

LOCAL RULE 24.03 - ELIGIBILITY FOR KANE COUNTY DRUG COURT

- (a) Only defendants who apply for admission to the KCDRC will be considered for admission.
- (b) No defendant shall be admitted to the KCDRC unless he or she is a **resident of Kane County**. Once admitted, continued Kane County residency is required unless the KCDRC Judge orders otherwise.
- (c) A defendant shall be **excluded** from KCDRC if any one of the following apply:
  - (1) The crime is a crime of violence as set forth in 24.03 (c) (4) of this subsection.
  - (2) The defendant denies his or her use of/or addiction to drugs.
  - (3) The defendant does not demonstrate a willingness to participate in a treatment program.
  - (4) The defendant has been convicted of a crime of violence within the past ten (10) years excluding incarceration time, including, but not limited to; first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in a great bodily harm or permanent disability, stalking, aggravated stalking, or any offense involving the discharge of a firearm.
  - (5) The crime is a driving under the influence of alcohol offense under 625 ILCS 5/11-501(a) (1) or (a) (2).
  - (6) The defendant is a registered sex offender.
  - (7) The defendant is an active gang member.
  - (8) The prosecutor does not agree to the admission of the defendant who:
    - (A) Is charged with a Class 2 or greater felony violation of:
      - i. Section 401, 401.1, 405, or 405.2 of the Illinois Controlled Substances Act;
      - ii. Section 5.5.1 or 5.2 of the Cannabis Control Act;
      - iii. Section 15,20,25,30,35,40,45,50,55, 56 or 65 of Methamphetamine Control and Community Protection Act.
    - (B) Has previously, on three (3) or more occasions, completed a drug court program, been discharged from a drug court program, or been terminated from a drug court program.
  - (9) The defendant is not moderate-high to high criminogenic risk or does not have high behavioral health treatment needs as determined by the use of validated risk assessment tools and clinical assessment tools.
  - (10) The defendant has been charged with drug dealing offenses primarily for purposes of financial gain and not to support their addiction.
  - (11) No defendant shall be admitted to the KCDRC if, at the time of plea of guilty, felony charges are pending alleging a crime which would make the defendant ineligible to enter the KCDRC, under 24.03 (c) (4).