

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB1978

By: Boyd

AS INTRODUCED

An Act relating to criminal procedure; amending Section 10, Chapter 359, O.S.L. 1997 (22 O.S. Supp. 1999, Section 471.9), which relates to successful completion of the drug court program; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 10, Chapter 359, O.S.L. 1997 (22 O.S. Supp. 1999, Section 471.9), is amended to read as follows:

Section 471.9 A. When an offender has successfully completed the drug court program, the criminal case against the offender shall be:

1. Dismissed if the offense was a first felony offense; or
2. If the offender has a prior felony conviction, the disposition shall be as specified in the written plea agreement.

B. The final disposition order for a drug court case shall be filed with the judge assigned to the case, and shall indicate the sentence specified in the written plea agreement. A copy of the final disposition order for the drug court case shall also be filed in the original criminal case file under the control of the court clerk which is open to the public for inspection. Original criminal case files which are under the control of the court clerk and which are subsequently assigned to the drug court program shall be marked with a pending notation until a final disposition order is entered in the drug court case. After an offender completes the program, the drug court case file shall be sealed by the judge and may be

destroyed after ten (10) years. The district attorney shall have access to sealed drug court case files without a court order.

C. A record pertaining to an offense resulting in a successful completion of a drug court program shall not, without the ~~offender's~~ consent of the offender in writing, be used in any way which could result in the denial of any employee benefit.

D. Successful completion of a drug court program shall not prohibit any administrative agency from taking disciplinary action against any licensee or from denying a license or privilege as may be required by law.

SECTION 2. This act shall become effective November 1, 2000.

47-2-7717            LAC            6/12/15