IN THE ROAD COURT, JUSTICE COURT OF RECORD OF MISSOULA COUNTY, STATE OF MONTANA, BEFORE LANDEE HOLLOWAY, JUSTICE OF THE PEACE

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| STATE OF MONTANA,  Plaintiff,  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Defendant. | Cause No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Judge Landee Holloway  **ROAD COURT CONTRACT** |

This is the ROAD Contract (hereinafter “Contract”) for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is hereinafter referred to as “I”. "ROAD Court" means the Missoula County Justice Court's DUI Treatment Court. "Team" means the Missoula County Justice Court's DUI Treatment Court Team and includes any of the Team's members. If admitted to the program by the Court, I agree to strictly adhere to the obligations stated below and to waive the rights listed below.

**By initialing each of the following provisions, I acknowledge that I read and fully understand its contents.**

ROAD Court is Missoula County Justice Court's DUI Treatment Court. The Team includes a Judge, a Court Coordinator, a Deputy County Attorney, a Defense Attorney, a Treatment Provider, a Misdemeanor Probation Officer, a Sheriff's Deputy, and a member of Montana Highway Patrol.

\_\_\_\_\_ 1. I have been convicted of a DUI-related crime. I will comply with all conditions of the sentence the Court imposes, including misdemeanor probation. I understand I must successfully complete misdemeanor probation to graduate from ROAD Court. I also understand that I must comply with all sentencing conditions to graduate from ROAD Court.

\_\_\_\_\_ 2. The Judge will have personal knowledge of whether I am complying with this Contract. I hereby waive any right to disqualify, challenge, or request the Judge's recusal from my underlying case based upon information gained by the Judge from my participation in ROAD Court.

**RELEASE OF INFORMATION**

\_\_\_\_\_ 3. I consent to the disclosure of all my substance use disorder records to the Team for the purpose of monitoring my progress in ROAD Court. This disclosure complies with 42 CFR Part 2 (Confidentiality of Substance Use Disorder Patient Records).

\_\_\_\_\_ 4. I will hear confidential treatment information regarding other ROAD Court participants during my involvement with ROAD Court. I am prohibited from disclosing this confidential information. If I disclose this confidential treatment information, I understand that I may be subject to civil and criminal penalties under state and federal law and may be terminated from ROAD Court.

## TREATMENT

\_\_\_\_\_ 5. Immediately upon acceptance into ROAD Court, I will begin treatment at the treatment level determined by the ROAD Court treatment provider.

\_\_\_\_\_ 6. I will attend, fully participate in, and complete all treatment recommended by the ROAD Court treatment provider and identified in my treatment plan at my own expense. My treatment may include but is not limited to developing a personal recovery plan, participating in self-help groups, and establishing positive supports.

\_\_\_\_\_ 7. I must obtain prior approval from the ROAD Court Treatment Provider before I can miss or be late for a treatment session, even in case of illness.

## SUPERVISION

\_\_\_\_\_ 8. I will be placed on misdemeanor probation and must comply with all conditions of probation.

\_\_\_\_\_ 9. I shall not leave Missoula County, even for day trips, unless I obtain prior approval from misdemeanor probation. This provision may be modified in writing by the ROAD Court Coordinator based on individual needs.

\_\_\_\_\_ 10. I will not change residence without prior approval of the ROAD Court Coordinator and Probation Officer. I will provide notice of any change in my contact information to the ROAD Court Coordinator and Probation Officer at least 24 hours in advance.

\_\_\_\_\_ 11. I must notify the ROAD Court Coordinator, Defense Attorney, and Probation Officer within 24 hours of any contact with law enforcement.

## DRUG/ALCOHOL TESTING

\_\_\_\_\_ 12. I will not use or possess any prohibited substance or reside in a home where any prohibited substances are possessed. If I use or possess a prohibited substance, I will report that use or possession to the ROAD Court Coordinator, Defense Attorney, and my Probation Officer within 24 hours.

\_\_\_\_\_13. I understand that Prohibited Substances include:

* Alcohol;
* Marijuana (including medical marijuana);
* Dangerous Drugs as defined in MCA §§ 50-32-101, 50-32-221 through 232;
* Designer Drugs (including, but not limited to, bath salts, flakka, spice/K2/synthetic marijuana, U-47700);
* Prescription drugs that are expired or not prescribed to me;
* Mood-altering drugs unless prescribed to me by a physician; and
* Any substance that states "not for human consumption" or any variation of not for human consumption.

\_\_\_\_\_ 14. I will not knowingly associate with anyone who uses Dangerous or Designer Drugs.

\_\_\_\_\_ 15. I understand that I will be monitored for Prohibited Substances for the entirety of my participation in ROAD Court. The frequency of this monitoring depends on the phase I am in and my progress in ROAD Court. I agree to comply with this monitoring.

\_\_\_\_\_ 16. I understand I must call the UA test line daily (depending on phases), and I will report between the agreed-upon for a urine or breath sample.

