

SB200 ENROLLED



1 SB200
2 W1VY1EE-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
9 First Read: 27-Feb-25



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Enrolled, 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

As used in this chapter, 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. The drug court judge, who shall serve as chair.~~



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~~b. The district attorney.~~

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

~~d. The drug court coordinator.~~

~~e. The court clerk.~~

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

~~g. A pretrial services provider.~~

~~h. A law enforcement officer.~~

~~i. Substance abuse treatment providers.~~

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

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

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

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

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

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

a. A controlled substance, drug, or other substance for which a medical prescription or other legal authorization is



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required for purchase or possession.

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

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

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

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

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

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

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

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



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

- ~~a. The drug court judge.~~
- ~~b. The district attorney or his or her designee.~~
- ~~c. The public defender or a member of the criminal~~
~~defense bar.~~
- ~~d. A law enforcement officer.~~
- ~~e. The drug court coordinator.~~
- ~~f. A representative from community corrections, court~~
~~referral program, or the Board of Pardons and Paroles.~~
- ~~g. Any other persons selected by the drug court team.~~

~~(10) DRUG~~ (7) OFFENDER. ~~A person~~ An individual charged
with or convicted of: (i) a drug-related offense ~~or~~; (ii) an
offense in which substance abuse is determined from the
evidence to have been a significant factor in the commission
of the offense; or (iii) an offense in which mental illness is
determined from the evidence to have been a significant factor
in the commission of the offense, or a veteran for whom
substance abuse or mental illness is determined from the
evidence to have been a significant factor in the commission
of the offense, and who has applied for or been accepted to
participate in ~~a drug~~ an accountability court program ~~for drug~~
~~offenders in the criminal division of the circuit or district~~
~~court.~~

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



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

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

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

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

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

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

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

~~(19) SUBSTANCE ABUSE~~ (12) TREATMENT. The application of an evidence based program professionally planned, managed, administered, and monitored ~~procedures~~ for the purpose of



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alleviating, minimizing, and stabilizing the effect of ~~substance-related disorders~~ substance abuse or mental illness and restoring impaired functionality.

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

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

"§12-23A-3

(a) The Legislature recognizes that a critical need exists in this state for the criminal justice system to more effectively address the number of ~~defendants who are involved with~~ offenders who have a substance abuse or ~~addiction~~ disorder, who suffer from mental illness, or who suffer from a condition related to a veteran's mental illness or substance abuse. ~~For the criminal justice system to maintain credibility, court and community alternatives for the substance abuse and addiction involved defendant must be expanded. A growing body of research demonstrates the impact of substance abuse on public safety, personal health, and health care costs, the spread of communicable disease, educational performance and attainment, work force reliability and productivity, family safety, and financial stability.~~ Requiring accountability and effective treatment, in addition to, or in place of, conventional and expensive incarceration, will promote public safety, promote the welfare of the individuals involved, reduce the burden upon the State Treasury, and benefit the common welfare of this state. The goals of this chapter are to do all of the following:

(1) Enhance community safety and quality of life for



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citizens.

(2) Reduce recidivism.

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

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

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

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

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

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

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

"§12-23A-4

(a) (1) The presiding judge of each judicial circuit,
~~with the consent of the district attorney of that judicial~~
~~circuit,~~ may establish a ~~drug~~an accountability court or
~~courts, under which drug offenders shall be processed,~~ to
appropriately address the identified substance abuse ~~problem~~
disorder, mental illness, or other issue of the ~~drug~~ offender
as a condition of pretrial release, pretrial diversion,
probation, jail, prison, parole, community corrections, or



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other release or diversion from a correctional facility. The structure, method, and operation of each ~~drug~~accountability court may differ and should be based upon the specific needs of and resources available to the judicial ~~district or circuit~~ where the ~~drug~~accountability court is located, but shall be created and operate pursuant to this chapter and in compliance with ~~rules promulgated~~policies and procedures adopted by the ~~Alabama Supreme Court~~AOC.

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

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

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

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

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

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

~~(4) Has not violated the terms and conditions of the~~



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agreement.

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

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

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

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

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

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

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

~~(f) Drug courts shall include all of the following ten key components, as defined by the United States Department of Justice, and the drug court team shall act to ensure~~



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~~compliance with each of the components:~~

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

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

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

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

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

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

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

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

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

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

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



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eases.

