

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 2188

By: Williams

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 471.3, which relates to the
9 Oklahoma Drug Court Act; modifying drug court
10 approval process; and providing an effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 22 O.S. 2011, Section 471.3, is
13 amended to read as follows:

14 Section 471.3 A. At the initial hearing for consideration of
15 an offender for a drug court program, the district attorney shall
16 determine whether or not:

17 1. The offender has approval to be considered for the drug
18 court program;

19 2. The offender has been admitted to the program within the
20 preceding five (5) years; and

21 3. Any statutory preclusion, other prohibition, or program
22 limitation exists and is applicable to considering the offender for
23 the program.

1 The district attorney may object to the consideration of an
2 offender for the drug court program at the initial hearing.

3 B. If the offender voluntarily consents to be considered for
4 the drug court program, has signed and filed the required form
5 requesting consideration, and no objection has been made by the
6 district attorney, the court shall refer the offender for a drug
7 court investigation as provided in Section ~~5~~ 471.4 of this ~~act~~
8 title, and set a date for a hearing to determine final eligibility
9 for admittance into the program.

10 C. Upon any objection of the district attorney for
11 consideration of an offender for the program, the court shall ~~deny~~
12 ~~consideration of~~ have the discretion to review the form filed by the
13 offender and determine whether the offender's request by the
14 offender for participation in the drug court program shall be
15 approved. If the court determines that the request for
16 participation in the drug court program shall be approved, the court
17 shall refer the offender for a drug court investigation as provided
18 in Section 471.4 of this title and set a date for a hearing to
19 determine final eligibility for admittance into the program.

20 ~~Upon denial for consideration in the drug court program~~ D. If
21 the court determines at the initial hearing that the request for
22 participation in the drug court program shall be denied, the
23 criminal case shall proceed in the traditional manner. An objection
24 by the district attorney and the subsequent denial of consideration

1 of the offender for the program shall not preclude any future
2 consideration of the offender for the drug court program ~~with the~~
3 ~~approval of the district attorney.~~

4 SECTION 2. This act shall become effective November 1, 2017.

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6 56-1-5230 GRS 12/07/16

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