

C. Eligibility

Qualifying Factors

To be determined eligible for the Program, participants **must** meet the following criteria:

1. Meet statutory eligibility per 730 ILCS 166/20 Drug Treatment Act.
2. Assess as Medium/to High Risk as determined by the risk assessment tool required by the Administrative Office of the Illinois Courts.
3. Assessed as having high behavioral treatment needs as determined by an empirically validated clinical assessment tool.
4. Must be convicted of a nonviolent felony.
5. Must be a Champaign County resident at the time of the offense for which the defendant is being sentenced occurred, and at the time of entry into Drug Court. Cases involving a Petition to Revoke where the defendant currently lives in Champaign County but resided outside of Champaign County when the original offense occurred will be discussed and determined by the Drug Court Team.
6. Defendant must be 18 years or older at the time of offense.
7. Defendant must complete a Request for Drug Court Assessment, voluntarily execute a Consent to Participate in the Champaign County Drug Court Program, admit to having a problem with alcohol or other drugs and be willing to engage in and comply with the treatment and supervision requirements of Drug Court.

Disqualifying Factors

A defendant **may be disqualified** from participation in the Program if the following factors are met:

1. State's Attorney objects (per statute 730 ILCS 166/20(c)) or if the defendant is currently charged with an offense that is non-probationable and the prosecutor is unwilling to amend the charges to a probationable offense.
2. The charge is for a misdemeanor offense.
3. An active gang member.
4. Determined to be a dangerous person by the Drug Court Team. Factors determining dangerousness include, but are not limited to:
 - Prior history involving the use of a weapon.
 - Prior history of violence toward people, animals, or property.
5. Commission of a crime of violence as stated in 730 ILCS 166/20(c) within the last 10 years (excluding incarceration time) including: first or second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson or arson, aggravated kidnapping or kidnapping, aggravated battery-great bodily harm or permanent disability, aggravated stalking or stalking, aggravated domestic battery, or any offense involving a firearm.
6. Denies use or a dependence to alcohol and/or drugs.
7. Does not show willingness to participate in the requirements of Drug Court.
8. The Drug Court Team believes that the defendant is selling drugs for profit: Criteria to review:

- Possessing substances containing more than 15 grams of cocaine, heroin, methamphetamine, or more than 30 grams of cannabis.
 - Manufacturing or delivery of more than 5 grams of cocaine or heroin or more than 15 grams of methamphetamine.
 - Defendant's addiction or use is not for the same drug in his/her possession or that she/he provided to another.
8. The Drug Court Team determines after a clinical assessment that the defendant has a mental illness or a developmental disability which will not allow the defendant to complete the Drug Court requirements or defendant does not have the cognitive ability to successfully complete Drug Court. Criteria to review, include but are not limited to:
- a. The Defendant has had prior involuntary mental health commitment(s) in the past 10 years.
 - b. The Defendant has been diagnosed with schizophrenia, paranoia or other psychosis
 - c. Reports to the Court show no appropriate mental health/substance abuse treatment options are available for the Defendant in the community