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

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

~~(j)~~ (d) Nothing contained in this chapter shall confer a right, or an expectation of a right, to participate in ~~drug~~ an accountability court, nor does it obligate the ~~drug~~ accountability court to accept every ~~drug~~ offender. Neither the establishment of any ~~drug~~ accountability court nor anything in this chapter shall be construed as limiting the discretion of the district attorney. Nothing in this chapter shall be construed to prohibit the authority of the district attorney to file a petition to remove the offender from the accountability court for good cause shown. Each ~~drug~~ accountability court judge may establish rules and may make special orders and rules, as necessary, that do not conflict



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with this chapter or ~~rules promulgated~~ policies and procedures
adopted by ~~AOC~~the Alabama Supreme Court.

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

~~(1)~~ (e) Any agency charged with supervising ~~a drug an~~
offender under drug accountability court jurisdiction shall
timely forward information to the drug accountability court
concerning the progress and compliance of the ~~drug~~ offender
with any court imposed terms and conditions."

"§12-23A-5

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

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

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

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

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

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

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

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

~~(c) Notwithstanding the requirements of subsection (a),
the court shall order a drug offender to undergo a screening~~



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~~if the court has reason to believe the drug offender is a substance abuser or would otherwise benefit from undergoing a screening.~~

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

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

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

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

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

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

~~(2) The court has reason to believe that participation in drug court will benefit the drug offender by addressing his~~



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365 ~~or her substance abuse.~~

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

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

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

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

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

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

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

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

389 (d) ~~(k)~~ The Commissioner of the Department of
390 Corrections shall develop criteria regarding the evaluation
391 and eligibility of an inmate for early release into a reentry
392 ~~drug~~ accountability court program consistent with the



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requirements of subsection (b) ~~-(i)~~."

"§12-23A-6

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

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

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

(b) An accountability ~~(d) A drug~~ court making a referral ~~for substance abuse treatment shall refer the drug offender to~~ a program that: (i) is certified by the Department of Mental



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Health; (ii) agrees to become certified by the Department of Mental Health within 90 days of service implementation; or
(iii) can provide documentation that it is using
evidence-based practices, ~~Substance Abuse Services Division.~~

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

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

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

"§12-23A-8

(a) Any drug accountability court in this state may transfer to or accept transfer from any other ~~drug~~ accountability court in this state, ~~as well as~~ and any ~~drug~~ accountability court, or similar court in any other state which is a part of the Interstate Compact for Adult Offender Supervision, any ~~drug~~ offender for admission into the



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respective ~~drug~~ accountability court program based upon the residence of the ~~drug~~ offender. ~~All terms and conditions of the transfer and supervision shall be clearly stated, in writing, and shall not be valid unless agreed to, in writing, by all of the following:~~

~~(1) The drug offender.~~

~~(2) The defense attorney.~~

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

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

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

"§12-23A-9

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

(b) AOC shall provide state-level coordination and support for ~~drug~~ accountability court judges and their programs



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and operate as a liaison between ~~drug~~accountability court judges and other state-level agencies providing services to or ~~benefitting~~benefiting from ~~drug~~accountability court programs.

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

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

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

~~(f) The presiding judge of each circuit shall report to AOC by the fifteenth day of January of each year. The report~~



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shall ~~include all of the following:~~

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

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

~~(3) Community involvement.~~

~~(4) Education and training.~~

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

~~(6) Collaborative efforts.~~

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

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

"§12-23A-10

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

~~(1) Prior criminal history.~~

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

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

~~(4) Gender, race, ethnicity, marital and family status,~~



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~~and any child custody and support obligations.~~

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

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

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

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

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

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

(a) ~~(c)~~ To protect the privacy of a drug offender in accordance with federal and state confidentiality laws, treatment records shall be kept in a secure environment,



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separated from the court records to which the public has access.

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

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

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

(c) ~~(g)~~ The annual reports and all records of accounts and financial records of all funds received from fees or by grant, contract, or otherwise from state, local, or federal sources, ~~shall~~ may be subject to audit ~~annually~~ by the Chief Examiner of the Department of Examiners of Public Accounts. The audit may be performed by a licensed independent certified



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public accountant ~~approved by the Chief Examiner of the~~
~~Department of Examiners of Public Accounts.~~

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

"§12-23A-11

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

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

"§12-23A-12

Nothing in this chapter shall be construed to require a
county commission or any county employee to participate in or
fund in whole or in part the development or operation of a
~~drug~~ accountability court program authorized in this



617 chapter."

618 "§12-23A-13

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

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

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

630 Section 4. This act shall become effective on October
631 1, 2025.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB200

Senate 18-Mar-25

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

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By: Senator Jones