

RULE 27. Drug abuse & controlled substance procedures

(A) Treatment in Lieu of Conviction, Drug Dependent Person. After the case has been permanently assigned in accordance with Local Rule 7 and upon the defendant's request for treatment in lieu of conviction, where the attorney for a person charged with crime or the person so charged suggests to the Court or if it otherwise comes to the notice of the court that such person is a drug dependent person or is in danger of becoming a drug dependent person, the court may order an investigation and shall follow the procedures outlined in Revised Code Section 2951.41.

(B) Conditional Probation, Drug Dependent Person. Prior to sentencing, if the attorney for a person convicted of crime or the person so convicted suggests to the court or if it comes to the notice of the court, that such person is a drug dependent person or is in danger of becoming a drug dependent person, the court may order a presentence investigation and shall follow the procedures outlined in Revised Code Section 2951.04.

(C) Alternative Residential Diversion Program. In lieu of sentencing an offender, the Court may place the offender on conditional probation with the terms of that probation including the following requirements:

1. The offender shall enter into an Alternative Treatment Program designated by the Court by separate entry to meet the requirements of this Rule.

2. Upon release from said Program, the offender shall continue to submit, for a period of at least nine months and such additional period as ordered by the Court to drug abuse outpatient treatment and counseling.

If the offender complies with the conditions set forth in Revised Code Section 2925.11, the Court shall enter on its journal a dismissal of the charges against the offender and discharge the offender.

All Programs designated under Section (C) must meet the following requirements:

a. It must be designated as an alternative residential diversion program.

b. It must be designated to provide drug abuse treatment and counseling for adults and juveniles who commit violations of Section 2925.11 O.R.C.

In order to be eligible for this Program, the defendant must have committed a violation of Revised Code Section 2925.11; must not be a dangerous offender; must be a drug dependent person or person in danger of becoming drug dependent. All persons utilizing such Programs are liable for expenses associated with the treatment and counseling that they receive pursuant hereto.

(D) Post Conviction Procedures. For purposes of implementing Section 3 of Substitute Amended House Bill 300, the 1975 Drug Abuse and Controlled Substance Act, relative to release, modification of record, the procedures used shall be the same as those set forth in Ohio Revised Code Section 2953.21, et seq. All pleadings shall be verified and the petition shall include the charge of which the defendant was convicted, the drug or controlled substance involved in said conviction, the quantity by weight or unit dosage of said drug or controlled substance, any prior conviction related to drug or controlled substance, and the penalty or action which the petitioner is seeking the Court to modify or order.

(Effective June 1, 1991)