

SB200 ENGROSSED



1 SB200
2 11TNAZ3-2
3 By Senators Jones, Bell, Barfoot, Figures, Gudger, Smitherman,
4 Kitchens, Kelley, Stewart, Livingston, Coleman-Madison,
5 Sessions, Butler, Weaver, Carnley, Williams, Allen, Roberts,
6 Waggoner, Hovey, Beasley, Chambliss, Price, Chesteen,
7 Shelnutt, Elliott, Singleton
8 RFD: Veterans, Military Affairs and Public Safety
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SB200 Engrossed

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A BILL
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-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 would 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 testing 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 Honorable Pete Johnson Alabama Drug Offender Accountability Court Act."

"§12-23A-2



SB200 Engrossed

29 As used in this chapter, the following words shall have
30 the following meanings:

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

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

34 ~~b. The district attorney.~~

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

37 ~~d. The drug court coordinator.~~

38 ~~e. The court clerk.~~

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

41 ~~g. A pretrial services provider.~~

42 ~~h. A law enforcement officer.~~

43 ~~i. Substance abuse treatment providers.~~

44 ~~j. Any other person the chair deems appropriate.~~

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

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

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



SB200 Engrossed

57 (5) CO-OCCURRING. A substance abuse and mental health
58 disorder.

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

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

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

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

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

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

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

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



SB200 Engrossed

85 d. Combination program. ~~May include~~Includes
86 pre-adjudication, post-adjudication, ~~and/or~~and reentry.

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

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

94 a. ~~The drug court judge.~~

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

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

98 d. ~~A law enforcement officer.~~

99 e. ~~The drug court coordinator.~~

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

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

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



SB200 Engrossed

113 participate in a ~~drug~~ accountability court program ~~for drug~~
114 ~~offenders in the criminal division of the circuit or district~~
115 ~~court.~~

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

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

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

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

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

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

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



SB200 Engrossed

141 ~~(18)~~ (11) SUBSTANCE ABUSE. The illegal or improper
142 consumption of a drug.

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

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

151 (3) AOC. The Administrative Office of Courts."
152 "§12-23A-3

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



SB200 Engrossed

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

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

175 (2) Reduce recidivism.

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

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

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

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

184 (6) ~~(7)~~ Reduce the costs of incarceration.

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

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

193 "§12-23A-4

194 (a) (1) The presiding judge of each judicial circuit,
195 ~~with the consent of the district attorney of that judicial~~
196 ~~circuit,~~ may establish a drug accountability court ~~or~~



SB200 Engrossed

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

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

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

223 ~~(c) The court may grant reasonable incentives under the~~
224 ~~written agreement if the court finds that the drug offender:~~



SB200 Engrossed

225 ~~(1) Is performing satisfactorily in drug court.~~

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

228 ~~(3) Has not engaged in criminal conduct.~~

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

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

234 ~~(1) Is not performing satisfactorily in drug court.~~

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

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

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

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

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



SB200 Engrossed

253 not authorize the disclosure of youthful offender or juvenile
254 records to the general public.

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

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

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

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

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

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

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

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

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

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

SB200 Engrossed



281 ~~(10) Forging partnerships among drug courts, public~~
282 ~~agencies, and community-based organizations to generate local~~
283 ~~support and enhance drug court effectiveness.~~

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

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

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

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



SB200 Engrossed

309 court judge may establish rules and may make special orders
310 and rules, as necessary, that do not conflict with this
311 chapter or ~~rules promulgated~~ policies and procedures adopted
312 by AOC~~the Alabama Supreme Court~~.

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

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

320 "§12-23A-5

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

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

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

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

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

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

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

335 ~~(6) The drug offender refuses to undergo a drug test as~~
336 ~~required by this chapter.~~

SB200 Engrossed



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

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

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

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

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

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

362 ~~(1) A screening reveals that a drug offender is a~~
363 ~~substance abuser, and the court recommends that the drug~~
364 ~~offender participate in drug court.~~



SB200 Engrossed

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

368 ~~(3) The district attorney consents to the participation~~
369 ~~of the drug offender in the program.~~

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

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

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

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

384 (3) The ~~drug~~ offender is required to register as a sex
385 offender or currently charged with a felony sex offense~~;~~; or

386 (4) The ~~drug~~ offender is charged with distribution,
387 manufacturing, or trafficking of a controlled substance.

388 (c)~~(j)~~ Eligible offenses may be further restricted by
389 the rules of a specific local ~~drug~~ accountability court
390 program.

