

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3954

By: Blancett

AS INTRODUCED

An Act relating to criminal procedure; authorizing district and municipal courts to establish certain alternative court program; allowing courts to request assistance from certain state agencies; defining term; providing prosecutorial discretion with restrictions; requiring eligibility approval from district and municipal courts; directing certain state agencies to prepare and submit certain report to the court; requiring consideration of reports by the court; providing guidelines for alternative court program; providing for the revocation of persons from the alternative court program; establishing hearing and notice requirements; directing court clerks to cross-reference case files; directing making certain case files available for public inspection; directing courts to waive court costs and certain fees; providing for the dismissal or disposition of case upon successful completion; providing for the sealing and destroying of case files upon successful completion; authorizing the district attorney to access sealed case files; defining term; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 473 of Title 22, unless there is created a duplication in numbering, reads as follows:

1 A. Any district or municipal court of this state may establish
2 a drug-dependent pregnant and postpartum alternative court program
3 pursuant to the provisions of this section.

4 B. The court may request assistance from the Department of
5 Mental Health and Substance Abuse Services, which shall be the
6 primary agency to assist in developing and implementing the
7 alternative court program. The Oklahoma Department of Human
8 Services shall be the agency that assists, when necessary, the
9 development of a supervised plan of safe care to address the health
10 and substance use treatment needs of the pregnant or postpartum
11 offender.

12 C. For purposes of this section, a "drug-dependent pregnant and
13 postpartum alternative court program" means a judicial process that
14 utilizes specially trained court personnel to expedite a case and
15 explore alternatives to incarceration for pregnant or postpartum
16 offenders charged with felony child endangerment or drug-related
17 offenses. The district attorney's office may use discretion in the
18 prosecution of a pregnant or postpartum offender specified in this
19 subsection.

20 D. Eligibility and entry by a pregnant or postpartum offender
21 into the drug-dependent pregnant and postpartum alternative court
22 program is dependent upon approval of the district court or
23 municipal court.
24
--

1 E. For every charge of child neglect, as defined by Section 1-
2 1-105 of Title 10A of the Oklahoma Statutes, in which the accused
3 person seeks admission into the drug-dependent pregnant and
4 postpartum alternative court program, the Oklahoma Department of
5 Mental Health and Substance Abuse Services and the Oklahoma
6 Department of Human Services shall jointly prepare and submit a
7 report of findings and recommendations to the court including, but
8 not limited to, dismissal of criminal charges, court-ordered
9 treatment plans, and an assessment of the best interests of the
10 accused person and the child. The court shall consider the report
11 in any decision the court renders regarding the criminal charges or
12 application for admission into the alternative court program.

13 F. The court shall recognize relapses and restarts in the
14 alternative court program which shall be considered as part of the
15 rehabilitation and recovery process. The court shall accomplish
16 monitoring and offender accountability by ordering progressively
17 increasing sanctions or providing incentives, rather than removing
18 the offender from the program when a violation occurs, except when
19 the conduct of the offender requires revocation from the program.
20 Any revocation from the drug-dependent pregnant and postpartum
21 alternative court program shall require notice to the offender and
22 other participating parties in the case and a revocation hearing.
23 At the revocation hearing, if the offender is found to have violated
24 the conditions of the plea agreement or performance contract and
--

1 disciplinary sanctions have been insufficient to gain compliance,
2 the offender shall be revoked from the program and sentenced for the
3 offense as provided in the plea agreement.

4 G. Any criminal case which has been filed and processed in the
5 traditional manner shall be cross-referenced to a drug-dependent
6 pregnant and postpartum alternative court case file by the court
7 clerk if the case is subsequently assigned to a drug-dependent
8 pregnant and postpartum alternative court program. The originating
9 criminal case file shall remain open to public inspection. The
10 court shall determine what information or pleadings are to be
11 retained in the drug-dependent pregnant and postpartum alternative
12 court file, which shall be closed to public inspection.

13 H. When the offender has successfully completed the drug-
14 dependent pregnant and postpartum alternative court program, the
15 court shall waive all of the court costs and fees, driver license
16 reinstatement fees, if applicable, and fines associated with the
17 criminal case if, in the opinion of the court, continued payment of
18 the court costs, fees and fines by the offender would create a
19 financial hardship for the offender, including specifically the
20 discretion to waive any requirement that fines and costs be
21 satisfied by a person prior to that person being eligible for a
22 provisional driver license pursuant to Section 6-212 of Title 47 of
23 the Oklahoma Statutes.

1 I. When an offender has successfully completed the drug-
2 dependent pregnant and postpartum alternative court program, the
3 criminal case against the offender shall be:

4 1. Dismissed; or

5 2. If the offender has a prior felony conviction, the
6 disposition shall be as specified in the written plea agreement.

7 J. After an offender completes the program, the drug-dependent
8 pregnant and postpartum alternative court case file shall be sealed
9 by the court and may be destroyed after ten (10) years. The
10 district attorney shall have access to sealed case files without a
11 court order.

12 K. As used in this section, "plan of safe care" shall have the
13 same meaning as such term is defined in Section 1-1-105 of Title 10A
14 of the Oklahoma Statutes.

15 SECTION 2. This act shall become effective November 1, 2024.

16
17 59-2-9408 GRS 01/17/24
18
19
20
21
22
23
24
--