

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

IN THE MATTER OF THE ADOPTION OF)	
A POLICY REGARDING DRUG COURT)	IP RULE 2013-01
SCREENING, ELIGIBILITY CRITERIA)	
AND PERFORMANCE MEASUREMENTS.)	

A. Drug Court Defined.

Pursuant to the South Dakota Public Safety Improvement Act (SB 70) a drug court is defined as a judicially supervised alternative to incarceration and includes drug, driving under influence, and other specialty court dockets aimed at increasing public safety, offender accountability and decreasing recidivism for chemically dependent offenders. Prior to implementation a drug court team must attend training approved by the Supreme Court.

B. Screening and Eligibility Criteria.

The State Court Administrator's Office, in consultation with the Statewide Drug Court Advisory Board, shall implement screening and eligibility criteria and establish procedures for participants in judicially supervised adult drug court programs. Each drug court program shall:

1. Be structured as a post-adjudication sentencing alternative;
2. Provide services only for felony offenders over the age of eighteen;
3. Only accept candidates that are willing to participate in the drug court program on a voluntary basis;
4. Exclude any person seeking to enter drug court based on a present conviction for the distribution of a controlled substance or marijuana;

5. Exclude any person currently required to register as a sex offender;
6. Exclude any candidate that has a violent offense conviction as defined by SDCL § 22-1-2(9);
7. Target offenders that have fewer than seven lifetime convictions for driving under the influence unless otherwise determined appropriate by the local drug court team;
8. Target offenders for admission who have been assessed for eligibility using a validated risk-needs assessment tool and a validated clinical assessment tool, who are addicted to illicit drugs or alcohol and are at substantial risk for reoffending or failing to complete a less intensive disposition, such as standard probation or pretrial supervision;
9. Require that offenders pass a legal screening for entry into the drug court program conducted by the prosecutor with jurisdiction over the offense;
10. Not exclude candidates from participation solely because of the existence of a co-occurring disorder or other medical condition;
11. Make all reasonable efforts to ensure that the time between arrest and entry into the drug court program is less than 30 days;
12. Utilize a collaborative team process that seeks community involvement;
13. Adopt residency restrictions that allow for intensive supervision in that locality.

C. Inapplicability to Veteran's Courts. This Rule is not applicable to a Veteran's Court or any other specialized docket or alternative sentencing framework aimed at providing treatment or reducing recidivism rates for current or prior members of the United States Armed Forces.

D. Performance Measures.

The State Court Administrator's Office shall prepare, compile, evaluate and publicly report performance measures concerning the operation of such courts. Such information

shall be reported semi-annually to the oversight council as established in the South Dakota Public Safety Improvement Act.

The effective date of this Rule is August 9, 2013. This Rule shall remain in effect until further order of this Court.

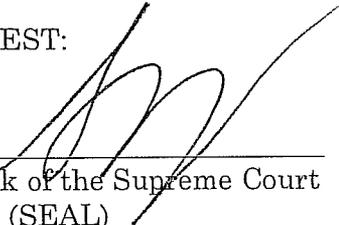
DATED at Pierre, South Dakota this 9th day of August, 2013.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:

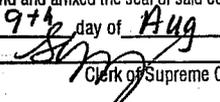


Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA
In the Supreme Court

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

9th day of Aug, 2013.


Clerk of Supreme Court

Deputy

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

AUG - 9 2013



Clerk