

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1548 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Marcus McEntire \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1548

6 By: Thompson of the Senate

7 and

8 Hilbert of the House

9 FLOOR SUBSTITUTE

10 An Act relating to criminal procedure; amending 22  
11 O.S. 2021, Sections 471.1, 471.2, 471.3, 471.4,  
12 471.6, 471.8, and 471.10, which relate to the  
13 Oklahoma Drug Court Act; removing certain drug court  
14 program restriction; authorizing establishment of  
15 juvenile drug courts; modifying participants in drug  
16 court team; modifying eligibility requirements for  
17 drug court programs; modifying procedures for review  
18 of offender for drug court program; modifying  
19 procedures for offender request for consideration for  
20 drug court program; modifying requirements for  
21 initial hearing for consideration for drug court  
22 program; requiring development of written eligibility  
23 criteria by drug court team; establishing  
24 requirements for certain criteria; modifying  
requirements for drug court investigation report;  
requiring notification to victim under certain  
circumstances; requiring drug court coordinator to  
maintain record of presumptively eligible offenders  
not placed in drug court; modifying definition;  
modifying prohibitions for admission to program;  
modifying requirements for utilization of programs as  
disciplinary sanction; modifying authority for  
implementation of Oklahoma Drug Court Act; updating  
statutory references; providing an effective date;  
and declaring an emergency.

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

2 SECTION 1. AMENDATORY 22 O.S. 2021, Section 471.1, is  
3 amended to read as follows:

4 Section 471.1 A. For purposes of the Oklahoma Drug Court Act,  
5 "drug court", "drug court program" or "program" means an immediate  
6 and highly structured judicial intervention process for substance  
7 abuse treatment of eligible offenders which expedites the criminal  
8 case and requires successful completion of the plea agreement.

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

16 C. ~~Drug court programs shall not apply to any violent criminal~~  
17 ~~offense.~~ Eligible offenses may further be restricted by the rules  
18 of the specific drug court program. Nothing in the Oklahoma Drug  
19 Court Act shall be construed to require a drug court to consider  
20 every offender with a treatable condition or addiction even if the  
21 controlling offense is eligible for consideration in the program.  
22 Traditional prosecution shall be required where an offender is  
23 determined not appropriate for the drug court program. Juvenile  
24 drug courts may be established based upon the provisions of the

1 Oklahoma Drug Court Act; provided, however, a juvenile shall not be  
2 held, processed, or treated in any manner which violates any  
3 provision of Title 10A of the Oklahoma Statutes.

4 D. Drug court programs shall require a separate judicial  
5 processing system differing in practice and design from the  
6 traditional adversarial criminal prosecution and trial systems.  
7 Whenever possible, a drug court team shall be designated consisting  
8 of a judge to ~~administer~~ preside over the drug court judicial  
9 process and hold proceedings where participants are advanced through  
10 the program, a district attorney, a defense attorney, a drug court  
11 coordinator, and other persons designated by the drug court team who  
12 shall have appropriate understanding of the goals of the program and  
13 of the appropriate treatment methods for the various conditions.  
14 The assignment of any person to the drug court team shall not  
15 preclude the assigned person from performing other duties required  
16 in the course of their office or employment. The chief judge of the  
17 judicial district, or if the district has more than one chief judge  
18 then the presiding judge of the Administrative Judicial District,  
19 shall designate one or more judges to ~~administer~~ preside over cases  
20 assigned to the drug court program. The assignment of any judge to  
21 a drug court program or the designation of a drug court docket shall  
22 not mandate the assignment of all substance abuse-related cases to  
23 the drug court docket or the program; however, nothing in the  
24 Oklahoma Drug Court Act shall be construed to preclude the

1 assignment of all criminal cases relating to substance abuse or drug  
2 possession as provided by the rules established for the specific  
3 drug court program. Judicial immunity shall extend to any duty  
4 required by law to be performed by a judge of a drug court.

