

Drug Court Eligibility

Consideration for admission to the Drug Court program will be limited to those defendants who have been charged with crime(s), punishable pursuant to Penal Code section 1170(h), where the defendant's criminal conduct is substantially caused by drug addiction or a significant substance abuse problem.

In cases where the defendant is charged with a crime(s) outside the scope of Penal Code section 1170(h) and the defendant's criminal conduct is substantially caused by drug addiction or a significant substance abuse problem, upon agreement of all of the members of the Drug Court Team, the defendant may be allowed to be screened for suitability for admission into Drug Court; however, a non-1170(h) defendant may only be admitted to Drug Court with the consent of all members of the Drug Court team.

Unless waived by the District Attorney for any particular defendant, the following criteria are exclusionary:

- Prior serious/violent felony conviction(s) or present charge(s), as defined in Penal Code Section 667.5(c) or 1192.7(c) unless, as to the prior conviction(s), the defendant has remained free of incarceration in prison and any felony conviction(s) within the last 5 years
- Registration or current charge(s) that would require registration for arson or as a sex offender pursuant to PC 290
- Possession of a firearm in the present case
- Prior conviction(s) or present charge(s) involving possession for sale involving any enhancement listed in the Penal Code or Health and Safety Code which deals with the following: weight enhancements, prior sales convictions, location (i.e., near schools, etc.), minors present, child abuse/endangerment, or manufacturing of drugs)
- DUI with serious injury
- Unlawful presence within the United States, or under active deportation/removal procedures

(Revised 8/26/15)