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# APPENDIX A

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## Selected Statutes

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### Title 5 - Courts

#### CHAPTER 10 - DRUG COURTS

##### **5-10-101. Purpose and goals.**

(a) The legislature recognizes that a critical need exists in this state for criminal justice system programs that will break the cycle of drug and alcohol abuse and addiction and the crimes committed as a result of drug and alcohol abuse and addiction. Local drug court programs shall be facilitated for the purpose of:

- (i) Providing sentencing options for the judicial system to dispose of cases stemming from drug use; and
- (ii) Combining judicial supervision, supervised probation, drug testing, treatment, aftercare and monitoring of drug court participants.

(b) The goals of the drug court programs funded under this article include the following:

- (i) To reduce alcoholism and other drug dependency among offenders;
- (ii) To reduce recidivism rates in both drug use and criminal activity;
- (iii) To reduce the drug related court workload;
- (iv) To increase the personal, familial and societal accountability of offenders; and
- (v) To promote effective interaction and use of resources among criminal justice personnel, state agencies and community agencies.

##### **5-10-102. Establishment of drug court system; drug court account.**

(a) There is created a drug court account. All interest earned on funds within this account shall be deposited in the account.

(b) Any drug court which meets all of the qualifications of W.S. 5-10-106 and rules and regulations properly promulgated is eligible for funding from the drug court account in an amount not to exceed two hundred thousand dollars (\$200,000.00) for each fiscal year.

(c) The department of health shall make funding recommendations to the drug court panel based on the amount of funding which the county supplies to its drug court. The department of health shall make recommendations regarding a proportionate contribution to each participating county from the drug court account subject to the maximum amount established in subsection (b) of this section.

(d) In addition to those funds appropriated to the account under subsection (a) of this section the department may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically given to the department for the benefit of the drug courts or treatment providers in Wyoming.

##### **5-10-103. Drug court panel.**

(a) The department of health shall oversee and provide funding for the drug courts from the drug court account. The department of health shall implement rules and regulations specifying a funding application procedure, certification requirements for treatment personnel participating in the drug court program and drug court program office guidelines. In order to maximize federal financial participation, compliance with the United States' Department of Justice Drug Court Program guidelines shall be considered by the department.

(b) A drug court panel shall consist of the following persons or their designees: chairman of the board of judicial policy and administration, chairman of the governor's substance abuse and violent crime advisory board, director of the department of health, the attorney general, director of the department of family services, director of the department of corrections and the state public defender. The panel, upon recommendations from the department of health, shall make all funding determinations. The panel shall determine whether a local drug court management committee which makes application for drug court funding meets the criteria established by W.S. 5-10-106.

(c) Any expenses incurred in implementing this act shall be paid from the drug court account by the department of health. Administrative expenses shall be minimized and shall not exceed ten percent (10%) of the amounts appropriated to the drug court system.

(d) Those members of the drug court panel who are not full-time employees of the state of Wyoming shall receive as compensation one hundred twenty-five dollars (\$125.00) for each day necessarily employed in attending the meetings of the board, and shall also receive per diem and mileage allowance as allowed to state employees for attending the meetings and performing the duties incumbent upon them as members of the drug court panel.

#### **5-10-104. Local drug court management committee.**

(a) A local drug court management committee shall be established by each local drug court. The members of this management committee shall be actively involved with the drug court. The management committee shall consist of:

- (i) The judge who presides over the local drug court;
- (ii) One (1) prosecuting attorney, selected by the county or district attorney;
- (iii) One (1) member of the bar who practices criminal defense, selected by the judge of the drug court;
- (iv) A monitoring officer, agreed upon by the attorney members of the committee and the judge; and
- (v) A representative of the treatment providers, agreed upon by the attorney members of the committee and the judge.

(b) The five (5) members of the local drug court management committee specified in subsection (a) of this section may appoint additional members.

(c) All members shall be residents of, or practicing in the county or counties served by the local drug court.

(d) Each local drug court management committee shall manage the funds received from the drug court account, meet any reporting requirements of the department of health and appoint a drug court coordinator or program manager who shall be responsible for administration and oversight of the court and will be the primary contact for outside agencies.

(e) The drug court coordinator or program manager and any other persons employed shall receive compensation as determined by the local drug court management committee.

#### **5-10-105. Application; selection by drug court panel; report on grants awarded.**

- (a) Requests for new or continued funding of drug courts may be submitted annually by any local drug court management committee to the drug court panel on dates set by the department of health. Submitted proposals shall be in a form provided and prescribed by the department of health, which shall, at a minimum, require the qualifying information provided by W.S. 5-10-106.
- (b) The Wyoming Criminal Justice Statistical Analysis Center within the University of Wyoming shall be utilized in providing appropriate data for a proposal.
- (c) The drug court panel shall award grants to only those drug courts which meet the standards required by this article and rules and regulations promulgated by the department of health.
- (d) In accordance with determinations of the drug court panel, the department of health shall annually distribute funds to the management committee of selected drug courts on or before September 1. Drug court grants received under this article shall only be used for the purposes for which the grant is awarded and shall not be expended for any other program, activity or purpose.
- (e) The department of health shall, on behalf of the drug court panel, annually report to the governor and the joint labor, health and social services committee on the selected drug courts which receive funding. The report shall include an evaluation of the drug courts and a determination of whether each drug court funded under this article is successful in meeting the objectives of this article.

#### **5-10-106. Qualifications.**

- (a) To be eligible for funding from the state drug court account a local drug court shall:
- (i) Integrate substance abuse treatment services with the justice system case processing;
  - (ii) Use a nonadversarial approach involving both the prosecution and defense counsel to promote public safety while providing appropriate treatment for the adjudicated individual;
  - (iii) Identify eligible participants early and promptly place the eligible participant in the drug court program;
  - (iv) Provide access to a continuum of substance abuse related treatment and rehabilitation services;
  - (v) Monitor long term abstinence by frequent drug and alcohol testing;
  - (vi) Coordinate a strategy which will guide drug court responses to a participant's compliance with the program requirements;
  - (vii) Facilitate ongoing judicial interaction with each drug court participant;
  - (viii) Monitor and evaluate the achievement of program goals and gauge the effectiveness of the program;
  - (ix) Continue interdisciplinary education which promotes effective drug court planning, implementation and operations;
  - (x) Forge partnerships among drug courts, public agencies, community-based organizations and private foundations and businesses which generate local support and enhance the effectiveness of the drug court program; and
  - (xi) Have maximized the use of available federal funding from the United States department of justice drug court program under the guidelines of title 42, section 3796ii of the United States Code.

#### **5-10-107. Conditions for admission to a drug court program.**

- (a) Each drug court shall establish conditions for referral of proceedings to the court consistent with drug court program office guidelines. Any proceeding accepted by the drug court program for disposition shall be upon

agreement of the parties. Any drug court participant shall agree to the release of medical and other records relevant to the treatment of the participant pursuant to subsection (b) of this section.

(b) Drug court staff, designated by the judge, shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant. Agency employees shall fully inform a drug court staff of all matters relevant to the treatment of the participant. No contents of records and reports shall be disclosed to any person outside of the drug court. The records and reports shall be maintained by the court in a confidential file not available to the public.

(c) The judge who presides over the drug court shall inform the eligible participant prior to acceptance into the drug court program that the eligible participant may be subject to a term of probation that exceeds the maximum term of imprisonment established for the offense as provided in W.S. 5-9-134.