

By: Representatives Cockerham, Sykes,  
Mickens, Dixon

To: Judiciary B

HOUSE BILL NO. 1084

1 AN ACT TO AMEND SECTION 9-23-11, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DRUG COURT CERTIFICATION SCHEDULE; AND FOR RELATED  
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 9-23-11, Mississippi Code of 1972, is  
6 amended as follows:

7 9-23-11. (1) The Administrative Office of Courts shall  
8 establish, implement and operate a uniform certification process  
9 for all drug courts and other problem-solving courts including  
10 juvenile courts, veterans courts or any other court designed to  
11 adjudicate criminal actions involving an identified classification  
12 of criminal defendant to ensure funding for drug courts supports  
13 effective and proven practices that reduce recidivism and  
14 substance dependency among their participants.

15 (2) The Administrative Office of Courts shall establish a  
16 certification process that ensures any new or existing drug court  
17 meets minimum standards for drug court operation.



18 (a) These standards shall include, but are not limited  
19 to:

20 (i) The use of evidence-based practices including,  
21 but not limited to, the use of a valid and reliable risk and needs  
22 assessment tool to identify participants and deliver appropriate  
23 interventions;

24 (ii) Targeting medium to high risk offenders for  
25 participation;

26 (iii) The use of current, evidence-based  
27 interventions proven to reduce dependency on drugs or alcohol, or  
28 both;

29 (iv) Frequent testing for alcohol or drugs;

30 (v) Coordinated strategy between all drug court  
31 program personnel involving the use of graduated clinical  
32 interventions;

33 (vi) Ongoing judicial interaction with each  
34 participant; and

35 (vii) Monitoring and evaluation of drug court  
36 program implementation and outcomes through data collection and  
37 reporting.

38 (b) Drug court certification applications shall  
39 include:

40 (i) A description of the need for the drug court;

41 (ii) The targeted population for the drug court;



42 (iii) The eligibility criteria for drug court  
43 participants;

44 (iv) A description of the process for identifying  
45 appropriate participants including the use of a risk and needs  
46 assessment and a clinical assessment;

47 (v) A description of the drug court intervention  
48 components including anticipated budget and implementation plan;

49 (vi) The data collection plan which shall include  
50 collecting the following data:

51 1. Total number of participants;

52 2. Total number of successful participants;

53 3. Total number of unsuccessful participants  
54 and the reason why each participant did not complete the program;

55 4. Total number of participants who were  
56 arrested for a new criminal offense while in the drug court  
57 program;

58 5. Total number of participants who were  
59 convicted of a new felony or misdemeanor offense while in the drug  
60 court program;

61 6. Total number of participants who committed  
62 at least one (1) violation while in the drug court program and the  
63 resulting sanction(s);

64 7. Results of the initial risk and needs  
65 assessment or other clinical assessment conducted on each  
66 participant; and



67                   8. Any other data or information as required  
68 by the Administrative Office of Courts.

69                   (c) Every drug court shall be certified under the  
70 following schedule:

71                   (i) A drug court application submitted after July  
72 1, 2014, shall require certification of the drug court based on  
73 the proposed drug court plan;

74                   (ii) A drug court established after July 1, 2014,  
75 shall be recertified after its second year of funded operation on  
76 a time frame consistent with other certified courts of its type;

77                   (iii) \* \* \* A certified adult felony drug court in  
78 existence on December 31, 2018, must submit a recertification  
79 petition by July 31, 2019, and be recertified pursuant to the  
80 requirements of this section by December 31, 2019. After the  
81 recertification, all certified, adult, felony drug courts shall  
82 submit a recertification petition every two (2) years to the  
83 Administrative Office of Courts. The recertification process is  
84 to be completed by December 31 of every odd calendar year; and

85                   (iv) \* \* \* A certified youth, misdemeanor, family  
86 or chancery drug court in existence on December 31, 2018, must  
87 submit a recertification petition by July 31, 2020, and be  
88 recertified pursuant to the requirements of this section by  
89 December 31, 2020. After the recertification, all certified  
90 youth, misdemeanor, family or chancery drug courts shall submit a  
91 recertification petition every two (2) years to the Administrative



92 Office of Courts. The recertification process is to be completed  
93 by December 31 of every even calendar year.

94 (3) All certified drug courts shall measure successful  
95 completion of the drug court based on those participants who  
96 complete the program without a new criminal conviction.

97 (4) (a) All certified drug courts must collect and submit  
98 to the Administrative Office of Courts each month, the following  
99 data:

100 (i) Total number of participants at the beginning  
101 of the month;

102 (ii) Total number of participants at the end of  
103 the month;

104 (iii) Total number of participants who began the  
105 program in the month;

106 (iv) Total number of participants who successfully  
107 completed the drug court in the month;

108 (v) Total number of participants who left the  
109 program in the month;

110 (vi) Total number of participants who were  
111 arrested for a new criminal offense while in the drug court  
112 program in the month;

113 (vii) Total number of participants who were  
114 convicted for a new criminal arrest while in the drug court  
115 program in the month; and



116 (viii) Total number of participants who committed  
117 at least one (1) violation while in the drug court program and any  
118 resulting sanction(s).

119 (b) By August 1, 2015, and each year thereafter, the  
120 Administrative Office of Courts shall report to the PEER Committee  
121 the information in subsection (4)(a) of this section in a  
122 sortable, electronic format.

123 (5) All certified drug courts may individually establish  
124 rules and may make special orders and rules as necessary that do  
125 not conflict with the rules promulgated by the Supreme Court or  
126 the Administrative Office of Courts.

127 (6) A certified drug court may appoint the full- or  
128 part-time employees it deems necessary for the work of the drug  
129 court and shall fix the compensation of those employees. Such  
130 employees shall serve at the will and pleasure of the judge or the  
131 judge's designee.

132 (7) The Administrative Office of Courts shall promulgate  
133 rules and regulations to carry out the certification and  
134 re-certification process and make any other policies not  
135 inconsistent with this section to carry out this process.

136 (8) A certified drug court established under this chapter is  
137 subject to the regulatory powers of the Administrative Office of  
138 Courts as set forth in Section 9-23-17.

139 **SECTION 2.** This act shall take effect and be in force from  
140 and after July 1, 2019.

