

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1200

By: Wilkerson and Monson of
the Senate

and

Askins of the House

(criminal procedure - drug court - funding - codification
- emergency)

AUTHORS: Add the following House Coauthors: Toure, Boyd (Laura),
Worthen, Breckinridge and Sadler

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

An Act relating to criminal procedure; authorizing
the district court to create a drug court; stating
purpose; providing for funding; amending 20 O.S.
1991, Section 3001.1, which relates to setting
aside judgments; modifying grounds; providing for
codification; and declaring an emergency.

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 990 of Title 22, unless there is
created a duplication in numbering, reads as follows:

Drug courts may be established in the district courts of this
state. For purposes of this section, "drug court" means a special

judicial processing and handling of drug offenders and cases within the existing powers of the court.

The purpose of a drug court shall be to divert offenders from criminal prosecution through a deferred prosecution agreement to drug treatment, or upon adjudication of guilt, and in conjunction with conditions of a deferred or suspended sentence, to order drug treatment as one of the conditions of the sentence.

The court may hold progress hearings and monitor the treatment of any person placed in drug court. A drug court shall be designed and operated under the guidance of a single district judge in each district.

Funding for the operation of drug courts shall be obtained by special grants from the Department of Corrections through the Community Service Sentencing Program, Section 991a-4 of Title 22 of the Oklahoma Statutes; provided, the program is administered by the Department. For community corrections programs that are not administered by the Department, funding for drug courts shall be obtained from the Administrative Office of the Courts.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 3001.1, is amended to read as follows:

Section 3001.1 A. No judgment shall be set aside or new trial granted by any appellate court of this state in any civil case, ~~civil or criminal~~, on the ground of misdirection of the jury or for error in any matter of pleading or procedure, unless it is the opinion of the reviewing court that the error complained of has probably resulted in a miscarriage of justice, or constitutes a substantial violation of a constitutional or statutory right.

B. The Court of Criminal Appeals shall not set aside a judgment or grant a new trial in any criminal case on the ground of misdirection of the jury or for error in any matter of pleading or procedure:

1. In the case of a violation of a constitutional right, if the state proves beyond a reasonable doubt that, absent the error, the outcome of the proceeding would not have been different; or

2. In the case of a violation of a statutory right, unless the defendant shows that, absent the error, the outcome of the proceeding would have been different.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 9th day of April, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate