

Offenses Eligible for Problem-Solving Court

1. Possession of cocaine, narcotic drug, methamphetamine, a schedule I, II, III or IV controlled substance, marijuana, hash oil, or hashish.
 - a. I.C. 35-48-4-6
 - b. I.C. 35-48-4-6.1
 - c. I.C. 35-48-4-7
 - d. I.C. 35-48-4-11
 - e. I.C. 35-48-4-11.5
2. Consecutive misdemeanor cases.
3. Other offenses, unless excluded in the list below, in which the use of drugs or alcohol was a contributing factor or a material element of the offense. (i.e. theft, burglary, forgery, prescription offenses)
4. Referrals can be made on probation violations for any charge where the original charge or the violation was not a crime of violence or a Level 1 or 2 Felony.
5. Referrals for offenses listed in 2, 5, 6, 7, and 8 below may only be processed with the consent of the prosecuting attorney.

Offenses Not Eligible for Problem-Solving Court

1. No Level 1 or 2 felonies.
2. A forcible felony offense, without consent of the prosecuting attorney. (PSC Rule change 2017)
A forcible felony is a “felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.”
3. The referred client cannot have pending charges in another jurisdiction unless the client can take action to have the pending charges in another county disposed of within a reasonable amount of time of the referral to problem-solving court.
4. The referred client cannot have current probation supervision in another jurisdiction unless the client can take action to have the pending case in another county disposed of within a reasonable amount of time of the referral to problem-solving court.
5. No offense related to the operation of a vehicle while intoxicated, without consent of the prosecuting attorney.
 - a. I.C. 9-30-5-1
 - b. I.C. 9-30-5-2
 - c. I.C. 9-30-5-3
 - d. I.C. 9-30-5-4
 - e. I.C. 9-30-5-5
6. No offense related to the distribution or manufacture of cocaine, narcotic drugs, methamphetamine, or a schedule I, II, III, IV or V controlled substance, without consent of the prosecuting attorney.
 - a. I.C. 35-48-4-1
 - b. I.C. 35-48-4-1.1
 - c. I.C. 35-48-4-2
 - d. I.C. 35-48-4-3
 - e. I.C. 35-48-4-4

- f. I.C. 35-48-4-14.5
7. No offense related to the distribution or cultivation of marijuana, hash oil or hashish, without consent of the prosecuting attorney.
 - a. I.C. 35-48-4-10
 8. No offense related to the distribution or manufacture of a look-a-like or counterfeit substance, without the consent of the prosecuting attorney.
 - a. I.C. 35-48-4-4.5
 - b. I.C. 35-48-4-4.6
 - c. I.C. 35-48-4-5
 9. No offense related to a pattern of racketeering activity.
 - a. I.C. 35-45-6-2

Other factors taken into consideration are:

- Willingness and motivation to comply with court ordered treatment services
- The offender cannot be a violent offender as defined by the federal government of the United States
- The Problem-Solving Court Team must find that the limited resources of the program are best utilized on this client
- Ability to physically participate in treatment activities (within guidelines of the American Disabilities Act)
- Must meet clinical criteria for substance abuse or dependence
- Ability to pay restitution and fees within time frame of program