5 E. When a drug court program is established, the arresting  
6 officer shall file the criminal case record for potentially eligible  
7 offenders with the district attorney within four (4) days of the  
8 arrest. The district attorney shall file an information in the case  
9 within twenty-four (24) hours of receipt of the criminal case record  
10 when the offender appears eligible for consideration for the  
11 program. The information may be amended as necessary when an  
12 offender is denied admittance into the drug court program or for  
13 other purposes as provided in Section 304 of this title. Any person  
14 arrested upon a warrant for his or her arrest shall not be eligible  
15 for the drug court program without the approval of the district  
16 attorney. Any criminal case which has been filed and processed in  
17 the traditional manner shall be cross-referenced to a drug court  
18 case file by the court clerk if the case is subsequently assigned to  
19 the drug court program. The originating criminal case file shall  
20 remain open to public inspection. The judge shall determine what  
21 information or pleadings are to be retained in the drug court case  
22 file, which shall be closed to public inspection.

23 F. The court may request assistance from the Department of  
24 Mental Health and Substance Abuse Services which shall be the

1 primary agency to assist in developing and implementing a drug court  
2 program or from any state or local agency in obtaining the necessary  
3 treatment services which will assure maximum opportunity for  
4 successful treatment, education and rehabilitation for offenders  
5 admitted to the program. All participating state and local agencies  
6 are directed to coordinate with each other and cooperate in  
7 assisting the district court in establishing a drug court program.

8 G. Each drug court program shall ~~ensure~~, apply recognized best  
9 practices including but not ~~be~~ limited to:

- 10 1. Strong linkage between participating agencies;
- 11 2. Access by all participating parties of a case to information  
12 on the progress of the offender;
- 13 3. Vigilant supervision and monitoring procedures;
- 14 4. Random substance abuse testing;
- 15 5. Provisions for noncompliance, modification of the treatment  
16 plan and revocation proceedings;
- 17 6. Availability of residential treatment facilities and  
18 outpatient services;
- 19 7. Payment of court costs, treatment costs, supervision fees  
20 and program user fees by the offender;
- 21 8. Methods for measuring application of disciplinary sanctions  
22 including provisions for:
  - 23 a. increased supervision,
  - 24 b. urinalysis testing,

- c. intensive treatment,
- d. short-term confinement not to exceed five (5) days,
- e. recycling the offender into the program after a disciplinary action for a minimum violation of the treatment plan,
- f. reinstating the offender into the program after a disciplinary action for a major violation of the treatment plan, and
- g. revocation from the program; and

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

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

I. All funds received by a drug court, in its capacity as a drug court program, shall be credited to and accounted for in the county treasurer's office in a special cash fund to be known as the "Drug Court Fund". Each drug court fund shall be a continuing fund, not subject to fiscal year limitations, and shall be dedicated to the operation of the drug court as authorized by law. The expenditures of any funds received by a drug court program and deposited with the county treasurer shall be made only upon sworn itemized claims approved by the county clerk, filed with the county

1 treasurer and paid by cash voucher drawn by the county treasurer  
2 from the funds.

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

12 SECTION 2. AMENDATORY 22 O.S. 2021, Section 471.2, is  
13 amended to read as follows:

14 Section 471.2 A. The opportunity for review of an offender for  
15 a drug court program shall occur at any time prior to disposition of  
16 the case and sentencing of the offender, including sentencing on a  
17 petition to revoke a suspended sentence or any probation violation.

18 B. When a drug court is established, the following information  
19 shall be initially reviewed by the sheriff or designee, if the  
20 offender is held in a county jail, or by the chief of police or  
21 designee, if the offender is held in a city jail:

22 1. ~~The offender's arrest or charge does not involve a crime of~~  
23 ~~violence against any person, unless there is a specific treatment~~

24



1 ~~program in the jurisdiction designed to address domestic violence~~  
2 ~~and the offense is related to domestic violence and substance abuse;~~

3 ~~2.~~ The offender has no prior felony conviction in this state or  
4 another state for a ~~violent~~ domestic violence offense within the  
5 last ten (10) years, except as may be allowed in a domestic violence  
6 treatment program authorized by the drug court program. It shall be  
7 sufficient for this paragraph that a criminal history records name  
8 search was conducted and indicated no apparent ~~violent~~ domestic  
9 violence offense. An offender admitted to the drug court program  
10 for a crime which requires the offender to attend a batterers'  
11 intervention program certified by the Attorney General's office  
12 shall be required to undergo such treatment as a condition of drug  
13 court;

