

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF)
MISDEMEANOR CRIMINAL) ORDER
RULE 9.4)
_____)

The Court having reviewed a recommendation from the Misdemeanor/Infraction Rules Advisory Committee to amend Misdemeanor Criminal Rule 9.4, and the Court having fully considered the same;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Misdemeanor Criminal Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Misdemeanor Criminal Rule 9.4 be, and the same is hereby, amended as follows:

Rule 9.4. Alcohol-drug evaluation report.

The alcohol-drug evaluation report received by the court pursuant to Section 18-8005(911), Idaho Code, shall remain confidential in the same manner and to the same extent as a presentence investigation report under the Idaho Criminal Rules; provided the defendant shall always be entitled to retain his copy of the report. The report of an individual alcohol-drug evaluation submitted to a sentencing court under Section 18-8005(911), Idaho Code, shall consist of the following components and be presented in ~~the following~~ a standardized format approved by the Idaho Supreme Court:

(a) **Face Sheet.** All alcohol-drug evaluation reports shall have a one (1) page typed summary face sheet attached to the report which shall be in ~~substantially~~ the following form:

[Court and case title]

Case No.

Sentencing Date/Time:

Sentencing Judge:

Defendant:

SSN/DL#:

DOB:

Aliases: _____

Sex: F M

Marital Status:

Date of Evaluation:

Telephone:

List Prior Alcohol or Drug Related Arrests or charges:

List Results of Evidentiary Tests in this case:

Check Life Areas Affected:

Family _____ Employment/Education _____

Social _____ Health _____

Financial _____ Legal _____

Evaluator's Concise Impressions and Recommendations for Treatment:

DUI Evaluator's Name:

Address:

Phone:

(b) **Evaluation Report.** The report of the alcohol-drug evaluation shall be attached to the face sheet and shall contain the following information in the following order:

(1) Final disposition of any drug or alcohol related offenses or charges including any offenses or charges where drugs or alcohol were a factor.

(2) Any information of the defendant's blood alcohol content or refusals for any drug or alcohol related incidents ~~within the last five (5) years.~~

(3) Any information of the defendant's driver license record.

~~(34)~~ Previous alcohol or substance abuse education or treatment and whether the program was completed.

(45) Identification of primary ~~drugs~~ substances of abuse or dependency to include listings of primary, secondary or other ~~drugs~~ substances if appropriate and indications of defendant's history of I.V. drug use.

~~(56)~~ Defendant's version of the current incident.

~~(67)~~ Defendant's self assessment of substance use.

~~(78)~~ Evaluator's description of the defendant's use of alcohol/~~and/or~~ drugs and the extent to which they have contributed to problems within the defendant's major life areas, including:

(I) Family

(II) Social

(III) Financial

(IV) ~~Job—School~~ Employment/Education

(V) ~~Legal~~ Health

(VI) Health ~~Legal~~

(89) A listing of the screening tools utilized in the evaluation together with the scores. The use of at least three (3) screening tools approved by the Department of Health and Welfare is mandatory: and shall include:

- A. A GAIN SS;
- B. A criminogenic risk needs screening tool; and
- C. Any other approved alcohol-drug screening tool.

The results and explanation of the screening tools administered by the evaluator must be included.

(910) Evaluator's impressions and recommendations for ~~education~~ further assessment and/or appropriate ASAM level of care for treatment, including specific reasons for recommendations and the factors considered.

(1011) Recommendations as to the most appropriate treatment program together with the estimated costs.

(1112) Recommendations for suitable alternative treatment programs together with the estimated costs.

(1213) Identification of any source used to verify any information provided in the evaluation.

(14) In the event an evaluator submits an evaluation that is not in compliance with this rule, the court may return the evaluation with instructions to prepare an evaluation in compliance with the rule at no additional cost to the defendant. If the evaluator fails to submit an evaluation in compliance with this rule after such an instruction, the court may decline any future evaluations from the evaluator.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective the 1st day of July, 2013.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Misdemeanor Criminal Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 25th day of January, 2013.

By Order of the Supreme Court



Roger S. Burdick, Chief Justice

ATTEST: Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 1-29-13

STEPHEN W. KENYON
Clerk

By: Kimber Grove
Deputy