

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby promulgate, effective October 7, 2009, Part 143 of the Rules of the Chief Administrator of the Courts, relating to superior courts for drug treatment, to read as follows:

PART 143. SUPERIOR COURTS FOR DRUG TREATMENT

§143.1 Establishment of Superior Courts for Drug Treatment

Following consultation with and agreement of the Presiding Justice of the Judicial Department in which a county is located, the Chief Administrator of the Courts, by administrative order, may establish a Superior Court for Drug Treatment in Supreme Court or County Court in such county and assign one or more justices or judges to preside therein. Each such Superior Court for Drug Treatment shall have as its purpose the hearing and determination of:

(a) criminal cases that are commenced in the court and that are identified by the court as appropriate for disposition by a drug treatment court;[and]

(b) criminal cases that are commenced in other courts of the county, and that are identified as appropriate for disposition by a drug treatment court and transferred to the court as provided in section 143.2 of this Part.; and

(c) criminal cases that are commenced in superior court where such court orders an alcohol or substance abuse evaluation pursuant to the judicial diversion program of Article 216 of the Criminal Procedure law, where the administrative judge for the judicial

district in which the county is located has designated the Superior Court for Drug Treatment to adjudicate such cases.

§143. Transfer of cases to Superior Courts for Drug Treatment; How Effectuated

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(c) Transfer of cases pursuant to CPL Art. 216

Where a superior court orders an alcohol and substance abuse evaluation pursuant to section 216.05(1) of the Criminal Procedure Law to determine whether the defendant should be offered judicial diversion for alcohol and substance abuse treatment under Article 216, the case shall be referred for further proceedings to:

1) the Superior Court for Drug Treatment or

2) any other part in superior court designated as a drug treatment court part by the administrative judge for the judicial district in which the county is located or other part in superior court designated to adjudicate such cases by the administrative judge where the judge or justice presiding in the part, by virtue of the structure, caseload and resources of the part and the judge or justice's training, is in the best position to provide effective supervision over cases eligible for judicial diversion. If, following the alcohol and substance abuse evaluation and subsequent proceedings under CPL §216.05, the defendant does not enter

judicial diversion, the case may be adjourned to any part designated by the administrative judge.

Chief Administrative Judge of the Courts

Dated:

AO/ /09