14 ~~3.~~ 2. The offender's ~~arrest or~~ charge does not involve a  
15 violation of the Trafficking In Illegal Drugs Act;

16 ~~4.~~ 3. The offender has committed a felony offense or a  
17 misdemeanor offense where a misdemeanor drug court is authorized;

18 and

19 ~~5.~~ 4. The offender:

- 20 a. admits to having a substance abuse addiction,
- 21 b. appears to have a substance abuse addiction,
- 22 c. is known to have a substance abuse addiction,
- 23 d. the arrest or charge is based upon an offense eligible
- 24 for the drug court program, or

1 e. is a person who has had an assessment authorized by  
2 Section 3-704 of Title 43A of the Oklahoma Statutes or  
3 drug court investigation and the assessment or  
4 investigation recommends the drug court program.

5 ~~B.~~ C. If it appears to the reviewing officer that the offender  
6 may be potentially eligible for the drug court program based upon a  
7 review of the information in subsection ~~A~~ B of this section, the  
8 offender shall be given an eligibility form which may be voluntarily  
9 completed by the offender, and the reviewing officer shall file the  
10 criminal case record within the time prescribed in subsection E of  
11 Section 471.1 of this title. ~~The offender shall not automatically~~  
12 ~~be considered for the program based upon this review.~~ The offender  
13 ~~must~~ may request consideration for the drug court program as  
14 provided in subsection ~~E~~ D of this section ~~and shall have approval~~  
15 ~~from the district attorney before being considered for the drug~~  
16 ~~court program.~~ The eligibility form shall describe the drug court  
17 program for which the offender may be eligible, including, but not  
18 limited to:

19 1. A full description of the drug court process and  
20 investigation;

21 2. A general explanation of the roles and authority of the  
22 supervising staff, the district attorney, the defense attorney, the  
23 treatment provider, the offender, and the judge presiding over the  
24 cases in the drug court program;

1           3. A clear statement that the drug court judge may decide after  
2 a hearing not to consider the offender for the drug court program  
3 and in that event the offender will be prosecuted in the traditional  
4 manner;

5           4. A clear statement that the offender is required, before  
6 consideration in the program, to enter a guilty plea as part of a  
7 written plea agreement;

8           5. A clear statement that the plea agreement will specify the  
9 offense to which the guilty plea will be entered and will state any  
10 penalty to be imposed for the offense, both in the event of a  
11 successful completion of the drug court program, and in the event of  
12 a failure to complete the program;

13           6. A clear statement that the offender must voluntarily agree  
14 to:

- 15           a. waive the right to a speedy trial,
- 16           b. waive the right to a preliminary hearing,
- 17           c. the terms and conditions of a treatment plan, and
- 18           d. sign a performance contract with the drug court;

19           7. A clear statement that the offender, if accepted into the  
20 drug court program, may not be incarcerated for the offense in a  
21 state correctional institution or jail upon successful completion of  
22 the program;

23           8. A clear statement that during participation in the drug  
24 court program should the offender fail to comply with the terms of

1 the agreement, the offender may be sanctioned to serve a term of  
2 confinement of six (6) months in an intermediate revocation facility  
3 operated by the Department of Corrections. An offender shall not be  
4 allowed to serve more than two separate terms of confinement in an  
5 intermediate revocation facility;

6 9. A clear statement that during participation in the drug  
7 court program should the offender:

- 8 a. fail to comply with the terms of the agreements,
- 9 b. be convicted of a misdemeanor offense which reflects a  
10 propensity for violence,
- 11 c. be arrested for a violent felony offense, or
- 12 d. be convicted of any felony offense,

13 the offender may be required, after a court hearing, to be revoked  
14 from the program and sentenced without trial pursuant to the  
15 punishment provisions of the negotiated plea agreement; and

16 10. An explanation of the criminal record retention and  
17 disposition resulting from participation in the drug court program  
18 following successful completion of the program.

