

ADAMS COUNTY DRUG COURT Offenses Eligible for Drug Court

1. Felony Controlled Substance Possession Offenses
2. Felony Legend Drug Possession Offenses
3. Other felony offenses that are Controlled Substance or Legend Drug related, including but not limited to: theft, forgery, non-residential burglary
4. Referrals can be made on probation violations for any charge where the original charge or the violation was not a forcible felony (as defined in IC 35-41-1-11), crime of violence (as defined in IC 35-50-1-2), a sex crime or a crime involving a firearm or destructive weapon.
5. Referrals for offenses listed in 8, 9, 10 and 11 below may only be processed with the consent of the prosecutor and the Drug Court Team.

OFFENSES NOT ELIGIBLE FOR DRUG COURT

6. No present charges or prior convictions for any forcible felony (as defined in IC 35-41-1-11) or a crime of violence (as defined in IC 35-50-1-2)
7. No present charges or prior convictions involving possession of a firearm or a destructive weapon.
8. The referred client cannot have pending charges in another jurisdiction unless the client can take action to have the pending charges in another county disposed of within a reasonable amount of time of the referral to problem-solving court unless transferable to drug court.
9. The referred client cannot have current probation supervision in another jurisdiction unless the client can take action to have the pending case in another county disposed of within a reasonable amount of time of the referral to problem-solving court unless transferable to drug court.
10. None of the following controlled substance offenses:
 - a. 35-48-4-1 Dealing in Cocaine or Narcotic Drug
 - b. 35-48-4-1.1 Dealing in Methamphetamine
 - c. 35-48-4-2 Dealing in a Schedule I, II, or III Controlled Substance
 - d. 35-48-4-3 Dealing in a Schedule IV Controlled Substance
 - e. 35-48-4-4 Dealing in a Schedule V Controlled Substance
 - f. 35-48-4-4.1 Dumping Controlled Substance Waste
 - g. 35-48-4-4.5 Dealing in a Substance Represented to be a Controlled Substance
 - h. 35-48-4-4.6 Manufacturing, Financing the Manufacture, Advertising, Distributing or Possessing Substance Represented to be a Controlled Substance
 - i. 35-48-4-5 Dealing in a Counterfeit Substance
 - j. 35-48-4-8.1 Manufacture of Paraphernalia

Attachment 10

- k. 35-48-4-8.5 Dealing in Paraphernalia
 - l. 35-48-4-10 Dealing in Marijuana, Hash Oil, Hashish, or Salvia
 - m. 35-48-4-10.5 Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance
 - n. 35-48-4-13(b) Maintaining a Common Nuisance
 - o. 35-48-4-13.3 Taking a Minor or Endangered Adult to Location Used for Drug Sale, Manufacture, or Possession
 - p. 35-48-4-14 Offenses Relating to Registration Labeling and Prescription Forms
 - q. 35-48-4-14.5 Possession of Chemical Reagents or Precursors with Intent to Manufacture Controlled Substances
11. None of the following legend drug offenses:
- a. 16-42-19-11 Sale of Legend Drug Unlawful
 - b. 16-42-19-14 Records
 - c. 16-42-19-15 Inspection of Records
 - d. 16-42-19-20 Validity of Prescriptions or Drug Orders
 - e. 16-42-19-23 Mechanical Device for Storage or Dispensing of Drugs; Restrictions; Inspection of Premises
 - f. 16-42-19-25 Anabolic Steroids; Unlawful Acts
 - g. 16-42-19-29 Retail Sale of Insulin
12. No offense related to a pattern of racketeering activity.
- a. I.C. 35-45-6-2 Corrupt Business Influence
13. No offense related to the operation of a vehicle while intoxicated or operation of a motorboat while intoxicated.
- a. I.C. 9-30-5-1
 - b. I.C. 9-30-5-2
 - c. I.C. 9-30-5-3
 - d. I.C. 9-30-5-4
 - e. I.C. 9-30-5-5
 - f. I.C. 35-46-9-6

Other factors taken into consideration are:

- High risk and high need level based upon the Indiana Risk Assessment System (IRAS)
- Moderate risk and high need level based upon the Indiana Risk Assessment System (IRAS)k
- Willingness and motivation to comply with court ordered treatment services
- The offender cannot be a violent offender as defined by the federal government of the United States
- The Drug Court Team must find that the limited resources of the program are best utilized on this client
- Ability to physically participate in treatment activities (within guidelines of the American Disabilities Act)
- Must meet clinical criteria for substance abuse or dependence
- Willingness to pay restitution and fees within time frame of program