

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

STATE OF MONTANA, Plaintiff, v. _____, Defendant.	Cause No: _____ Judge Landee Holloway ROAD COURT CONTRACT
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This is the ROAD Contract ("Contract") for _____, ("I"). ROAD Court" is defined as Missoula County's Misdemeanor DUI Treatment Court. "Team" is defined as ROAD Court's Judge, Court Coordinator, Deputy County Attorney, Defense Attorney, Treatment Provider(s), Misdemeanor Probation Officer, and designated members of law enforcement.

If I comply with this Contract, I will receive incentives. If I violate this Contract, I may be sanctioned. I have read the following document, had the opportunity to review the document with ROAD Court's defense attorney, and agree to follow every condition set forth below. **By initialing and signing this document, I acknowledge that I voluntarily, knowingly, and intelligently agree to abide by all terms of this Contract.**

GENERAL PROVISIONS

1. _____I reviewed ROAD Court's Participant Handbook, had the opportunity to ask questions, and I agree to abide by its terms.
2. _____I will comply with every condition of the underlying sentence the Court imposes for my DUI-related crime.
3. _____I 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.

4. _____ I will be honest, respectful, and forthright in all communications with the Team and ROAD Court participants.
5. _____ I will dress appropriately for all ROAD Court requirements. I will not wear clothing that bears violent, racist, sexist, or drug/alcohol/crime-related themes; clothing that bears gang colors or promotes gangs; sunglasses; bandanas; or hats.
6. _____ I will not glorify drugs, alcohol, or crime.
7. _____ I will not engage in insulting, abusive, aggressive, offensive, racist, sexist, sexual, or violent behavior or language.
8. _____ I will not sexually harass any Team member or participant. I understand that sexual harassment is any unwanted comment, gesture, writing, physical contact, or innuendo that is sexual in nature.
9. _____ I will not fraternize or become romantically involved with any team member or participant without prior permission of the Judge because this is not conducive to a healthy treatment environment.
10. _____ I will not use work as an excuse for non-compliance with any ROAD Court requirement. I will schedule work around all ROAD court requirements.
11. _____ I will not enter any bar, casino, liquor store, dispensary, or business whose primary business is the sale of alcohol, marijuana, products containing marijuana, or gaming.
12. _____ I will complete all ROAD Court assignments and sanctions on the date and time as ordered.

RELEASES OF INFORMATION

13. _____ I consent to the disclosure of my substance use disorder records to the Team to monitor my progress in ROAD Court. This disclosure complies with 42 CFR Part 2 (Confidentiality of Substance Use Disorder Patient Records).
14. _____ I will not disclose other participants' confidential information that I learn through ROAD Court. If I disclose confidential treatment information of others, I understand that I may be subject to civil and criminal penalties under state and federal law. I further understand that this disclosure may result in my termination from ROAD Court.

TREATMENT

15. _____ Immediately upon my acceptance into ROAD Court, I will sign a medical release of information for ROAD Court's treatment provider.
16. _____ Immediately upon my acceptance into ROAD Court, I will begin treatment at the

level determined by ROAD Court's treatment provider.

17. _____ I will attend, fully participate in, and complete all treatment recommended by ROAD Court's treatment provider and identified in my treatment plan, including referrals to outside providers and resources.
18. _____ I will obtain prior approval from ROAD Court's treatment provider before I miss or am late for treatment, even in case of illness.
19. _____ I will pay all treatment fees directly to ROAD Court's treatment provider before graduating unless they are covered by insurance.

SUPERVISION

20. _____ I will be placed on misdemeanor probation and will comply with the following standard and special conditions of probation.

STANDARD CONDITIONS:

RESIDENCE: Your residence must be approved by your Supervising Officer. You shall not change your place of residence without first obtaining permission from your Supervising Officer. You can be required to change your residency by your Supervising Officer. You will make your home open and available for an Officer to visit or search upon reasonable suspicion. You will not own dangerous/vicious animals such as guard dogs, use perimeter security doors or any other device that would hinder an Officer from visiting or searching the residence, or refuse to open the door to your residence when requested.