19 ~~C.~~ D. 1. The offender may request consideration for the drug  
20 court program as follows:

- 21 a. if the offender is incarcerated, the offender must  
22 sign and complete the eligibility form and return it  
23 to the sheriff, if the offender is held in the county  
24 jail; or to the chief of police, if the offender is

1 held in a city jail. The sheriff or chief of police,  
2 upon receipt of the completed eligibility form, shall  
3 file the form with the ~~district attorney at the time~~  
4 ~~of filing the criminal case record or at any time~~  
5 ~~during the period of incarceration when the offender~~  
6 ~~completes the form after the criminal case record has~~  
7 ~~been filed~~ drug court coordinator who shall forward  
8 the form to the district attorney and the judge  
9 assigned to the offender's case, or

10 b. after release of the offender from incarceration, the  
11 offender must sign and complete the eligibility form  
12 and file it with the ~~district attorney~~ drug court  
13 coordinator or the court, prior to or at the time of  
14 either initial appearance or arraignment. The drug  
15 court coordinator shall forward the form to the  
16 district attorney and the judge assigned to the  
17 offender's case.

18 2. Any offender desiring legal consultation prior to signing or  
19 completing the form for consideration in a drug court program shall  
20 be referred to the defense attorney of the drug court team, or a  
21 public defender, if the offender is indigent, or allowed to consult  
22 with private legal counsel.

23 3. Nothing contained in the provisions of this subsection shall  
24 prohibit the drug court from considering any offender deemed

1 eligible for the program at any time prior to sentencing whose case  
2 has been prosecuted in the traditional manner, or upon a violation  
3 of parole or probation conditions relating to substance abuse, upon  
4 recommendation of the district attorney as provided in Section 471.8  
5 of this title.

6 ~~D.~~ E. When an offender has filed a ~~voluntary~~ request to be  
7 considered for a drug court program ~~on the appropriate form, the~~  
8 ~~district attorney shall indicate his or her approval of the request~~  
9 ~~by filing the form with the drug court judge. Upon the filing of~~  
10 ~~the request form by the district attorney,~~ an initial hearing shall  
11 be set before the drug court judge. The hearing shall be not less  
12 than three (3) work days nor more than five (5) work days after the  
13 date of the filing of the request form. Notice of the hearing shall  
14 be given to the drug court team, or in the event no drug court team  
15 is designated, to the offender, the district attorney, and to the  
16 public defender. The offender shall be required to notify any  
17 private legal counsel of the date and time of the hearing.

18 SECTION 3. AMENDATORY 22 O.S. 2021, Section 471.3, is  
19 amended to read as follows:

20 Section 471.3 A. At the initial hearing for consideration of  
21 an offender for a drug court program, the district attorney shall  
22 determine whether ~~or not:~~

23 1. The offender has approval to be considered for the drug  
24 court program; and

1       2. ~~The offender has been admitted to the program within the~~  
2 ~~preceding five (5) years; provided, having been admitted to a drug~~  
3 ~~court program within the previous five (5) years shall not make the~~  
4 ~~offender ineligible for consideration; and~~

5       ~~3.~~ Any statutory preclusion, other prohibition, or program  
6 limitation exists and is applicable to considering the offender for  
7 the program.

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

10       B. If the offender voluntarily consents to be considered for  
11 the drug court program, and has signed and filed the required form  
12 requesting consideration, and no objection has been made by the  
13 district attorney, the court ~~shall~~ may refer the offender for a drug  
14 court investigation as provided in Section 471.4 of this title, and  
15 set a date for a hearing to determine final eligibility for  
16 admittance into the program.

17       C. Upon any objection of the district attorney for  
18 consideration of an offender for the program, the court shall deny  
19 consideration of the offender's request for participation in the  
20 drug court program. Upon denial for consideration in the drug court  
21 program at the initial hearing, the criminal case shall proceed in  
22 the traditional manner. ~~An objection by the district attorney and~~  
23 ~~the subsequent~~ A denial of consideration of the offender for the  
24 program shall not preclude any future consideration of the offender

1 for the drug court program with the approval of the district  
2 attorney.

