

SHORT TITLE: District attorneys; requiring publication of plea agreement and dismissal information; codification; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 486

By: Herbert

AS INTRODUCED

An Act relating to district attorneys; requiring certain publication of plea agreements and dismissals; setting time to make publication; specifying information for publication; providing for certain delivery of publication; authorizing distribution; directing certain costs be collected; requiring special account; stating certain grounds for removal from office; providing for certain fee and directing monies be deposited in special account; providing for codification; providing an effective date; 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 305 of Title 22, unless there is created a duplication in numbering, reads as follows:

For each felony charge filed, it shall be the non-delegable duty of each district attorney to publish a list for distribution to the public with information as hereinafter set forth regarding each dismissal and each plea agreement entered into by the district attorney or any assistant district attorney. The information shall be published on a monthly basis but not more than forty-five (45) days after the date a plea agreement was entered or a dismissal

occurred. The following information shall be required to be published:

1. Full name of defendant, including juveniles whose records are not confidential pursuant to Section 7307-1.2 of Title 10 of the Oklahoma Statutes;

2. Case number and county of origin;

3. Nature of each charge originally filed and statutory reference;

4. Nature of plea agreement including, but not limited to, whether the agreement resulted in a deferred, suspended, or split sentence; time to serve; conditions of the deferred, suspended or split sentence, if any; the length of probation; and conditions for dismissal;

5. The date the plea agreement or dismissal was entered into by the district attorney;

6. The date the plea agreement was accepted by the court; and

7. Whether or not the defendant had any prior convictions or delinquency adjudications, if the juvenile record is not confidential pursuant to Section 7307-1.2 of Title 10 of the Oklahoma Statutes and, if so, the nature of each offense.

The publication shall be delivered to the county court clerk's office where the list may be distributed to the public. To cover the costs of publication, each defendant entering into a plea agreement in a felony case shall be assessed the sum of Two Dollars (\$2.00) to cover the costs of publication. This cost shall be in addition to any other costs authorized by statute or required by the plea agreement. The publication costs collected shall be deposited into a special account established within the district attorney's office which shall not be utilized for any purpose other than the publication required by this section. If the assessments provided for in this section do not generate enough income to cover the cost of distribution, the court clerk may collect a fee for the report in

accordance with the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, and the fees shall be deposited in the specified account created in this section. Failure of any district attorney to properly maintain the account or allowing use of the funds for any other purpose shall be grounds for removal from office.

SECTION 2. This act shall become effective July 1, 1997.

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.

46-1-0041

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