

***San Mateo County  
Drug Court  
Eligibility Guidelines***

**Charges**

To be eligible for Drug Court, the defendant must be charged with a violation of any of the following listed charges, enter a plea to the charge(s) [for pre-plea consideration, see below], admit any priors, and be assessed by the Drug Court team as eligible for Drug Court. Charges for drug sales, possession of drugs for purpose of sale, manufacture of drugs, and other heightened H&S violations are not eligible for Drug Court. The eligible charges are as follows:

H&S §11350 Possession of Controlled Substance  
H&S §11377 Possession of Controlled Substance  
H&S §11358 Cultivation of Marijuana for *Personal Use*  
H&S §11173/§11371.1 Prescription by Fraud  
H&S §11174/§11371.1 Prescription by Fraud  
H&S §11550 Under the Influence of Controlled Substance  
H&S §11368 Forged Prescription or Obtain Drugs by False Prescription  
B&P §4324 Forged Prescription or Obtain Drugs by False Prescription  
PC 415 Disturbing the peace  
PC 476 Forgery  
PC 460(b) Second Degree Burglary  
PC 647(f) Under the influence in public  
PC 666 Petty Theft with Prior

**ADDITIONAL DRUG COURT ELIGIBILITY CRITERIA**

1. The defendant is a San Mateo County resident.
2. Within the last ten years the defendant does not have a violent (per 667.5 (c) P.C.) or serious felony conviction (per 1192.7 P.C.), or a prior conviction for the sale or possession for sale of a controlled substance.
3. The defendant does not have a past conviction, or pending charge, involving use or possession of a firearm or deadly weapon.
4. The defendant is not taking any controlled substances medication unless specifically authorized by the Drug Court team. All defendants are expected to sign releases in order to allow the Drug Court assessment team to discuss any medical issues affecting substance abuse recovery with any treating physicians.
5. The defendant is not currently on parole, felony probation, Post Release Community Supervision, or mandatory supervision, other than the case(s) for which he/she is being considered for drug court.

*NOTE: For all drug court defendants, the defendant must waive DEJ and Proposition 36 if still eligible. All eligibility criteria/guidelines are subject to review by Drug Court Team.*

### **PRE PLEA CONSIDERATION**

In certain cases, a defendant may qualify for pre-plea consideration for entry into drug court. These individuals must have an extensive personal case history of substance abuse, have no or minimal criminal history, and be facing a criminal offense on the list of eligible offenses. They must be assessed as eligible for Drug Court by the Drug Court team, and participate in the full term of Drug Court program conditions. They must waive DEJ and Proposition 36 for all time on the case they are facing. Individuals entering Drug Court do so on a “zero tolerance” basis: if they violate any Drug Court rule, they will be required to enter a plea in order to continue in Drug Court.