
SENATE BILL No. 247

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-12; IC 12-23-14.5.

Synopsis: Addiction services and drug courts. Specifies that, under the law concerning addiction services, an alcohol and drug services program includes services for persons charged with or found to have committed infractions. Allows a drug court to accept an eligible individual who is referred from or whose case is transferred from another court located in the same county as the drug court. Removes an incorrect reference concerning adoption of rules in the law that allows the Indiana judicial center to adopt rules concerning drug courts. Provides that, when a person referred to a drug court: (1) has the person's participation in the drug court terminated, the drug court must enter a judgment of conviction against the person or refer the case back to the originating court so that court may enter a judgment of conviction; and (2) fulfills the conditions established by the drug court, the drug court must dismiss the charges against the person or refer the case back to the originating court so that court may dismiss the charges.

Effective: Upon passage; July 1, 2002 (retroactive); July 1, 2003.

Wyss, Broden

January 9, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 247



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-12, AS AMENDED BY P.L.168-2002,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 12. "Alcohol and drug services program", for
4 purposes of IC 12-23, means a service for persons:

5 (1) charged with or convicted of a misdemeanor or felony; or

6 (2) **charged with or found to have committed an infraction;**

7 which provides intervention, education, referral, treatment, or
8 rehabilitation, under the operation of a court or under private contract.

9 SECTION 2. IC 12-23-14.5-3, AS ADDED BY P.L.168-2002,
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b),**
12 a drug court established under this chapter and accompanying services
13 are open only to individuals over whom the court that established the
14 drug court has jurisdiction.

15 (b) **A drug court may accept an eligible individual:**

16 (1) **who is referred; or**

17 (2) **whose case is transferred;**



1 from another court located in the same county as the drug court.

2 (c) If a case is referred to a drug court under subsection (b)(1)
3 instead of being transferred to the drug court under subsection
4 (b)(2), the drug court may impose intermediate sanctions in the
5 case. However, the drug court shall return the case to the court
6 that made the referral for appropriate proceedings when:

7 (1) the individual has successfully completed the conditions
8 established by the drug court under section 15(b) of this
9 chapter; or

10 (2) the individual's participation in the drug court has been
11 terminated by the drug court.

12 SECTION 3. IC 12-23-14.5-9, AS ADDED BY P.L.168-2002,
13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2002 (RETROACTIVE)]: Sec. 9. (a) As used in this section,
15 "board" refers to the board of directors of the judicial conference of
16 Indiana under IC 33-13-14-2.

17 (b) As used in this section, "effective date" means the date
18 established by the board after which minimum employment standards
19 will be required for a person employed by a drug court.

20 (c) A drug court established under this chapter is subject to the
21 regulatory powers of the Indiana judicial center under IC 33-13-14-7.

22 (d) With regard to drug courts established under this chapter, the
23 Indiana judicial center may do the following:

24 (1) Ensure that drug courts comply with rules adopted under this
25 section and applicable federal regulations.

26 (2) Certify drug courts established under this chapter.

27 (3) Revoke the certification of a drug court upon a determination
28 that the drug court does not comply with rules adopted under this
29 section and applicable federal regulations.

30 (4) Make agreements and contracts with:

31 (A) another department, authority, or agency of the state;

32 (B) another state;

33 (C) the federal government;

34 (D) a state supported or private university; or

35 (E) a public or private agency;

36 to implement this chapter.

37 (5) Require as a condition of operation that each drug court
38 created or funded under this chapter be certified according to
39 rules established by the Indiana judicial center.

40 (6) Adopt rules ~~under IC 4-22-2~~ to implement this chapter.

41 (e) The board shall adopt rules concerning standards, requirements,
42 and procedures for initial certification, recertification, and

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1 decertification of drug courts.

2 (f) The board may adopt rules concerning educational and
3 occupational qualifications needed to be employed by a drug court;
4 however, any contract service provider must be licensed by the state or
5 approved by the judicial center. If the board adopts qualifications under
6 this subsection:

7 (1) the board shall establish an effective date after which a person
8 employed by a drug court must meet the minimum qualifications
9 adopted under this subsection; and

10 (2) the minimum employment qualifications adopted under this
11 subsection do not apply to a person who is employed:

12 (A) by a certified drug court before the effective date; or

13 (B) as administrative personnel.

14 (g) The board may delegate any of the functions described in
15 subsections (e) and (f) to the court alcohol and drug program advisory
16 committee or the Indiana judicial center.

17 SECTION 4. IC 12-23-14.5-15, AS ADDED BY P.L.168-2002,
18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 15. (a) A drug court may follow the procedure
20 described in this section only if:

21 (1) a person pleads guilty to an offense in which the use of
22 alcohol or drugs was a contributing factor or material element of
23 the offense;

24 (2) the court refers the person to a drug court;

25 (3) the prosecuting attorney consents to the referral;

26 (4) the person who pleads guilty under subdivision (1) consents
27 to the referral;

28 (5) the person who pleads guilty under subdivision (1) is eligible
29 to participate in the drug court under section 14(b) of this chapter
30 and the drug court accepts the referral; and

31 (6) the person has not had a previous dismissal under this section.

32 (b) Notwithstanding IC 35-38-1-1(a), the court, without entering a
33 judgment of conviction, may defer further proceedings and place the
34 person in ~~the custody of the a drug court under subject to~~ conditions
35 **as established by the drug court. determines.**

36 (c) The **drug** court, the prosecuting attorney, and the participant
37 must all agree upon the duration of the conditions established under
38 subsection (b).

39 (d) **If the drug court determines, after a hearing, may enter a**
40 **judgment of conviction if: that:**

41 (1) the person ~~violates~~ **violated** a condition established under
42 subsection (b); or

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1 (2) the period of time that the conditions ~~are established under~~
2 **subsection (b) were in effect expires expired** before the person
3 successfully ~~completes~~ **completed** each condition ~~of custody~~
4 **established by the drug court;**
5 **the drug court may terminate the person's participation in the**
6 **drug court.**
7 (e) ~~The court shall dismiss the charges against the person if the~~
8 **When a person's participation in a drug court has been terminated**
9 **by the drug court under subsection (d), the drug court shall:**
10 (1) **enter a judgment of conviction against the person; or**
11 (2) **refer the case back to the court that referred the case to**
12 **the drug court to allow the referring court to enter a**
13 **judgment of conviction against the person.**
14 (f) ~~When a person fulfills the conditions of the custody established~~
15 **by a drug court under subsection (b), the drug court shall:**
16 (1) **dismiss the charges against the person; or**
17 (2) **refer the case back to the court that referred the case to**
18 **the drug court to allow the referring court to dismiss the**
19 **charges against the person.**
20 **SECTION 5. An emergency is declared for this act.**

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