

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.

## SENATE ENROLLED ACT No. 247

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AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-23-14.5-3, AS ADDED BY P.L.168-2002, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b),** a drug court established under this chapter and accompanying services are open only to individuals over whom the court that established the drug court has jurisdiction.

**(b) A drug court that does not otherwise have felony jurisdiction may accept an eligible individual who is referred to the drug court from another court within the county if the following criteria are met:**

- (1) The drug court returns the case to the court that made the referral for appropriate proceedings when the person has successfully completed drug court or the person's participation in the drug court has been terminated.**
- (2) If the drug court is a city or town court, the person selected as judge for the court is required to be an attorney under IC 33-10.1-5-7.**

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

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

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

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

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

(2) Certify drug courts established under this chapter.

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

(4) Make agreements and contracts with:

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

(B) another state;

(C) the federal government;

(D) a state supported or private university; or

(E) a public or private agency;

to implement this chapter.

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

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

(e) The board shall adopt rules concerning standards, requirements, and procedures for initial certification, recertification, and decertification of drug courts.

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

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

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

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

(B) as administrative personnel.

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

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SECTION 3. IC 12-23-14.5-15, AS ADDED BY P.L.168-2002, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A drug court may follow the procedure described in this section only if:

- (1) a person pleads guilty to an offense in which the use of alcohol or drugs was a contributing factor or material element of the offense;
- (2) the court refers the person to a drug court;
- (3) the prosecuting attorney consents to the referral;
- (4) the person who pleads guilty under subdivision (1) consents to the referral;
- (5) the person who pleads guilty under subdivision (1) is eligible to participate in the drug court under section 14(b) of this chapter and the drug court accepts the referral; and
- (6) the person has not had a previous dismissal under this section.

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

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

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

- (1) the person ~~violates~~ **violated** a condition established under subsection (b); or
- (2) the period of time that the conditions ~~are established under subsection (b) were~~ in effect ~~expires~~ **expired** before the person successfully ~~completes~~ **completed** each condition ~~of custody established by the drug court;~~

**the drug court may terminate the person's participation in the drug court.**

(e) The court shall dismiss the charges against the person if the **When a person's participation in a drug court has been terminated by the drug court under subsection (d), the drug court shall:**

- (1) **enter a judgment of conviction against the person; or**
- (2) **refer the case back to the court that referred the case to the drug court to allow the referring court to enter a judgment of conviction against the person.**

(f) **When a person fulfills the conditions of the custody established by a drug court under subsection (b), the drug court shall:**

- (1) **dismiss the charges against the person; or**

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**(2) refer the case back to the court that referred the case to the drug court to allow the referring court to dismiss the charges against the person.**

SECTION 4. IC 33-10.1-5-7, AS AMENDED BY P.L.196-1999, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A city court is not a court of record.

(b) A town court is not a court of record.

(c) A person selected as judge of the following courts must be an attorney in good standing under the requirements of the supreme court:

- (1) Anderson city court.
- (2) Avon town court.
- (3) Brownsburg town court.
- (4) Carmel city court.
- (5) A city or town court located in Lake County.
- (6) Muncie city court.
- (7) Noblesville city court.
- (8) Plainfield town court.
- (9) Greenwood city court.**
- (10) Martinsville city court.**

SECTION 5. **An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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