

Section X

Adult DUI/Drug Court Case Transfer Rules

These rules are intended to facilitate full participation in DUI/Drug courts. Recognizing that many jurisdictions do not have DUI/Drug courts and that some DUI defendants live or work in jurisdictions different from the offense county, transfer of cases to and from jurisdictions having DUI/Drug courts is authorized. These rules are not all inclusive.

Transfer Rules

1. A participant or person who lives or works in a jurisdiction other than that in which the offense was committed and who wishes to participate in a DUI/Drug court in another county may request the transfer of his or her DUI/Drug court case(s) to a DUI/Drug court in another jurisdiction. If the sending DUI/Drug court approves the transfer, the sending DUI/Drug court shall initiate a transfer request.
2. The proposed transferee shall expeditiously comply with all application requirements of the receiving court.
3. If the receiving DUI/Drug court does not agree to accept the participant, the receiving DUI/Drug court shall notify in writing the sending DUI/Drug court. No case shall be sentenced into another county's DUI/Drug court unless and until approved by the receiving court.
4. If the receiving DUI/Drug court agrees to accept the participant, the receiving DUI/Drug court shall notify the sending DUI/Drug court of the acceptance. The sending court shall honor conditions of acceptance by the receiving court or not send the case.
5. Any transfers must be accomplished without a significant lapse in or initiation of treatment, supervision, or judicial involvement. Until the transfer is effectuated, the participant must report as directed to the sending court.
6. The sending DUI/Drug court shall order the transfer of the case to the receiving DUI/Drug Court on a form prescribed by the Council of Accountability Court Judges. The sending DUI/Drug court shall transmit a copy of the transfer order to the receiving DUI/Drug court.
7. Following completion of acceptance, the receiving DUI/Drug court shall provide an official acceptance letter on a form prescribed by the Council of Accountability Court Judges to the sending DUI/Drug court and add the participant to its caseload.
8. It is the responsibility of the sending DUI/Drug court to maintain an appropriate level of communication with the receiving jurisdiction to ensure that the transfer process is successfully completed.
9. The participant shall contact the receiving DUI/Drug court to make an appointment for orientation/intake the next business day after notification of acceptance.
10. The sending DUI/Drug court shall transfer supervision of the entire case to the receiving DUI/Drug court. All decisions including, but not limited to, sanctions, incentives, phase changes, incarceration, violation of probation and termination are to be made by the receiving court. The DUI/Drug court in the receiving jurisdiction shall exercise the same authority over the transferee as for any participant sentenced within its jurisdiction.
11. Fines and surcharges shall be paid to the sending court by the participant as directed by the sending court in its sentencing order. Jail time in the original sentence shall be served in the sending county. All other fines and fees and the methods for their collection shall be determined by the receiving court.
12. Following completion of DUI/Drug court, the participant shall remain on the receiving court's caseload and shall continue to be supervised by said court.

File Transfer

The following documents, if available, shall be signed and forwarded in a timely manner to the receiving court for review:

- Request for Transfer
- Consent for Release of Information
- Clinical Assessment Report
- Receiving court's Participation Agreement
- Accusation, Plea Agreement forms, and Sentencing Orders
- Any other documents deemed appropriate by either court

IN THE STATE COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

vs.

CASE NO. _____

TRANSFER ORDER

The above-named Defendant having been sentenced in this Court on _____, 20____, to participate in the _____ County DUI Court, and it appearing that said Defendant is eligible for and has been accepted into said DUI Court and has agreed to the terms hereof, it is hereby **ORDERED** that supervision over Defendant's case be and hereby is transferred permanently and for all subsequent proceedings, to the State Court of _____ County. All parties to this Order explicitly agree to the following conditions of transfer:

1. The State Court of _____ County and _____ County DUI Court shall exercise the same authority over Defendant as if Defendant had been sentenced under its jurisdiction, including, in the case of sanction(s), incarceration in that County's jail.
2. Probation monitoring shall be transferred to the State Court of _____ County's probation department. Defendant shall pay all appropriate supervision fees as directed by the State Court of _____ County and _____ County DUI Court.
3. Defendant is to pay fines and surcharges originally imposed as a part of the sentence to the Clerk of the State Court of _____ County (sending court) as directed by the _____ County DUI Court (sending court). All DUI Court-related fees, including, but not limited to, participant fees and monetary sanctions, are to be paid to the _____ County DUI Court.
4. Defendant is ordered to comply with all conditions, terms, and requirements of the State Court of _____ County and _____ County DUI Court. Defendant must comply with all orders issued by the presiding judge, including all sanction orders.
5. Defendant consents to this transfer and understands that all sanctions, termination proceedings, probation revocation hearings, and all other matters subsequent to this plea will be handled in and by the State Court of _____ County.

SO ORDERED this, the _____ day of _____, 20____.

_____, Judge
State Court of _____ County

_____, Judge
State Court of _____ County

Consented to by:

Defendant

Defendant's Attorney Bar. No