

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 56
IDAHO DRUG COURT AND MENTAL HEALTH COURT ACT

19-5601. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Drug Court and Mental Health Court Act."

[19-5601, added 2001, ch. 337, sec. 1, p. 1197; am. 2005, ch. 358, sec. 2, p. 1130.]

19-5602. STATEMENT OF POLICY. The legislature finds that:

(1) Substance abuse is a contributing cause for much of the crime in Idaho, costs millions of dollars in productivity, contributes to the ever increasing jail and prison populations and adversely impacts Idaho children;

(2) Drug courts which closely supervise, monitor, test and treat substance abusers have proven effective in certain judicial districts in Idaho and in other states in reducing the incidence of drug use, drug addiction, and crimes committed as a result of drug use and drug addiction. Successful drug courts are based on partnerships among the courts, law enforcement, corrections and social welfare agencies;

(3) Mental illness is a substantial contributing cause to crime in Idaho. Crimes committed by persons suffering from mental illness cause substantial losses to persons and business throughout the state and endanger public safety. In addition, millions of dollars are spent each year on the incarceration, supervision and treatment of mentally ill offenders;

(4) Mental health courts in Idaho and other jurisdictions that closely supervise and monitor mentally ill adult and juvenile offenders and oversee their treatment are an innovative alternative to incarceration for certain offenders. Such courts, which can be operated in conjunction with drug courts, have provided a cost-effective approach to addressing the mental health needs of offenders, reducing recidivism, providing community protection, easing the caseload of the courts, and alleviating the problem of increasing prison, jail and detention populations; and

(5) It is in the best interests of the citizens of this state to expand the use of drug courts and mental health courts in Idaho.

The goals of the drug courts and mental health courts created by this chapter are to reduce the overcrowding of jails and prisons, to reduce alcohol and drug abuse and dependency among criminal and juvenile offenders, to hold offenders accountable, to reduce recidivism, and to promote effective interaction and use of resources among the courts, justice system personnel and community agencies.

[19-5602, added 2001, ch. 337, sec. 1, p. 1197; am. 2005, ch. 358, sec. 3, p. 1130.]

19-5603. DRUG COURT -- ESTABLISHMENT. The district court in each county may establish a drug court which shall include a regimen of graduated sanctions and rewards, substance abuse treatment, close court monitoring and supervision of progress, educational or vocational counseling as appropriate, and other requirements as may be established by the district court, in ac-

cordance with standards developed by the Idaho supreme court drug court and mental health court coordinating committee.

[19-5603, added 2001, ch. 337, sec. 1, p. 1197; am. 2005, ch. 358, sec. 4, p. 1131.]

19-5604. ELIGIBILITY. (1) No person has a right to be admitted into drug court. The drug court in each county shall determine the eligibility of persons who may be admitted into drug court except that each candidate, prior to being admitted, must undergo: (a) a substance abuse assessment; and (b) a criminogenic risk assessment.

(2) No person shall be eligible to participate in drug court if any of the following apply:

(a) The person is currently charged with, has pled or has been adjudicated or found guilty of, a felony crime of violence or a felony crime in which the person used either a firearm or a deadly weapon or instrument.

(b) The person is currently charged with, or has pled or been found guilty of, a felony in which the person committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

(3) A drug court may, after consultation with the drug court team and with the consent of the prosecuting attorney, allow a person to participate in drug court who would otherwise be ineligible only because of the provisions of subsection (2) (a) of this section.

[19-5604, added 2001, ch. 337, sec. 1, p. 1197; am. 2011, ch. 186, sec. 1, p. 536.]

19-5605. DRUG COURT EVALUATION. The district court of each county which has implemented a drug court program shall annually evaluate the program's effectiveness and provide a report to the supreme court as requested. A report evaluating the effectiveness of drug courts in the state shall be submitted to the governor and to the legislature by the first day of the legislative session each year.

