

**NEXUS PROGRAM
ELIGIBILITY, ADMISSION, & SENTENCING STATUE**

A. Screening Guidelines

The NEXUS Program is designed to serve the treatment needs of adult males (18 years of age and older) who have been convicted of a second or subsequent criminal possession of methamphetamines as described in MCA 45-9-102(5)(a)(ii). The Program may also screen individuals who have been sentenced in accordance with statutes other than 45-9-102(5)(a)(ii) as determined by the Department of Corrections. Generally, all offenders convicted of a second or subsequent possession of methamphetamines will be accepted. However, some exclusion may apply, such as: multiple convictions requiring a higher supervision level, medical conditions impacting the offender's ability to participate, cognitive impairments, etc. Based on assessment results, the screening committee may refer an offender with medical or psychiatric problems back to a State prison for stabilization prior to acceptance.

A program screening committee will determine acceptance into the Program and the referent will be notified of the individual's acceptance or denial into the Program.

B. Sentencing Statute:

Most, but not all, of the Family Members who enter the NEXUS Program have been convicted of violating Montana Code Annotated MCA 45-9-102 methamphetamine possession— second or subsequent offense. MCA 45-9-102 (5)(a)(ii), as outlined below, establishes the sentencing requirements for conviction of this offense.

45-9-102. Criminal possession of dangerous drugs.

- (5) (a) A person convicted of a second or subsequent offense of criminal possession of methamphetamine shall be punished by:
- (i) imprisonment for a term not to exceed 5 years or by a fine not to exceed \$50,000, or both; **or**
 - (ii) commitment to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 3 years or more than 5 years. If the person successfully completes a residential methamphetamine treatment program operated or approved by the department of corrections during the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not to exceed \$50,000.
- (b) During the first 3 years of a term under subsection (5)(a)(ii), the department of corrections may place the person in a residential methamphetamine treatment program operated or approved by the department of corrections or in a correctional facility or program. The residential methamphetamine treatment program must consist of time

"If you always do what you've always done, you're always going to get what you've always got."
Floyd E.

spent in a residential methamphetamine treatment facility and time spent in a community-based prerelease center.

- (c) The court shall, as conditions of probation pursuant to subsection (5)(a), order:
- (i) the person to abide by the standard conditions of probation established by the department of corrections;
 - (ii) payment of the costs of imprisonment, probation, and any methamphetamine treatment by the person if the person is financially able to pay those costs;
 - (iii) that the person may not enter an establishment where alcoholic beverages are sold for consumption on the premises or where gambling takes place;
 - (iv) that the person may not consume alcoholic beverages;
 - (v) the person to enter and remain in an aftercare program as directed by the person's probation officer; and
 - (vi) the person to submit to random or routine drug and alcohol testing

For more information contact:

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