3 SECTION 4. AMENDATORY 22 O.S. 2021, Section 471.4, is  
4 amended to read as follows:

5 Section 471.4 A. Each drug court team shall develop agreed-  
6 upon, objective eligibility criteria to determine presumptive drug  
7 court eligibility for offenders. The objective criteria shall be in  
8 writing and communicated to potential referral sources including but  
9 not limited to judges, law enforcement, defense attorneys,  
10 prosecutors, treatment professionals, and community supervision  
11 officers. The criteria shall target high-risk and high-need  
12 offenders who are addicted to illicit drugs or alcohol and who are  
13 at a substantial risk for reoffending or failing to complete a less  
14 intensive case disposition such as standard probation or pretrial  
15 supervision.

16 B. When ~~directed by~~ the drug court judge, district attorney,  
17 defense attorney, drug court coordinator, treatment provider, or any  
18 other drug court team member determines that further investigation  
19 of the offender under consideration is appropriate, the supervising  
20 staff for the drug court program shall make an investigation ~~of the~~  
21 ~~offender under consideration~~ to determine whether ~~or not~~ the  
22 offender is a person who:

- 23 1. Is presumptively eligible for the drug court program;  
24 2. Would benefit from the drug court program; and



1       ~~2.~~ 3. Is appropriate for the drug court program and there is  
2 not a more appropriate less restrictive treatment alternative based  
3 upon the risk and need levels of the offender.

4       ~~B.~~ C. The drug court investigation shall be conducted through a  
5 standardized screening test and personal interview. A more  
6 comprehensive assessment may take place at the time the offender  
7 enters the treatment portion of the program and may take place at  
8 any time after placement in the drug court program. The  
9 investigation shall determine the original treatment plan which the  
10 offender will be required to follow, if admitted to the program.  
11 Any subsequent assessments or evaluations by the treatment provider,  
12 if the offender is admitted to the program, may be used to determine  
13 modifications needed to the original treatment plan. The  
14 investigation shall include, but not be limited to, the following  
15 information:

- 16       1. The person's age and physical condition;
- 17       2. Employment and military service records;
- 18       3. Educational background and literacy level;
- 19       4. Community and family relations;
- 20       5. Prior and current drug and alcohol use;
- 21       6. Mental health and medical treatment history, including  
22 substance abuse treatment history;
- 23       7. Demonstrable motivation; and
- 24       8. Other mitigating or aggravating factors.

1        ~~C.~~ D. The drug court investigation may be conducted before or  
2 after the initial hearing for consideration but shall occur before  
3 the hearing for final determination of eligibility for the drug  
4 court program. When an offender is appropriate for admittance to  
5 the program, the supervising staff shall make a recommendation for  
6 the treatment program or programs that are available in the  
7 jurisdiction and which would benefit the offender and accept the  
8 offender. The investigation findings and recommendations for  
9 program placement shall be reported to the drug court judge, the  
10 district attorney, the offender, and the defense attorney prior to  
11 the next scheduled hearing.

12        ~~D.~~ E. The district attorney and the defense attorney for the  
13 offender shall independently review the findings and recommendations  
14 of the drug court investigation report. For an offender to remain  
15 eligible for consideration in the program, both the district  
16 attorney and the defense attorney ~~must accept the recommended~~  
17 ~~treatment plan, and~~ shall negotiate the terms of the written plea  
18 agreement with all punishment provisions specified ~~before~~ prior to  
19 the scheduled hearing date for determining final eligibility. Upon  
20 failure of the district attorney and defense attorney to negotiate  
21 the written plea agreement, the judge presiding over the case may  
22 order the criminal case ~~shall~~ to be withdrawn from the drug court  
23 program and processed in the traditional manner. The punishment  
24 provisions of the written plea agreement shall emphasize reparation

1 to the victim, community, and state. If the crime for which the  
2 offender is seeking eligibility to drug court involves a victim,  
3 notification to the victim shall be in compliance with subsection A  
4 of Section 34 of Article II of the Oklahoma Constitution and the  
5 Oklahoma Victim's Rights Act, Section 142A et seq. of Title 21 of  
6 the Oklahoma Statutes, and shall include the right to provide  
7 victim's impact statements.

8 ~~E.~~ F. The hearing to determine final eligibility shall be set  
9 not less than three (3) work days nor more than seven (7) work days  
10 from the date of the initial hearing for consideration, unless  
11 extended by the court.

