

**THE DRUG COURT (TREATMENT AND
REHABILITATION OF OFFENDERS) ACT**

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**THE DRUG COURT (TREATMENT AND
REHABILITATION OF OFFENDERS) ACT**

**Act
40 of 1999.**

[15th January, 2001.]

Short title

1. This Act may be cited as the Drug Court (Treatment and Rehabilitation of Offenders) Act.

**Interpreta
tion.**

2. In this Act, unless the context otherwise requires—

“approved treatment provider” means an individual or organization approved by the Minister to carry out prescribed treatment programmes for the purposes of this Act;

“drug” includes alcohol and any dangerous drug falling within Parts III, IIIA and IV of the Dangerous Drugs Act;

“Drug Court” means the sitting of the Resident Magistrate’s Court declared to be a Drug Court pursuant to section 4;

“drug offender” means a person who is referred to the Drug Court under section 6(2)(b) or brought before the Drug Court pursuant to section 7;

“eligible person” means a person described in section 5;

“regular sitting” means a sitting of the Resident Magistrate’s Court other than the Drug Court;

“prescribed treatment programme” means a programme for treatment and supervision prescribed by the Drug Court pursuant to section 9;

“relevant offence” means any offence triable by a Resident Magistrate.

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Objects of
Act.

3. The objects of this Act are to—
- (a) reduce the incidence of drug use and dependence by persons whose criminal activities are found to be linked to such dependence;
 - (b) reduce the level of criminal activity that results from drug abuse;
 - (c) provide such assistance to those persons as will enable them to function as law abiding citizens.

Declaration
and juris-
diction of
Drug Court.

4.—(1) The Resident Magistrate presiding in each parish shall declare a sitting of the Resident Magistrate's Court to be a Drug Court for the purposes of this Act.

Schedule.

(2) The Drug Court shall be constituted in accordance with the provisions of the Schedule and when so constituted and sitting shall have the jurisdiction and powers conferred upon it by this Act.

Eligible
persons.

5. A person is an eligible person for the purposes of this Act if—

- (a) the person is charged with a relevant offence;
- (b) the person appears to be dependent on the use of drugs; and
- (c) the person satisfies such other criteria as may be prescribed.

Procedure
after arrest
for relevant
offence.

6.—(1) Subject to section 7, where a person is arrested and charged with a relevant offence and the arresting officer has reasonable cause to believe that the person is dependent on any drug, the arresting officer shall include in the police report, a note of the facts giving rise to that belief.

(2) As soon as practicable after the person is charged with the offence, the Clerk of Courts in the parish in which the person is arrested—

- (a) shall review the police report and the person's criminal record; and
- (b) may, if satisfied that the person is eligible, recommend to the Court that the person be referred to the Drug Court to be dealt with in accordance with section 8.

7.—(1) A person who is arrested and charged with a relevant offence specified in subsection (3) shall be brought before the Drug Court to be dealt with in accordance with section 9.

Persons who may be brought directly before Drug Court.

(2) The Drug Court may, on the recommendation of the prosecution in relation to a person brought before it pursuant to subsection (1)—

- (a) defer prosecution of the offence; or
- (b) defer the imposition of a sentence for the offence after a guilty plea.

(3) The offences referred to in subsection (1) are offences under the Dangerous Drugs Act as follows—

- (a) possession of not more than—
 - (i) one ounce of prepared opium;
 - (ii) eight ounces of ganja;
 - (iii) one-tenth of an ounce of cocaine, heroin or morphine, as the case may be;
- (b) possession of any pipes or other utensils for use in connection with the smoking of opium or ganja, as the case may be, or any utensils used in connection with the preparation of opium for smoking;
- (c) smoking or otherwise using ganja or prepared opium, as the case may be;
- (d) frequenting any place used for the purpose of smoking opium.

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Assessment
of offender
and deter-
mination of
relevant
offence.

8.—(1) A person referred to the Drug Court under section 6 or brought before it pursuant to section 7 shall be assessed by an approved treatment provider who shall make a recommendation to the Drug Court as to the person's suitability for participation in a prescribed treatment programme and shall furnish to the Court, a plan of that programme.

(2) Where—

- (a) based upon an assessment by an approved treatment provider, a person is not considered suitable for participation in a prescribed treatment programme; or
- (b) a person is not willing to be dealt with by the Drug Court,

the relevant offence in relation to that person shall, subject to subsection (3), be heard and determined in a regular sitting.

(3) A relevant offence specified in section 7 (3) shall be heard and determined by the Drug Court.

Jurisdiction
of Drug
Court.

9.—(1) The Drug Court may act in accordance with subsection (2) in relation to a person referred to it under section 6 or brought before it pursuant to section 7 if the Court is satisfied that—

- (a) the person is an eligible person;
- (b) having regard to the person's antecedents, it would be appropriate for the person to participate in a prescribed treatment programme;
- (c) the person accepts the conditions to be imposed by the Drug Court (whether immediately or at some later date) in relation to his participation in a prescribed treatment programme;