

DRUG COURT ELIGIBILITY CRITERIA

1. The individual meets drug dependence criteria based upon a clinical assessment.
2. Must be a resident of Genesee County
3. Must be a minimum of 17 at the time of the offense
4. Must **not** have a violent or sexual assault criminal history
5. Must **not** have a serious emotional impairment or mental illness
6. Must have a documented substance abuse history, for example:
 - A substance related charge
 - Prior drug convictions
 - Reported use and/or drug counseling
7. Must be a non-violent felony, including, but not limited to, the following:
 - Controlled Substances: Possession and certain Possession with Intent to Deliver or Delivery of a Controlled Substance. (**excluding: “major controlled substance violations”**)*
 - Alcohol related offenses (if OUIL 3rd, the case is eligible for drug court services, but not eligible for case dismissal)
 - Auto theft
 - Breaking and entering (excluding Home Invasion-1st)
 - Credit Card/Check offenses
 - Forgery
 - Larceny, Fraud (including Retail Fraud)
 - Malicious Destruction of Property/Building
 - Receiving and Concealing Stolen Property (excluding firearms)
 - Uttering and Publishing
 - Embezzlement
 - Prostitution (including accosting and soliciting)
8. Referral to the Genesee County Drug Court Program must meet the approval of the Genesee County Prosecutor if the case or probation violation is to be dismissed (diversion).
9. The Drug Unit of the Genesee County Prosecutor’s office, in conjunction with members of the Defense Bar who handle cases within the Drug Court, will conduct periodic training sessions for all area law enforcement agencies regarding the operation of the Drug Court Program.

***“major controlled substance violations”** includes any one of the following:

1. the sale, delivery, or possession with intent to deliver 50 grams or more of a controlled substance classified in schedule 1 or 2 unless such sale, delivery, or possession with intent to deliver is for the primary purpose of maintaining or sustaining one's own drug habit;

2. the sale, delivery, manufacture, or possession with intent to deliver 5 kilograms or more of marijuana or 20 plants or more of marijuana;

3. the sale, delivery, or possession with intent to deliver a controlled substance having such value or under such circumstances as to indicate "trafficking".

"trafficking" is the sale or delivery of actual or counterfeit controlled substances on a continuing basis to another person or persons for further distribution. MCL 777.45(2)(c).