12 G. The drug court coordinator shall keep a record of all  
13 presumptively eligible offenders who are not placed in the drug  
14 court program. The record shall indicate the reason each offender  
15 was not placed in the program and information about the ultimate  
16 case disposition for each offender. The record shall be made  
17 available to all members of the drug court team.

18 ~~F.~~ H. For purposes of ~~this act~~ Section 471 et seq. of this  
19 title, "supervising staff" means a Department of Corrections  
20 employee assigned to monitor offenders in the drug court program, a  
21 community provider assigned to monitor offenders in the program, a  
22 state, ~~or local agency~~ county, or municipal governmental  
23 representative, ~~or~~ a certified treatment provider participating in  
24

1 the program, or a CLEET-certified person designated by the ~~judge~~  
2 drug court program to perform drug court investigations.

3 SECTION 5. AMENDATORY 22 O.S. 2021, Section 471.6, is  
4 amended to read as follows:

5 Section 471.6 A. The drug court judge shall conduct a hearing  
6 as required by subsection E of Section 471.4 of this title to  
7 determine final eligibility by considering:

8 1. Whether the offender voluntarily consents to the program  
9 requirements;

10 2. Whether to accept the offender based upon the findings and  
11 recommendations of the drug court investigation authorized by  
12 Section 471.4 of this title;

13 3. Whether there is a written plea agreement, and if so,  
14 whether the terms and conditions of the written negotiated plea  
15 between the district attorney, the defense attorney and the offender  
16 are appropriate and consistent with the penalty provisions and  
17 conditions of other similar cases;

18 4. Whether there is an appropriate treatment program available  
19 to the offender and whether there is a recommended treatment plan;  
20 and

21 5. Any information relevant to determining eligibility;  
22 provided, however, an offender shall not be denied admittance to any  
23 drug court program based upon an inability to pay court costs or  
24 other costs or fees.

1 B. At the hearing to determine final eligibility for the drug  
2 court program, the judge shall not grant any admission of any  
3 offender to the program when:

4 1. The required treatment plan and plea agreement have not been  
5 completed;

6 2. The program funding or availability of treatment has been  
7 exhausted;

8 3. The treatment program or drug court team is unwilling to  
9 accept the offender;

10 4. The offender ~~was ineligible for consideration by the nature~~  
11 ~~of a violent offense at the time of arrest, and the charge has been~~  
12 ~~modified to~~ does not meet the presumptive eligibility criteria of  
13 the program; or

14 5. The offender is inappropriate for admission to the program,  
15 in the discretion of the judge.

16 C. At the final eligibility hearing, if evidence is presented  
17 that was not discovered by the drug court investigation, the  
18 district attorney or the defense attorney may make an objection and  
19 may ask the court to withdraw the plea agreement previously  
20 negotiated. The court shall determine whether to proceed and  
21 overrule the objection, to sustain the objection and transfer the  
22 case for traditional criminal prosecution or to require further  
23 negotiations of the plea or punishment provisions. The decision of  
24 the judge for or against eligibility and admission shall be final.

1 D. When the court accepts the treatment plan with the written  
2 plea agreement, the offender, upon entering the plea as agreed by  
3 the parties, shall be ordered and escorted immediately into the  
4 program. The offender must have voluntarily signed the necessary  
5 court documents before the offender may be admitted to treatment.

6 The court documents shall include:

7 1. Waiver of the offender's rights to speedy trial;

8 2. A written plea agreement which sets forth the offense  
9 charged, the penalty to be imposed for the offense in the event of a  
10 breach of the agreement and the penalty to be imposed, if any, in  
11 the event of a successful completion of the treatment program;  
12 provided, however, incarceration shall be prohibited when the  
13 offender completes the treatment program;

14 3. A written treatment plan which is subject to modification at  
15 any time during the program; and

16 4. A written performance contract requiring the offender to  
17 enter the treatment program as directed by the court and participate  
18 until completion, withdrawal or removal by the court.

19 E. If admission into the drug court program is denied, the  
20 criminal case shall be returned to the traditional criminal docket  
21 and shall proceed as provided for any other criminal case.