[19-5605, added 2001, ch. 337, sec. 1, p. 1197.]

19-5606. IMPLEMENTATION OF DRUG COURTS AND MENTAL HEALTH COURTS. The supreme court shall establish a drug court and mental health court coordinating committee consisting of judges, court administrators, drug court coordinators, mental health court coordinators, prosecuting attorneys, public defenders, state and county probation officers, treatment providers, representatives of the department of correction, the department of education, the commission of pardons and parole, the department of health and welfare, the department of juvenile corrections, the Idaho state police, the Idaho transportation department, legislators, a representative of the governor's office, law enforcement officers, mental health professionals, and others, which shall establish a drug court and mental health court implementation plan and oversee ongoing drug court and mental health court programs. The implementation plan shall include a strategy to forge partnerships among drug courts, mental health courts, public agencies, and community-based organizations to enhance drug court and mental health court effectiveness. The committee shall also develop guidelines for drug courts and mental health courts addressing eligibility, identification and screening, assessment, treatment and treatment providers, case management

and supervision, and evaluation. The coordinating committee shall also solicit specific drug court and mental health court plans, and recommend funding priorities and decisions per judicial district; pursue all available alternate funding; provide technical assistance, develop procedural manuals, and schedule training opportunities for the drug court and mental health court teams; design an evaluation strategy, including participation in the statewide substance abuse evaluation plan; and design an automated drug court and mental health court management information system, which promotes information sharing with other entities.

[19-5606, added 2001, ch. 337, sec. 1, p. 1198; am. 2005, ch. 358, sec. 5, p. 1131.]

19-5607. DRUG COURT AND MENTAL HEALTH COURT FUNDING. Subject to the appropriation power of the legislature, the supreme court shall be responsible for administering, allocating and apportioning all appropriations from the legislature for drug courts and mental health courts.

[19-5607, added 2001, ch. 337, sec. 1, p. 1198; am. 2005, ch. 358, sec. 6, p. 1132.]

19-5608. DRUG COURT AND MENTAL HEALTH COURT FEE. Each person admitted into a drug court or mental health court shall pay the drug court and mental health court fee as established in section [31-3201E](#), Idaho Code.

[19-5608, added 2004, ch. 249, sec. 2, p. 715; am. 2005, ch. 358, sec. 7, p. 1132.]

19-5609. MENTAL HEALTH COURTS. (1) The district court in each county may establish a mental health court which shall include a regimen of graduated sanctions and rewards, mental health and other appropriate treatment, close court monitoring and supervision of progress, educational or vocational counseling as appropriate, eligibility standards and other requirements as may be established by the district court, in accordance with standards developed by the Idaho supreme court drug court and mental health court coordinating committee. No person has a right to be admitted into a mental health court. A mental health court may be operated in conjunction with a drug court.

(2) The district court of each county that has implemented a mental health court shall annually evaluate the mental health court's effectiveness and provide a report to the supreme court as requested. If the mental health court is operated in conjunction with a drug court, a single report may be submitted for the drug court and mental health court. A report evaluating the effectiveness of mental health courts in the state shall be submitted to the governor and to the legislature by the first day of the legislative session each year.

[19-5609, added 2005, ch. 358, sec. 8, p. 1132.]

19-5610. COUNSELING SERVICE IN DRUG COURTS AND MENTAL HEALTH COURTS. Any licensee licensed under [chapter 34, title 54](#), Idaho Code, who is in good standing with the Idaho state licensing board of professional counselors and marriage and family therapists shall be eligible to provide professional counseling services to an adult receiving service through a

drug court or mental health court established pursuant to this chapter. No licensee shall be automatically disqualified from providing professional counseling services because of a prior criminal conviction. For purposes of this section, the relevancy of a licensee's prior criminal conviction shall be evaluated pursuant to section [67-9411](#), Idaho Code.

[19-5610, added 2023, ch. 48, sec. 1, p. 195.]