

Abstract

Background: The state of exclusivity must be investigated and proven in each particular case. In order to establish the conclusion about the influence of the driver, it is necessary to draw up an expert opinion from the field of health care, the branch of psychiatry (Explanatory Report to Act No. 233/2013 Coll.). Research to date has shown that addictive substances in transport are a serious social and security problem. For recidivist drivers who have committed a criminal offense under the influence of an addictive substance (or a misdemeanor, or have a personal interest in a rehabilitation program), there is a possibility of a rehabilitation course.

Goals: The main aim of this work is to bring knowledge about the decision-making practice of the courts in the case of a criminal offense under the influence of addictive substance. Another aim of this work is to map out the problem of the threat of drug addiction and follow-up measures set by the court in imposing sentences and their relation to the recommendation of rehabilitation programs or some of the forms of treatment of problem / addictive use of addictive substances.

Methods: The data were obtained by analyzing 50 judgments and four interviews with judges from the Prague 2 District Court, which were held in April 2017. Selection of the District Court for Prague 2 was carried out by means of deliberate (purposeful) selection through institutions. This court is specialized in trafficking crimes, covering the whole of the city of Prague. The obtained data were evaluated using basic descriptive statistics.

Results: The court does not consider the need for confirmatory detection methods, such as mass spectrometry, and is guided by information from indicative, immunochemical examinations. Although it is necessary to prove each case individually. The Czech courts are overwhelmed with the problem of the threat of a drug addiction and a fixed limit value where a person was found to be in a state of exclusivity would make the courts very easy to work even though they are aware of the issue.

Conclusion: Based on the results of an analysis of 50 judgments and 4 interviews, I obtained the necessary information to process the answers to the research questions. All judges would welcome a firmly established legislative norm that would accurately determine when a driver is in a state of exclusivity, as it is with alcohol, as it would shorten their work in time, financially would not burden the state, and so would the courts.

Keywords: addictive substances – alcohol – Methamphetamine – MDMA – THC – right – a crime – rehabilitation programs.