22 F. At the time an offender is admitted to the drug court  
23 program, any bail or undertaking on behalf of the offender shall be  
24 exonerated.

1 G. The period of time during which an offender may participate  
2 in the active treatment portion of the drug court program shall be  
3 not less than six (6) months nor more than twenty-four (24) months  
4 and may include a period of supervision not less than six (6) months  
5 nor more than one (1) year following the treatment portion of the  
6 program. The period of supervision may be extended by order of the  
7 court for not more than six (6) months. No treatment dollars shall  
8 be expended on the offender during the extended period of  
9 supervision. If the court orders that the period of supervision  
10 shall be extended, the drug court judge, district attorney, the  
11 attorney for the offender and the supervising staff for the drug  
12 court program shall evaluate the appropriateness of continued  
13 supervision on a quarterly basis. All participating treatment  
14 providers shall be certified by the Department of Mental Health and  
15 Substance Abuse Services and shall be selected and evaluated for  
16 performance-based effectiveness annually by the Department of Mental  
17 Health and Substance Abuse Services. Treatment programs shall be  
18 designed to be completed within twelve (12) months and shall have  
19 relapse prevention and evaluation components.

20 H. The drug court judge shall order the offender to pay court  
21 costs, treatment costs, drug testing costs, a program user fee not  
22 to exceed Twenty Dollars (\$20.00) per month and necessary  
23 supervision fees, unless the offender is indigent. The drug court  
24 judge shall establish a schedule for the payment of costs and fees.

1 The cost for treatment, drug testing and supervision shall be set by  
2 the treatment and supervision providers respectively and made part  
3 of the court's order for payment. User fees shall be set by the  
4 drug court judge within the maximum amount authorized by this  
5 subsection and payable directly to the court clerk for the benefit  
6 and administration of the drug court program. Treatment, drug  
7 testing and supervision costs shall be paid to the respective  
8 providers. The court clerk shall collect all other costs and fees  
9 ordered and deposit such costs and fees with the county treasurer in  
10 a drug court fund created and administered pursuant to subsection I  
11 of Section 471.1 of this title. The remaining user fees shall be  
12 remitted to the State Treasurer by the court clerk for deposit in  
13 the Department of Mental Health and Substance Abuse Services' Drug  
14 Abuse Education and Treatment Revolving Fund established pursuant to  
15 Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders  
16 for costs and fees pursuant to this subsection shall not be limited  
17 for purposes of collection to the maximum term of imprisonment for  
18 which the offender could have been imprisoned for the offense, nor  
19 shall any court order for costs and fees be limited by any term of  
20 probation, parole, supervision, treatment or extension thereof.  
21 Court orders for costs and fees shall remain an obligation of the  
22 offender until fully paid; provided, however, once the offender has  
23 successfully completed the drug court program, the drug court judge  
24 shall have the discretion to expressly waive all or part of the



1 costs and fees provided for in this subsection if, in the opinion of  
2 the drug court judge, continued payment of the costs and fees by the  
3 offender would create a financial hardship for the offender.

4 Offenders who have not fully paid all costs and fees pursuant to  
5 court order but who have otherwise successfully completed the drug  
6 court program shall not be counted as an active drug court  
7 participant for purposes of drug court contracts or program  
8 participant numbers.

9 I. Notwithstanding any other provision of law, if the driving  
10 privileges of the offender have been suspended, revoked, canceled or  
11 denied by the Department of Public Safety and if the drug court  
12 judge determines that no other means of transportation for the  
13 offender is available, the drug court judge may enter a written  
14 order requiring the Department of Public Safety to stay any and all  
15 such actions against the Class D driving privileges of the offender;  
16 provided, the stay shall not be construed to grant driving  
17 privileges to an offender who has not been issued a driver license  
18 by the Department or whose Oklahoma driver license has expired, in  
19 which case the offender shall be required to apply for and be found  
20 eligible for a driver license, pass all examinations, if applicable,  
21 and pay all statutory driver license issuance or renewal fees. The  
22 offender shall provide proof of insurance to the drug court judge  
23 prior to the judge ordering a stay of any driver license suspension,  
24 revocation, cancellation or denial. When a judge of a drug court

1 enters a stay against an order by the Department of Public Safety  
2 suspending or revoking the driving privileges of an offender, the  
3 time period set in the order by the Department for the suspension or  
4 revocation shall continue to run during the stay. When an offender  
5 has successfully completed the drug court program, the drug court  
6 judge shall maintain jurisdiction over the offender's driving  
7 privileges for one (1) year after the date on which the offender  
8 graduates from the drug court program.

