

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1053

By: Thompson and Rader of the
Senate

and

Wallace and Hilbert of the
House

COMMITTEE SUBSTITUTE

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

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

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

Section 471.1. A. For purposes of ~~this act~~ the Oklahoma Drug
Court Act, "drug court", "drug court program" or "program" means an
immediate and highly structured judicial intervention process for

1 substance abuse treatment of eligible offenders which expedites the
2 criminal case, and requires successful completion of the plea
3 agreement.

4 B. Each district court of this state is authorized to establish
5 a drug court program pursuant to the provisions of ~~this act~~ the
6 Oklahoma Drug Court Act, subject to availability of funds. Juvenile
7 drug courts may be established based upon the provisions of ~~this act~~
8 the Oklahoma Drug Court Act; provided, however, juveniles shall not
9 be held, processed, or treated in any manner which violates any
10 provision of Title 10A of the Oklahoma Statutes.

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

20 D. Drug court programs shall require a separate judicial
21 processing system differing in practice and design from the
22 traditional adversarial criminal prosecution and trial systems.
23 Whenever possible, a drug court team shall be designated consisting
24 of a judge to administer the program, a district attorney, a defense

1 attorney, and other persons designated by the drug court team who
2 shall have appropriate understanding of the goals of the program and
3 of the appropriate treatment methods for the various conditions.
4 The assignment of any person to the drug court team shall not
5 preclude the assigned person from performing other duties required
6 in the course of their office or employment. The chief judge of the
7 judicial district, or if the district has more than one chief judge
8 than the presiding judge of the Administrative Judicial District,
9 shall designate one or more judges to administer the drug court
10 program. The assignment of any judge to a drug court program or the
11 designation of a drug court docket shall not mandate the assignment
12 of all substance abuse related cases to the drug court docket or the
13 program; however, nothing in ~~this act~~ the Oklahoma Drug Court Act
14 shall be construed to preclude the assignment of all criminal cases
15 relating to substance abuse or drug possession as provided by the
16 rules established for the specific drug court program.

17 E. When a drug court program is established, the arresting
18 officer shall file the criminal case record for potentially eligible
19 offenders with the district attorney within four (4) days of the
20 arrest. The district attorney shall file an information in the case
21 within twenty-four (24) hours of receipt of the criminal case record
22 when the offender appears eligible for consideration for the
23 program. The information may be amended as necessary when an
24 offender is denied admittance into the drug court program or for

1 other purposes as provided in Section 304 of this title. Any person
2 arrested upon a warrant for his or her arrest shall not be eligible
3 for the drug court program without the approval of the district
4 attorney. Any criminal case which has been filed and processed in
5 the traditional manner shall be cross-referenced to a drug court
6 case file by the court clerk, if the case is subsequently assigned
7 to the drug court program. The originating criminal case file shall
8 remain open to public inspection. The judge shall determine what
9 information or pleadings are to be retained in the drug court case
10 file, which shall be closed to public inspection.

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

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

- 21 1. Strong linkage between participating agencies;
- 22 2. Access by all participating parties of a case to information
23 on the progress of the offender;
- 24 3. Vigilant supervision and monitoring procedures;

1 4. Random substance abuse testing;

2 5. Provisions for noncompliance, modification of the treatment
3 plan, and revocation proceedings;

4 6. Availability of residential treatment facilities and
5 outpatient services;

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

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

10 a. increased supervision,

11 b. urinalysis testing,

12 c. intensive treatment,

13 d. short-term confinement not to exceed five (5) days,

14 e. recycling the offender into the program after a
15 disciplinary action for a minimum violation of the
16 treatment plan,

17 f. reinstating the offender into the program after a
18 disciplinary action for a major violation of the
19 treatment plan, and

20 g. revocation from the program; and

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

1 H. All drug court programs shall be required to keep reliable
2 data on recidivism, relapse, restarts, sanctions imposed, and
3 incentives given.

4 I. Except as otherwise provided by law, all funds received by a
5 drug court, in its capacity as a drug court, shall be credited to
6 and accounted for in the county treasurer's office in a special cash
7 fund to be known as the "Drug Court Fund". Each drug court fund
8 shall be a continuing fund, not subject to fiscal year limitations,
9 and shall be dedicated to the operation of the drug court as
10 authorized by law. The expenditures of any funds received by a drug
11 court program and deposited with the county treasurer shall be made
12 only upon sworn itemized claims approved by the judge of the drug
13 court or other county employee designated by the drug court judge or
14 drug court team, filed with the county treasurer and paid by cash
15 voucher drawn by the county treasurer from the funds.

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

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

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

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