EMPLOYMENT: You shall seek and maintain employment or a program approved by your Supervising Officer. Your employer will be notified of your conviction(s) and probationer status. You must obtain permission from your Supervising Officer prior to any changes of employment.

REPORTING: You are required to personally report to your Supervising Officer or designee as directed. You will complete and submit written monthly reports to your supervising officer on forms provided by Missoula Correctional Services.

SEARCH: Upon reasonable suspicion that you have violated the conditions of supervision, you shall, while on probation, submit to a search of your person, vehicle, or residence by the Supervising Officer, at any time, without a warrant. You may also be searched at your place of employment. Any illegal property or contraband will be seized and may be destroyed. Your Supervising Officer or designee may authorize a law enforcement agency to conduct a search, provided the Supervising Officer determines reasonable suspicion exists that you have violated the conditions of supervision.

LAWS & CONDUCT: You shall comply with all municipal, county, state and federal laws and ordinances and conduct yourself as a good citizen. You shall report any arrests or contacts with law enforcement to your Supervising Officer or designee within 72 hours. You will at all times be cooperative and truthful in your communications and dealings with your Supervising Officer and any law enforcement agency.

SUPERVISION FEES: You are to pay supervision fees as directed by your Supervising Officer. Such fees shall be paid directly to the Misdemeanor Supervision Program, which shall report payment or nonpayment to the Court.

TRAVEL: You shall not travel outside Missoula County without permission from your Supervising Officer.

SPECIAL CONDITIONS

You shall not drink, possess, or use intoxicants, or illegal drugs. You may not have intoxicants in your residence.

You shall not enter any place intoxicants is the chief item of sale nor shall you enter casinos.

You shall submit to breath and/or body fluid testing for intoxicants and illegal drugs on a random or routine basis. You will advise your Supervising Officer of all over the counter or medications prescribed by a doctor that you are taking.

21. _____ I will pay misdemeanor supervision fees directly to Missoula Correctional Services before graduating.

DRUG/ALCOHOL TESTING

22. _____ I will not use or possess any Prohibited Substance. "Prohibited Substances" are defined as:

- Alcohol;
- Marijuana (including medical marijuana);
- Dangerous Drugs, Dangerous Drug Analogues, Immediate Precursors, and Narcotic Drugs as defined in MCA §§ 50-32-101(6) and (7).
- Designer Drugs (including, but not limited to, bath salts, flakka, spice/K2/synthetic marijuana, U-47700);
- Kratom;
- Prescription drugs that are expired or not prescribed to me;
- Mood-altering drugs, unless prescribed to me by my licensed practitioner; and
- Any substance that states "not for human consumption" or any variation of not for human consumption.

23. _____ If I use or possess a Prohibited Substance, I will report that use or possession to the ROAD Court Coordinator and Probation Officer within 24 hours.
24. _____ I am responsible for knowing what goes in my body and for understanding that certain products/foods may produce a positive sample.
- Here is a non-inclusive list of items that may produce a positive sample:
- Secondhand marijuana smoke;
 - Poppy seeds;
 - CBD, hemp seeds, or hemp products;
 - Alcohol (e.g., vanilla extract, baked Alaska, cherries jubilee, etc.)
 - Non-alcoholic beers (e.g., O'Doul's, Sharps, etc.);
 - Over-the-counter medications (e.g., Sudafed, cough suppressants, anti-histamine, or Nyquil);
 - Mouthwash;
 - Herbal/homeopathic medicines,
 - Pseudo-ephedrine;
 - Weight loss pills;
 - Coca tea;
 - Cologne/perfume; and
 - Energy drinks or products.
25. _____ I will call the UA test line as directed by misdemeanor probation. I will report at the date and time for a urine or breath sample as directed.
26. _____ Upon ROAD Court's request, 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.
27. _____ 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, or produce a diluted or adulterated drug test, ROAD Court will consider the test positive.
28. _____ If I use a Prohibited Substance, I will disclose and admit the use to Missoula Correctional Services before testing.
29. _____ If I test positive and continue to deny use, the test will be sent to a laboratory for confirmation testing. I will pay the additional testing cost if the laboratory confirms a positive test.
30. _____ I will only use prescription medication as prescribed by my licensed provider. I will advise each licensed provider that I am a participant in a substance abuse treatment program and will show them my "Notice to Physician" card.
31. _____ I will inform the Court Coordinator, Treatment Provider, and Probation Officer of every medication that I am prescribed.

