

1 ENGROSSED SENATE  
2 BILL NO. 249

By: Thompson of the Senate

and

McEntire of the House

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6 An Act relating to drug courts; amending 22 O.S.  
7 2011, Section 471.1, as amended by Section 1, Chapter  
8 222, O.S.L. 2016 (22 O.S. Supp. 2018, Section 471.1),  
9 which relates to authorization of drug court  
10 programs; establishing drug court funds; stating  
11 purpose of certain fund; making funds nonfiscal;  
12 stating source of revenue; establishing procedures  
13 for expenditure of certain funds; updating statutory  
14 references; providing an effective date; and  
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 22 O.S. 2011, Section 471.1, as  
18 amended by Section 1, Chapter 222, O.S.L. 2016 (22 O.S. Supp. 2018,  
19 Section 471.1), is amended to read as follows:

20 Section 471.1. A. For purposes of ~~this act~~ the Oklahoma Drug  
21 Court Act, "drug court", "drug court program" or "program" means an  
22 immediate and highly structured judicial intervention process for  
23 substance abuse treatment of eligible offenders which expedites the  
24 criminal case, and requires successful completion of the plea  
25 agreement.

26 B. Each district court of this state is authorized to establish  
27 a drug court program pursuant to the provisions of ~~this act~~ the

1 Oklahoma Drug Court Act, subject to availability of funds. Juvenile  
2 drug courts may be established based upon the provisions of ~~this act~~  
3 the Oklahoma Drug Court Act; provided, however, juveniles shall not  
4 be held, processed, or treated in any manner which violates any  
5 provision of Title 10A of the Oklahoma Statutes.

6 C. Drug court programs shall not apply to any violent criminal  
7 offense. Eligible offenses may further be restricted by the rules  
8 of the specific drug court program. Nothing in ~~this act~~ the  
9 Oklahoma Drug Court Act shall be construed to require a drug court  
10 to consider every offender with a treatable condition or addiction,  
11 regardless of the fact that the controlling offense is eligible for  
12 consideration in the program. Traditional prosecution shall be  
13 required where an offender is determined not appropriate for the  
14 drug court program.

15 D. Drug court programs shall require a separate judicial  
16 processing system differing in practice and design from the  
17 traditional adversarial criminal prosecution and trial systems.  
18 Whenever possible, a drug court team shall be designated consisting  
19 of a judge to administer the program, a district attorney, a defense  
20 attorney, and other persons designated by the drug court team who  
21 shall have appropriate understanding of the goals of the program and  
22 of the appropriate treatment methods for the various conditions.  
23 The assignment of any person to the drug court team shall not  
24 preclude the assigned person from performing other duties required

1 in the course of their office or employment. The chief judge of the  
2 judicial district, or if the district has more than one chief judge  
3 than the presiding judge of the Administrative Judicial District,  
4 shall designate one or more judges to administer the drug court  
5 program. The assignment of any judge to a drug court program or the  
6 designation of a drug court docket shall not mandate the assignment  
7 of all substance abuse related cases to the drug court docket or the  
8 program; however, nothing in ~~this act~~ the Oklahoma Drug Court Act  
9 shall be construed to preclude the assignment of all criminal cases  
10 relating to substance abuse or drug possession as provided by the  
11 rules established for the specific drug court program.

12 E. When a drug court program is established, the arresting  
13 officer shall file the criminal case record for potentially eligible  
14 offenders with the district attorney within four (4) days of the  
15 arrest. The district attorney shall file an information in the case  
16 within twenty-four (24) hours of receipt of the criminal case record  
17 when the offender appears eligible for consideration for the  
18 program. The information may be amended as necessary when an  
19 offender is denied admittance into the drug court program or for  
20 other purposes as provided in Section 304 of this title. Any person  
21 arrested upon a warrant for his or her arrest shall not be eligible  
22 for the drug court program without the approval of the district  
23 attorney. Any criminal case which has been filed and processed in  
24 the traditional manner shall be cross-referenced to a drug court

1 case file by the court clerk, if the case is subsequently assigned  
2 to the drug court program. The originating criminal case file shall  
3 remain open to public inspection. The judge shall determine what  
4 information or pleadings are to be retained in the drug court case  
5 file, which shall be closed to public inspection.

6 F. The court may request assistance from the Department of  
7 Mental Health and Substance Abuse Services which shall be the  
8 primary agency to assist in developing and implementing a drug court  
9 program or from any state or local agency in obtaining the necessary  
10 treatment services which will assure maximum opportunity for  
11 successful treatment, education, and rehabilitation for offenders  
12 admitted to the program. All participating state and local agencies  
13 are directed to coordinate with each other and cooperate in  
14 assisting the district court in establishing a drug court program.

15 G. Each drug court program shall ensure, but not be limited to:

- 16 1. Strong linkage between participating agencies;
- 17 2. Access by all participating parties of a case to information  
18 on the progress of the offender;
- 19 3. Vigilant supervision and monitoring procedures;
- 20 4. Random substance abuse testing;
- 21 5. Provisions for noncompliance, modification of the treatment  
22 plan, and revocation proceedings;
- 23 6. Availability of residential treatment facilities and  
24 outpatient services;

1 7. Payment of court costs, treatment costs, supervision fees,  
2 and program user fees by the offender;

3 8. Methods for measuring application of disciplinary sanctions,  
4 including provisions for:

- 5 a. increased supervision,
- 6 b. urinalysis testing,
- 7 c. intensive treatment,
- 8 d. short-term confinement not to exceed five (5) days,
- 9 e. recycling the offender into the program after a  
10 disciplinary action for a minimum violation of the  
11 treatment plan,
- 12 f. reinstating the offender into the program after a  
13 disciplinary action for a major violation of the  
14 treatment plan, and
- 15 g. revocation from the program; and

16 9. Methods for measuring performance-based effectiveness of  
17 each individual treatment provider's services.

18 H. All drug court programs shall be required to keep reliable  
19 data on recidivism, relapse, restarts, sanctions imposed, and  
20 incentives given.

21 I. Except as otherwise provided by law, all funds received by a  
22 drug court, in its capacity as a drug court, shall be credited to  
23 and accounted for in the county treasurer's office in a special cash  
24 fund to be known as the "Drug Court Fund". Each drug court fund

1 shall be a continuing fund, not subject to fiscal year limitations,  
2 and shall be dedicated to the operation of the drug court as  
3 authorized by law. The expenditures of any funds received by a drug  
4 court program and deposited with the county treasurer shall be made  
5 only upon sworn itemized claims approved by the judge of the drug  
6 court or other county employee designated by the drug court judge or  
7 drug court team, filed with the county treasurer and paid by cash  
8 voucher drawn by the county treasurer from the funds.

9 J. Nothing in this section shall prohibit any county from  
10 establishing a drug court for misdemeanor offenses. Such  
11 misdemeanor drug courts shall follow the rules and regulations of  
12 felony drug courts except that the penalty for revocation shall not  
13 exceed one (1) year in the county jail or the maximum penalty for  
14 the misdemeanor allowed by statute, whichever is less. The  
15 Department of Mental Health and Substance Abuse Services shall  
16 provide technical assistance to the counties that establish  
17 misdemeanor drug courts.

18 SECTION 2. This act shall become effective July 1, 2019.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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1 Passed the Senate the 12th day of March, 2019.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2019.

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9 Presiding Officer of the House  
10 of Representatives