\_\_\_\_\_ 17. Upon request by any member of the Team, I will provide a proper sample (including but not limited to blood, hair, breath, saliva, perspiration, or urine) to be tested for the presence of Prohibited Substances. I will appear for testing as directed by ROAD Court and understand each sample will be observed.

\_\_\_\_\_ 18. If I fail to provide a test sample, miss a test, provide a sample of insufficient quantity, alter a test sample, tamper with an alcohol monitoring device, tamper with a drug test, and/or produce a diluted or adulterated drug test, ROAD Court will consider the test positive and may sanction me accordingly.

## \_\_\_\_\_19. If I use a Prohibited Substance, I will disclose and admit the use before testing. If I fail to disclose use, test positive, and deny my use, the test will be sent to a lab for confirmation. If the lab confirms that the test was positive, I must pay the additional testing cost and may be sanctioned.

\_\_\_\_\_ 20. I will not enter any bar, casino, liquor store, or business whose primary business is the sale of alcohol or gaming.

\_\_\_\_\_ 21. I will use prescription medication only as directed by my prescribing physician. I will advise each prescribing physician that I am a participant in a substance abuse treatment program. I will confirm with my physician or medical professional that each prescription medication or over-the-counter medication I consume is non-addictive and does not contain alcohol. I will inform the Court Coordinator, Treatment Provider, and Probation Officer of very prescription medication that I am prescribed and over-the-counter medication that I consume.

\_\_\_\_\_ 22. Certain products/foods may produce a positive drug/alcohol test. Therefore, I will not knowingly eat any foods containing poppy seeds, hemp seeds, or alcohol (like vanilla extract, baked Alaska, cherries jubilee, etc.); drink "non-alcoholic" beers (like O'Doul's, Sharps); take over-the-counter medications (like Sudafed or Nyquil); use mouthwashes (like Listermint and Cepacol); use herbal/homeopathic medications, pseudo-ephedrine, colognes, perfumes, body sprays, insecticides, or any adulterant that may result in a positive drug/alcohol test.

\_\_\_\_\_ 23. I read and understand the medication and alcohol policy in the participant handbook. I understand that using medications, even with a prescription, could exclude me from participation in or trigger my termination from ROAD Court. If I am medically required to take a mood-altering medication, this may suspend my "clean time" in ROAD Court.

## PARTICIPATION AND COMPLIANCE

\_\_\_\_\_ 24. I will be honest, respectful, and forthright in all my statements to the Team.

\_\_\_\_\_ 25. I will pay misdemeanor supervision fees to Missoula Correctional Services. I will also pay my treatment fees unless covered by insurance. These costs and fees are subject to change.

\_\_\_\_\_ 26. I understand that I cannot use work as an excuse for non-compliance with ROAD Court requirements. It is my responsibility to schedule work around Court, probation, and treatment requirements.

\_\_\_\_\_ 27. I am required to complete individual face-to-face and telephonic meetings with the ROAD Court Coordinator. I am also required to turn in my weekly check-in sheets to the ROAD Court Coordinator.

\_\_\_\_\_ 28. I will appear as directed and on time for all scheduled ROAD Court hearings, appointments, and therapy sessions. I may be sanctioned for unexcused absences.

\_\_\_\_\_ 29. I must obtain prior approval from the Team before I can miss or be late to ROAD Court.

\_\_\_\_\_ 30. I will dress appropriately for ROAD Court and treatment sessions. I will not wear clothing that bears violent, racist, sexist, drug- or alcohol-related themes; clothing that promotes or advertises alcohol or drug use; or gang colors, gang clothing, sunglasses, bandanas, or hats.

\_\_\_\_\_ 31. I will not bring food or drinks into ROAD Court hearings. I will silence my cell phone and place it in the basket before Court begins.

\_\_\_\_\_ 32. I will refrain from using profanity or glorifying the use of drugs or alcohol. I will not make racist, sexist, sexual, violent, or offensive comments. I will not engage in abusive, aggressive, or offensive behavior, or use insulting language or physical gestures. ROAD Court may sanction me for this type of behavior.

\_\_\_\_\_ 33. I will complete all ROAD Court assignments on the date and time as ordered.

\_\_\_\_\_ 34. I will not sexually harass any ROAD Court Participant or Team member. I understand that sexual harassment is any unwanted comment, gesture, writing, physical contact, or innuendo sexual in nature.

\_\_\_\_\_ 35. I will not fraternize or becoming romantically involved with any ROAD Court Participant or any member of the Team without prior permission of the Judge because this is not conducive to a healthy treatment environment.

\_\_\_\_\_ 36. I will obey all laws.

**DRIVING AND PROBATIONARY LICENSES**

\_\_\_\_\_ 37. I will always use a seatbelt when traveling in a motor vehicle and will always transport children in child safety seats that are appropriate for their age, height, and weight.

