

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE  
5 BILL NO. 50

By: Howard of the Senate

and

Worthen of the House

6  
7  
8  
9 An Act relating to confidentiality of court records;  
10 amending 22 O.S. 2011, Section 472, as amended by  
11 Section 1, Chapter 180, O.S.L. 2014 (22 O.S. Supp.  
12 2020, Section 472), which relates to mental health  
13 courts; establishing confidentiality requirements for  
14 cases assigned to mental health court programs; and  
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 22 O.S. 2011, Section 472, as  
18 amended by Section 1, Chapter 180, O.S.L. 2014 (22 O.S. Supp. 2020,  
19 Section 472), is amended to read as follows:

20 Section 472. A. This section shall be known and may be cited  
21 as the "Anna McBride Act".

22 B. Any district or municipal court of this state may establish  
23 a mental health court program pursuant to the provisions of this  
24 section, subject to the availability of funds.

1 C. The court may request assistance from the Department of  
2 Mental Health and Substance Abuse Services which shall be the  
3 primary agency to assist in developing and implementing a mental  
4 health court program.

5 D. For purposes of this section, "mental health court" means a  
6 judicial process that utilizes specially trained court personnel to  
7 expedite ~~the a~~ a case and explore alternatives to incarceration for  
8 ~~offenders~~ an offender charged with criminal offenses other than a  
9 crime listed in paragraph 2 of Section 571 of Title 57 of the  
10 Oklahoma Statutes who ~~have~~ has a mental illness or a developmental  
11 disability, or a co-occurring mental illness and substance abuse  
12 disorder. The district attorney's office may use discretion in the  
13 prosecution of ~~those offenders~~ an offender specified in this  
14 subsection subject to the restrictions provided in subsection E of  
15 this section.

16 E. The court shall have the authority to exclude from mental  
17 health court any offender arrested or charged with any violent  
18 offense or any offender who has a prior felony conviction in this  
19 state or another state for a violent offense. Eligibility and entry  
20 by an offender into the mental health court program is dependent  
21 upon prior approval of the district attorney. Eligible offenses may  
22 further be restricted by the rules of the specific mental health  
23 court program. The court ~~also~~ shall have the authority to exclude  
24 persons from mental health court who have a propensity for violence.

1 F. The mental health court judge shall recognize relapses and  
2 restarts in the program which shall be considered as part of the  
3 rehabilitation and recovery process. The court shall accomplish  
4 monitoring and offender accountability by ordering progressively  
5 increasing sanctions or providing incentives, rather than removing  
6 the offender from the program when a violation occurs, except when  
7 the conduct of the offender requires revocation from the program.  
8 Any revocation from the mental health court program shall require  
9 notice to the offender and other participating parties in the case  
10 and a revocation hearing. At the revocation hearing, if the  
11 offender is found to have violated the conditions of the plea  
12 agreement or performance contract and disciplinary sanctions have  
13 been insufficient to gain compliance, the offender shall be revoked  
14 from the program and sentenced for the offense as provided in the  
15 plea agreement.

16 G. Any criminal case which has been filed and processed in the  
17 traditional manner shall be cross-referenced to a mental health  
18 court case file by the court clerk if the case is subsequently  
19 assigned to a mental health court program. The originating criminal  
20 case file shall remain open to public inspection. The court shall  
21 determine what information or pleadings are to be retained in the  
22 mental health case court file, which shall be closed to public  
23 inspection.

24

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
03/31/2021 - DO PASS.