

1 ENGROSSED SENATE
2 BILL NO. 1102

By: Standridge of the Senate

3 and

4 West (Kevin) of the House

5
6 [deferred prosecution programs - guidelines and
7 factors - requirements for participation - fees -
8 effective date]
9

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

11 SECTION 1. AMENDATORY 22 O.S. 2011, Section 305.1, is
12 amended to read as follows:

13 Section 305.1. A. Before the filing of an information against
14 a person accused of committing a crime, the State of Oklahoma,
15 through its district attorney, may agree with an accused to defer
16 the filing of a criminal information for a period not to exceed
17 three (3) years.

18 The State of Oklahoma may include any person in a deferred
19 prosecution program if it is in the best interests of the accused
20 and not contrary to the public interest. Each district attorney
21 shall adopt and promulgate guidelines which shall indicate what
22 factors shall be considered in including an accused in the deferred
23 prosecution program. The guidelines shall ~~insure~~ ensure that the
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1 State of Oklahoma considers in each case at least the following
2 factors:

3 1. Whether the State of Oklahoma has sufficient evidence to
4 achieve conviction;

5 2. The nature of the offense with priority given to first
6 offenders and nonviolent crimes;

7 3. Any special characteristics of the accused;

8 4. Whether the accused will cooperate and benefit from a
9 deferred prosecution program;

10 5. Whether available programs are appropriate to the accused
11 person's needs;

12 6. Whether the services for the accused are more readily
13 available from the community or from the corrections system;

14 7. Whether the accused constitutes a substantial danger to
15 others;

16 8. The impact of the deferred prosecution on the community;

17 9. The recommendations of the law enforcement agency involved
18 in the case;

19 10. The opinions of the victim; and

20 11. Any mitigating or aggravating circumstances.

21 B. The State of Oklahoma, in the discretion of the district
22 attorney, may include a person accused of committing the offense of
23 domestic abuse or domestic assault as defined by Section 644 of
24 Title 21 of the Oklahoma Statutes in a deferred prosecution program.

1 The accused shall participate in the same counseling or other
2 treatment as required by paragraph 2 of subsection G of Section 644
3 of Title 21 of the Oklahoma Statutes; provided, however, the accused
4 shall participate in the certified batterers' intervention program
5 (BIP) for the required fifty-two (52) weeks and shall not reside in
6 the same household as the victim nor have any contact with the
7 victim, children residing in the home, victim's immediate family or
8 other household member for, at a minimum, the first ninety (90) days
9 of the counseling or BIP treatment. The accused shall pay all
10 supervisory, program and other fees as required pursuant to Section
11 305.2 of this title. An accused shall be eligible one time only for
12 participation in a deferred prosecution program pursuant to this
13 subsection.

14 SECTION 2. This act shall become effective November 1, 2020.

15 Passed the Senate the 11th day of March, 2020.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,

20 2020.

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Presiding Officer of the House
of Representatives

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