

ENROLLED HOUSE
BILL NO. 1087

By: Lindley of the House

and

Monson of the Senate

An Act relating to criminal procedure; amending Section 1, Chapter 285, O.S.L. 2002 (22 O.S. Supp. 2002, Section 472), which relates to mental health courts; providing for prosecutorial discretion; providing for judicial discretion to exclude certain persons from mental health court; eliminating mandatory exclusion; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 285, O.S.L. 2002 (22 O.S. Supp. 2002, Section 472), is amended to read as follows:

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

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

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

D. For purposes of this section, "mental health court" means a judicial process that utilizes specially trained court personnel to expedite the case and explore alternatives to incarceration for offenders charged with criminal offenses other than a crime listed in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes who have a mental illness or a developmental disability, or a co-occurring mental illness and substance abuse disorder. ~~Mental health court shall not apply~~ The district attorney's office may use discretion in the prosecution of those offenders specified in this subsection subject to the restrictions provided in subsection E of this section.

E. The court shall have the authority to exclude from mental health court any offender arrested or charged with any violent offense or any offender who has a prior felony conviction in this state or another state for a violent offense. Eligibility and entry by an offender into the mental health court program is dependent upon prior approval of the district attorney. Eligible offenses may further be restricted by the rules of the specific mental health

court program. The court also shall have the authority to exclude persons from mental health court who have a propensity for violence.

SECTION 2. This act shall become effective November 1, 2003.

Passed the House of Representatives the 24th day of February, 2003.

Presiding Officer of the House of
Representatives

Passed the Senate the 8th day of April, 2003.

Presiding Officer of the Senate