\_\_\_\_\_ 38. I will not drive while my license is suspended or revoked. It is my responsibility to ensure that I may legally drive before doing so. If not, I may be subjected to incarceration, additional penalties, additional sanctions, and increased license suspension periods.

\_\_\_\_\_ 39. **I understand that probationary driver licenses may only be used for essential driving**. Essential driving is defined as driving to and from my residence and:

1. My regular place of employment, or in search of employment.
2. A school or educational institution in which I am currently enrolled. Driving to or from extracurricular activities is not allowed.
3. A location, business, or establishment for purposes related to maintenance of the household.
4. A chemical dependency assessment, education course, or treatment program, as required.
5. ROAD Court hearings, meetings, and treatment.

**I understand that recreational driving is not allowed. I also understand that driving a commercial vehicle is not allowed.**

\_\_\_\_\_ 40. I will not drive without insurance. It is my responsibility to ensure that my vehicle is properly insured. If not, I may be subjected to incarceration, additional penalties, and additional sanctions.

\_\_\_\_\_ 41. I will appropriately address my transportation needs by relying on properly licensed friends and family members, walking, bicycling, or taking public transportation.

**INCENTIVES AND SANCTIONS**

\_\_\_\_\_ 42. The ROAD Court Judge may provide me incentives for my compliance with ROAD Court.

\_\_\_\_\_ 43. The ROAD Court Judge may impose sanctions for my non-compliance with ROAD Court.

\_\_\_\_\_ 44. If I violate any conditions of this Contract, the ROAD Court Judge or the Judge who sentenced me in my underlying case may issue a bench warrant for my arrest.

\_\_\_\_\_ 45. ROAD Court has a designated defense attorney. The designated defense attorney's representation will be limited and non-traditional in that they will protect my legal rights with respect to treatment compliance and potential sanctions. If I receive a notice of contract violation, I am entitled to a contested hearing before the Judge before a sanction may be imposed. If the Judge finds that I have violated ROAD Court's Contract, the Court may impose sanctions, including jail time.

\_\_\_\_\_ 46. If I violate the ROAD Court Contract and believe I may be sanctioned, I will contact ROAD Court's designated defense attorney so they can adequately represent my interests at the Team's Staffing and during ROAD Court Hearings.

## REQUIREMENTS FOR GRADUATION

\_\_\_\_\_ 47. I am responsible for fulfilling all graduation requirements, as more specifically set out in my Participant Handbook, unless the Team waives specific requirements in writing.

**TERMINATION**

\_\_\_\_\_ 48. If I receive a notice of a termination hearing, I am entitled to a contested hearing before the ROAD Court Judge. ROAD Court's designated defense attorney will represent me at that hearing unless I retain my own counsel. If, after the termination hearing, the Judge finds that I failed to comply with this Contract, the Judge may terminate me from ROAD Court.

\_\_\_\_\_ 49. If I cannot be located, ROAD Court may hold a termination hearing in my absence.

\_\_\_\_\_ 50. If I am terminated from ROAD Court or withdraw from ROAD Court, a petition to revoke my sentence will be filed with the original sentencing Court.

\_\_\_\_\_ 51. If I am terminated from ROAD Court, ROAD Court's designated defense attorney will no longer represent me.

## TERM OF CONTRACT

\_\_\_\_\_ 52. The term of this Contract ends when I graduate ROAD Court, am terminated from ROAD Court, or when the Court loses jurisdiction over my case.

\_\_\_\_\_ 53. I have also read and reviewed ROAD Court's Participant Handbook, have had an opportunity to ask any questions I have about the Participant Handbook, and agree to abide by the Rules listed therein.

# ACKNOWLEDGEMENT OF PARTICIPANT

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, have read and initialed each paragraph of this contract. I have had adequate time to discuss this Contract fully with the ROAD Court Defense Attorney. I understand the terms of this Contract and what is expected from me. I freely and voluntarily agree to abide by the terms and conditions of this Contract, and I understand the consequences of my failure to do so.

DATED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Participant

# ACKNOWLEDGEMENT OF ROAD COURT DEFENSE ATTORNEY

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ROAD COURT Defense Attorney, have fully advised \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ regarding all the terms and conditions of this contract. I believe he / she understands the contact. I further believe that he / she is entering into this contract voluntarily, knowingly, and intelligently.

DATED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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Defense Attorney

# APPROVAL OF ROAD COURT JUDGE

I, Landee Holloway, Treatment Court Judge, have determined that the ROAD Court Defense Attorney has advised the participant of all the terms and conditions of this Contract. I believe the participant fully understands their duties and responsibilities as set forth in the Contract. I further believe the participant is entering into this Contract voluntarily, knowingly, and intelligently.

I hereby approve this contract this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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Hon. Landee Holloway

Missoula County Justice Court ROAD Court Judge

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Sentencing Judge

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So ordered on this date