriate level of care and refer to programs  
3 certified by the Department of Mental Health for the provision  
4 of the indicated treatment.

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

7 (b) The drug offender shall be ordered to submit to  
8 frequent, random, and observed drug testing to monitor  
9 abstinence.

10 (c) The results of all drug tests shall be provided  
11 to the drug court team as soon as practicable, and in the  
12 event of a positive drug test, the team shall be notified  
13 immediately.

14 (d) Anyone in receipt of drug test results shall  
15 maintain the information in compliance with the requirements  
16 of federal and state confidentiality laws.

17 Section 8. Any drug court in this state may transfer  
18 to or accept transfer from any other drug court in this state,  
19 as well as any drug court in any other state which is a part  
20 of the Interstate Compact for Adult Offender Supervision, any  
21 drug offender for admission into the respective drug court  
22 program based upon the residence of the drug offender. All  
23 terms and conditions of the transfer and supervision shall be  
24 clearly stated, in writing, and shall not be valid unless  
25 agreed to, in writing, by all of the following:

26 (1) The drug offender.

27 (2) The defense attorney.

1                   (3) The judge and prosecutor of the transferring  
2 drug court.

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

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

13                   (b) AOC shall provide state-level coordination and  
14 support for drug court judges and their programs and operate  
15 as a liaison between drug court judges and other state-level  
16 agencies providing services to or benefitting from drug court  
17 programs.

18                   (c) The Administrative Director of Courts shall make  
19 recommendations to the Chief Justice of the Alabama Supreme  
20 Court concerning criteria for eligibility, the promulgation of  
21 procedural rules, the establishment of guidelines for  
22 operation, and adoption of standards and protocols for the  
23 various drug courts of this state. All rules, guidelines,  
24 standards, and protocols shall periodically be reviewed and  
25 revised.

26                   (d) AOC shall identify existing resources for  
27 assessment and treatment and make recommendations for the

1 allocation of those resources; explore grants and funds  
2 necessary to support drug courts; promote and provide annual  
3 training and technical assistance for all drug court judges  
4 and criminal justice personnel involved in drug courts, as  
5 well as education for the public about the effectiveness of  
6 drug court; and establish evaluation criteria and procedures,  
7 including tracking the status of drug offenders after  
8 concluding drug court. The critical performance measures to be  
9 collected shall include those set forth in subsection (a) of  
10 Section 10.

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

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

17 (1) A description of the drug court operating within  
18 the jurisdiction.

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

20 (3) Community involvement.

21 (4) Education and training.

22 (5) Use of existing resources.

23 (6) Collaborative efforts.

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

26 (g) The Administrative Director of Courts shall  
27 provide a statewide report each year during the regular

1 legislative session to the Alabama Supreme Court, Legislature,  
2 and Governor regarding the need for, and implementation of,  
3 this act. The report shall include a synopsis of such  
4 information or data necessary to determine the impact,  
5 utility, and cost-effectiveness of its implementation and  
6 ongoing operation.

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

10 (1) Prior criminal history.

11 (2) Prior substance abuse treatment history,  
12 including information on the success or failure of the drug  
13 offender in those programs.

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

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

17 (5)a. Instances of recidivism occurring after  
18 successful completion of drug court. Recidivism shall be  
19 measured at a period of three years after successful  
20 graduation.

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

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

1           (7) The number of drug offenders screened for  
2 eligibility, the number of eligible drug offenders who were  
3 and were not admitted into drug court, the reasons for  
4 non-admission for those drug offenders not admitted into drug  
5 court, and the case disposition for each drug offender  
6 admitted into drug court.

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

9           (b) A drug offender subject to this act may be  
10 required, as a condition of pretrial release, probation,  
11 diversion, parole, or community corrections to provide the  
12 information in subsection (a). The collection and maintenance  
13 of this information shall be collected in a standardized  
14 format according to applicable guidelines.

15           (c) To protect the privacy of a drug offender in  
16 accordance with federal and state confidentiality laws,  
17 treatment records shall be kept in a secure environment,  
18 separated from the court records to which the public has  
19 access.

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

22           (e) Evaluations shall be conducted in accordance  
23 with subsection (a).

24           (f) The drug offender shall be responsible for all  
25 fees, court costs, and restitution associated with the terms  
26 of release of the offender, supervision, treatment, and  
27 successful completion in drug court, unless the offender is

1 determined to be indigent, in which event such fees may be  
2 waived in whole or in part. Determination of indigency shall  
3 be subject to continuing review by the court. All such fees,  
4 which do not include regular court costs normally collected by  
5 the clerk of court, shall be collected and accounted for by  
6 the drug court or other entity designated by the drug court  
7 team, in accordance with generally accepted uniform accounting  
8 principles, which shall be subject to approval by the State  
9 Chief Examiner of the Department of Public Accounts. Drug  
10 courts shall establish and maintain a uniform accounting  
11 system.

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

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

1                   Section 11. (a) Any individual who, in good faith,  
2 provides services pursuant to this act, shall not be liable in  
3 any civil action. The grant of immunity provided for in this  
4 subsection shall extend to all employees, administrative  
5 personnel, and drug court team members, as well as volunteers.

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

10                   Section 12. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.