

KITTITAS COUNTY DRUG COURT
CRIMINAL HISTORY ELIGIBILITY CRITERIA

Current arrest/offense:

Any STA Seriousness Level I, Level II, nonviolent Level III, or equivalent unranked felony in which there is an identifiable substance abuse issue that treatment can address, **except:**

- Delivery of controlled substance or Possession with intent to deliver controlled substance or Manufacture of controlled substance (or equivalent legend drug), unless in the discretion of the prosecutor, the quantity involved is small and defendant appears only to be supporting a personal habit (i.e. limited sales/distribution involvements and not involved in an organized drug distribution scheme.)
- any “sex offense” (including allegation of sexual motivation)
- any firearm offense (including illegal theft or possession of a firearm), or any offense with a firearm enhancement or element
- any domestic violence offense unless agreed to by parties, after consultation with the victim.

Other:

- Only residents of Kittitas County, Washington who are in the country legally.
- No active warrants from other courts or agencies
- No long-term jail sentences from courts within Kittitas County, unless other court authorizes Drug Court as concurrent sentence.
- No previous failure in “Drug Court” except withdrawals during early “trial” phase
- Restitution for the current charge(s) must normally be \$3,000.00 or less unless the offender affirmatively shows the ability to pay the restitution due or unless other arrangements are made by the time of acceptance into Drug Court. “Other arrangements” could include third party payment, victim consent or waiver of all or part of restitution or agreement of the victim to accept stipulation to civil judgment. Restitution issues will be resolved by the Drug Court Judge.

Criminal History:

Adult or Juvenile criminal history: Any number of prior misdemeanor convictions or prior felony convictions, except:

- No prior Class A felony
- No prior “sex offense” (including allegation of sexual motivation)
- No prior firearm offense (including illegal theft or possession of a firearm) or any prior offense with a firearm enhancement or element
- No prior “violent” felony as defined by RCW 9.94A.030(58)
- No prior Assault 3 convictions unless certificate of discharge or its equivalent issued
- No prior domestic violence convictions within past calendar year without agreement of parties

*** Final eligibility for referral into the Drug Court program is at the discretion of the Prosecutor’s office – Prosecutor’s Office has the authority to weigh crime and defendant history in any given case and agree to eligibility, regardless of whether they fall within or without parameters of general eligibility criteria.**