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1 criminal case, and requires successful completion of the plea
2 agreement.

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

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

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

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

16 E. When a drug court program is established, the arresting
17 officer shall file the criminal case record for potentially eligible
18 offenders with the district attorney within four (4) days of the
19 arrest. The district attorney shall file an information in the case
20 within twenty-four (24) hours of receipt of the criminal case record
21 when the offender appears eligible for consideration for the
22 program. The information may be amended as necessary when an
23 offender is denied admittance into the drug court program or for
24 other purposes as provided in Section 304 of this title. Any person

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

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

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

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

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

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

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

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

9 a. increased supervision,

10 b. urinalysis testing,

11 c. intensive treatment,

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

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

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

19 g. revocation from the program; and

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

22 H. All drug court programs shall be required to keep reliable
23 data on recidivism, relapse, restarts, sanctions imposed, and
24 incentives given.

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

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

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

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 DIRECT TO CALENDAR.

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