9 SECTION 6. AMENDATORY 22 O.S. 2021, Section 471.8, is  
10 amended to read as follows:

11 Section 471.8 The drug court program may be utilized as a  
12 disciplinary sanction for a violation of a condition of parole  
13 related to substance abuse for eligible offenses, or in a case where  
14 the offender has been tried for an eligible offense in the  
15 traditional manner, given either a deferred or suspended sentence,  
16 and has violated a condition of the sentence. The judge shall not  
17 order an offender into treatment within the scope of any drug court  
18 program without prior approval from ~~the designated drug court team,~~  
19 ~~or the district attorney if no team is designated. Any judge having~~  
20 ~~a criminal case assigned where drug court processing appears to be~~  
21 ~~more appropriate for the offender, may request a review of the case~~  
22 ~~by the drug court team, or if no team is designated, a review by~~  
23 both the district attorney and the defense attorney or offender. If  
24 both the district attorney and the defense attorney or offender

1 agree, the case may be transferred to the drug court program with  
2 the approval of ~~a designated~~ the presiding drug court judge. After  
3 a case has been transferred to the drug court docket, it shall  
4 continue with the designated drug court judge until the offender is  
5 revoked or released from the program. The offenders whose cases  
6 have been transferred from a traditional criminal case docket to the  
7 drug court docket shall be required to have a drug court  
8 investigation and complete the drug court process prior to placement  
9 in any treatment program authorized by ~~this act~~ Section 471 et seq.  
10 of this title.

11 SECTION 7. AMENDATORY 22 O.S. 2021, Section 471.10, is  
12 amended to read as follows:

13 Section 471.10 A. ~~For purposes of this act, the following~~  
14 ~~state agencies shall jointly develop a standardized testing~~  
15 ~~instrument with an appropriate scoring device for use by all the~~  
16 ~~district courts in this state in implementing the Oklahoma Drug~~  
17 ~~Court Act:~~

- 18 1. ~~The Department of Corrections;~~
- 19 2. ~~The Administrative Office of the Courts;~~
- 20 3. ~~The Department of Mental Health and Substance Abuse~~  
21 ~~Services;~~
- 22 4. ~~The State Department of Health;~~
- 23 5. ~~The State Department of Education;~~
- 24 6. ~~The Office of Juvenile Affairs; and~~

1       ~~7. The Oklahoma Department of Vocational and Technical~~  
2 ~~Education.~~

3       ~~B. The Administrative Office of the Courts shall promulgate~~  
4 ~~rules, procedures, and forms necessary to implement the Oklahoma~~  
5 ~~Drug Court Act to ensure statewide uniformity in procedures and~~  
6 ~~forms. The Department of Mental Health and Substance Abuse Services~~  
7 ~~is directed to develop a training and implementation manual for drug~~  
8 ~~court programs with the assistance of the State Department of~~  
9 ~~Health, the State Department of Education, the Oklahoma Department~~  
10 ~~of Career and Technology Education, the Department of Corrections,~~  
11 ~~the Office of Juvenile Affairs, and the Administrative Office of the~~  
12 ~~Courts. The Department of Mental Health and Substance Abuse~~  
13 ~~Services shall provide technical assistance to the district courts~~  
14 ~~in implementing drug court programs.~~

15       ~~C. All participating agencies shall promulgate rules as~~  
16 ~~necessary to comply with the provisions of this act Section 471 et~~  
17 ~~seq. of this title. Each district court shall establish rules for~~  
18 ~~their jurisdiction upon implementation of a drug court program,~~  
19 ~~pursuant to the provisions of this act.~~

20       SECTION 8. This act shall become effective July 1, 2022.

21       SECTION 9. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23  
24

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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