391 (d)~~(k)~~ The Commissioner of the Department of
392 Corrections shall develop criteria regarding the evaluation



SB200 Engrossed

393 and eligibility of an inmate for early release into a reentry
394 ~~drug accountability~~ court program consistent with the
395 requirements of subsection (b) ~~-(i)~~."

396 "§12-23A-6

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

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

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

420 (b) An accountability ~~(d) A drug~~ court making a referral



SB200 Engrossed

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

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

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

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

444 "§12-23A-8

445 (a) Any ~~drug~~ accountability court in this state may
446 transfer to or accept transfer from any other ~~drug~~
447 accountability court in this state, ~~as well as~~ and any ~~drug~~
448 accountability court, or similar court in any other state



SB200 Engrossed

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

456 ~~(1) The drug offender.~~

457 ~~(2) The defense attorney.~~

458 ~~(3) The judge and prosecutor of the transferring drug~~
459 ~~court.~~

460 ~~(4) The judge and prosecutor of the receiving drug~~
461 ~~court.~~

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

467 "§12-23A-9

468 (a) The Administrative Office of Courts, ~~hereinafter~~
469 ~~AOC,~~ shall assist in adopt policies and procedures regarding
470 best practices in the planning, implementation, and
471 development of drug accountability courts statewide. ~~AOC shall~~
472 ~~make recommendations to the Alabama Supreme Court and the~~
473 ~~Chief Justice concerning the legal, policy, and procedural~~
474 ~~issues confronting the drug courts in the state. Nothing in~~
475 ~~this section shall impede the constitutional authority of the~~
476 ~~district attorney.~~

SB200 Engrossed



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

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

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

502 ~~(e) The local drug court team or advisory committee, or~~
503 ~~both, shall ensure the provision of a full continuum of care~~
504 ~~for drug offenders.~~



SB200 Engrossed

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

508 ~~(1) A description of the drug court operating within~~
509 ~~the jurisdiction.~~

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

511 ~~(3) Community involvement.~~

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

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

514 ~~(6) Collaborative efforts.~~

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

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

525 ~~"§12-23A-10~~

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

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

530 ~~(2) Prior substance abuse treatment history, including~~
531 ~~information on the success or failure of the drug offender in~~
532 ~~these programs.~~



SB200 Engrossed

533 ~~(3) Employment, education, and income histories.~~

534 ~~(4) Gender, race, ethnicity, marital and family status,~~
535 ~~and any child custody and support obligations.~~

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

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

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

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

552 ~~(8) The cost of operation and sources of funding for~~
553 ~~each drug court.~~

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

560 ~~(a)(e) To protect the privacy of a drugan offender in~~



SB200 Engrossed

561 accordance with federal and state confidentiality laws,
562 treatment records shall be kept in a secure environment,
563 separated from the court records to which the public has
564 access.

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

567 ~~(e) Evaluations shall be conducted in accordance with~~
568 ~~subsection (a).~~

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

585 (c) ~~(g)~~ The annual reports and all records of accounts
586 and financial records of all funds received from fees or by
587 grant, contract, or otherwise from state, local, or federal
588 sources, ~~shall~~ may be subject to audit ~~annually~~ by the Chief



SB200 Engrossed

589 Examiner of the Department of Examiners of Public Accounts.
590 The audit may be performed by a licensed independent certified
591 public accountant ~~approved by the Chief Examiner of the~~
592 ~~Department of Examiners of Public Accounts.~~

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

601 "§12-23A-11

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

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

614 "§12-23A-12

615 Nothing in this chapter shall be construed to require a
616 county commission or any county employee to participate in or



SB200 Engrossed

617 fund in whole or in part the development or operation of a
618 ~~drug~~an accountability court program authorized in this
619 chapter."

620 "§12-23A-13

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

627 Section 2. For the purposes of the annual General Fund
628 Budget Act, drug courts shall be funded as a separate line
629 item.

630 Section 3. Section 12-23A-7, Code of Alabama 1975,
631 relating to drug testing procedures, is repealed.

632 Section 4. This act shall become effective on October
633 1, 2025.

SB200 Engrossed



634
635
636 Senate

637 Read for the first time and referred27-Feb-25
638 to the Senate committee on Veterans,
639 Military Affairs and Public Safety
640
641 Read for the second time and placed05-Mar-25
642 on the calendar:
643 1 amendment
644
645 Read for the third time and passed18-Mar-25
646 as amended
647 Yeas 29
648 Nays 0
649 Abstains 0
650

651
652 Patrick Harris,
653 Secretary.
654