

TITLE 1: GOVERNMENT
DIVISION 3: JUDICIAL BRANCH

§ 3207. Establishment of Drug Court.

(a) There is hereby established within the Commonwealth Superior Court a drug court which, upon appropriation by the Legislature, shall operate a collaborative non-adversarial system to effect the rehabilitation and recovery of drug offenders through continuous court monitoring, regular drug testing, and holistic drug dependency treatment. The Commonwealth Superior Court shall study the requirements for establishing this drug court and shall, as soon as possible, but no later than thirty days after the enactment of 1 CMC § 3207, report to the Legislature the amount of funds necessary for the drug court's operations.

(b) Community supervision officers and compliance officers shall serve under the Drug Court and shall have the authority and responsibility to:

(1) Create, maintain and secure a complete record of each participant placed in a treatment court program.

(2) Instruct a participant as to the terms, conditions and restrictions specified by the treatment court program.

(3) Keep informed of all terms, conditions and restrictions specified by treatment court.

(4) Investigate, exercise general supervision over, and monitor compliance of participants which shall include, among other things, the authority to visit a participant at home, employment site, or anywhere else specified by the treatment court, to conduct drug tests of participants, or take any items prohibited by the conditions of supervision that are observed in plain view.

(5) Keep records of work performed and report on information concerning a participant's conduct and compliance with a treatment court program.

(6) Use all suitable methods, including the imposition of informal sanctions, not inconsistent with treatment court program, to aid and encourage a participant to effect improvements in conduct.

(7) Serve warrants of arrest, make arrests and bring participants before the treatment court when he or she believes that cause for formal sanctions or termination exists.

(8) Carry a firearm in the performance of official duties.

(9) Perform any other duty, or have such powers as are necessary to implement the provisions of this Article, as deemed appropriate by the treatment court.

Source: PL 19-14, § 3 (Oct. 28, 2015) modified; amended by PL 20-54 § 2 (Apr. 11, 2018), modified.

Commission Comment: In addition to severability and savings clauses, PL 19-14 included the following Title and Findings and Purpose sections:

Section 1. Title. This Act may be cited as "The Drug Court Act of 2015" (the "Act").

Section 2. Findings and Purpose. The Legislature recognizes that the Commonwealth lacks adequate resources to address the growing specter of drugs. One drug, in particular, continues to affect an alarming number of families and young people — methamphetamine hydrochloride, otherwise known as "ice." The Legislature finds that a specialized court which incorporates drug dependency treatment with continuous judicial supervision for qualifying defendants, for both adults and juveniles, would provide for the rehabilitation of those individuals suffering from addiction while ensuring that the community remains protected. The Commonwealth Constitution, Article IV, Section 1, vests judicial power of the Commonwealth in a judiciary which "shall include one supreme court and such other inferior courts as may be established by law." It is the purpose of this Act to, pursuant to Article IV, Section 1, establish within the Commonwealth Superior Court a drug court and to require the Commonwealth Superior Court to report to the Legislature the amount of

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funds necessary to operate the drug court so that the Legislature can appropriate funds for operations.

The drug court which will utilize the knowledge and experience of professionals involved with the criminal justice system, such as: prosecutors; law enforcement; probation officers; defense attorneys; drug addiction specialists; and the Commonwealth Superior Court. The Legislature encourages all participants in the drug court to approach drug addiction in a non-adversarial setting, focusing on long-term rehabilitation rather than immediate punitive or retributive punishment.

The Commission numbered this section and arranged it to fit harmoniously in this Code pursuant to 1 CMC § 3806(a) and (b). The Commission struck the figure “(30)” as a mere repetition of words pursuant to 1 CMC § 3806(f). The Commission substituted “1 CMC § 3207” for “this Act” pursuant to 1 CMC § 3806(d). The Commission capitalized “legislature” in the last sentence pursuant to 1 CMC § 3806(f).

In codifying PL 20-54, the Commission changed the capitalization of “Supervision Officers” and “Compliance Officers” in (b) and “article” in (b)(9) pursuant to 1 CMC § 3806(f). The Commission changed “is” to “are” in (b)(4) and changed “records or work” to “records of work” in (b)(5) pursuant to [1 CMC § 3806\(g\)](#).