COURT COORDINATOR

32. _____ I will complete individual face-to-face and telephonic meetings as directed by the ROAD Court Coordinator.
33. _____ I will turn in check-in sheets every week to the ROAD Court Coordinator. I will turn in these sheets no later than Tuesday at 11:59 p.m. My check-in sheets will include at least ten words.
34. _____ I will appear on time for all meetings with the Court Coordinator.
35. _____ I will not change my residence without prior approval of the ROAD Court Coordinator.
36. _____ I will provide notice of any change in my contact information to the ROAD Court Coordinator at least 24 hours in advance.

ROAD COURT HEARINGS

37. _____ I will appear as directed and on time for all scheduled ROAD Court hearings.
38. _____ I must obtain prior approval from the ROAD Court Coordinator before I can miss, be late, or leave ROAD Court hearings early.
39. _____ I will silence my cell phone(s) and place it in the basket before Court begins.

TRANSPORTATION

40. _____ I will use a seatbelt when traveling in a motor vehicle.
41. _____ I will transport children in child safety seats that are appropriate for their age, height, and weight.
42. _____ I will not drive without a valid license or drive if my license is suspended or revoked.
43. _____ I will not drive without sufficient automobile insurance on any vehicle that I operate.
44. _____ I will use my probationary license for essential driving only.
45. _____ I will address my transportation needs by relying on licensed and insured friends and family or by walking, bicycling, or taking public transportation.

LAW ENFORCEMENT

46. _____ I will notify the ROAD Court Coordinator and Probation Officer within 72 hours of any contact with law enforcement.
47. _____ If law enforcement visits my residence and I am home, I will open the door and speak with them. If I am not home and they leave a business card, I will call them back within 12 hours of receiving notice that they visited my residence.

DESIGNATED DEFENSE ATTORNEY

48. _____ I understand that ROAD Court has a designated defense attorney. The Defense Attorney's representation is limited and non-traditional in that they only protect my legal rights concerning my participation in ROAD Court.
49. _____ If I receive notice of a contract violation, I will immediately contact the Defense Attorney (by phone, text, or email) so they may adequately represent my interests.
50. _____ I may admit or deny any allegation of a contract violation. If I deny an allegation, the Court will hold a contested evidentiary hearing, and the Defense Attorney will represent me at that hearing.

TERMINATION/WITHDRAWAL

51. _____ If I receive notice of termination from ROAD Court, I am entitled to a contested hearing before the ROAD Court Judge. ROAD Court's designated defense attorney will represent me unless I retain counsel. If the Judge finds that I failed to comply with this Contract, I may be terminated from ROAD Court.
52. _____ If I cannot be located, ROAD Court may hold a termination hearing in my absence.
53. _____ If I am terminated or withdraw from ROAD Court or withdraw from ROAD Court, a petition to revoke my sentence will be filed with the original sentencing Court.

TERM OF CONTRACT

54. _____ This Contract ends when I graduate from ROAD Court, am terminated from ROAD Court, withdraw from ROAD Court, or when the Court loses jurisdiction over my case. I understand that even if I graduate or am no longer a participant in ROAD Court, I may still be subject to misdemeanor probation.

ACKNOWLEDGEMENT OF PARTICIPANT

I, _____, have read and initialed each paragraph of this Contract. I have had adequate time to discuss this Contract with ROAD Court's Defense Attorney. I understand the terms of this Contract and what is expected from me. I voluntarily, knowingly, and intelligently 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 conditions of this Contract. I believe they are entering this Contract voluntarily, knowingly, and intelligently.

DATED this _____ day of _____, 20____.

Defense Attorney

APPROVAL OF ROAD COURT JUDGE

I, Landee Holloway, ROAD Court Judge, have determined that the ROAD Court Defense Attorney has advised the participant of this Contract's conditions. I believe the participant fully understands their duties and responsibilities outlined 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____.

Hon. Landee Holloway
Missoula County Justice Court ROAD Court Judge

Sentencing Judge

So ordered on this date