

EHB 1485

THE STATE SENATE
Tuesday, April 1, 2003

ENGROSSED

House Bill No. 1485

ENGROSSED HOUSE BILL NO. 1485 - By: BRADDOCK of the House and WILKERSON of the Senate.

[drug offenses - amending 22 O.S, Section 471.4 - drug court investigation - amending 63 O.S., Section 2-307 - records of registrants - amending 21 O.S., Section 832 - poison or drugs - effective date]

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 471.4, is amended to read as follows:

Section 471.4 A. When directed by the drug court judge, the supervising staff for the drug court program shall make an investigation of the offender under consideration to determine whether or not the offender is a person who:

- 1. Would benefit from the drug court program; and
- 2. Is appropriate for the drug court program.

B. The drug court investigation shall be conducted through a standardized screening test and personal interview. A more comprehensive assessment may take place at the time the offender enters the treatment portion of the program and may take place at any time after placement in the drug court program. The investigation shall determine the original treatment plan which the

1 offender will be required to follow, if admitted to the program.
2 Any subsequent assessments or evaluations by the treatment provider,
3 ~~if the offender is admitted to the program,~~ may be used to determine
4 modifications needed to the original treatment plan. The
5 investigation shall include, but not be limited to, the following
6 information:

- 7 1. The person's age and physical condition;
- 8 2. Employment and military service records;
- 9 3. Educational background and literacy level;
- 10 4. Community and family relations;
- 11 5. Prior and current drug and alcohol use;
- 12 6. Mental health and medical treatment history, including
13 substance abuse treatment history;
- 14 7. Demonstrable motivation; and
- 15 8. Other mitigating or aggravating factors.

16 C. The drug court investigation shall be conducted after the
17 initial hearing for consideration and before the hearing for final
18 determination of eligibility for the drug court program. When an
19 offender is appropriate for admittance to the program, the
20 supervising staff shall make a recommendation for the treatment
21 program or programs that are available in the jurisdiction and which
22 would benefit the offender and accept the offender. The
23 investigation findings and recommendations for program placement

1 shall be reported to the drug court judge, the district attorney,
2 the offender, and the defense attorney prior to the next scheduled
3 hearing.

4 D. The district attorney and the defense attorney for the
5 offender shall independently review the findings and recommendations
6 of the drug court investigation report. For an offender to remain
7 eligible for consideration in the program, both the district
8 attorney and the defense attorney must accept the recommended
9 treatment plan, and shall negotiate the terms of the written plea
10 agreement with all punishment provisions specified before the
11 scheduled hearing date for determining final eligibility. Upon
12 failure of the district attorney and defense attorney to negotiate
13 the written plea agreement, the criminal case shall be withdrawn
14 from the drug court program and processed in the traditional manner.
15 The punishment provisions of the written plea agreement shall
16 emphasize reparation to the victim, community, and state.

17 E. The hearing to determine final eligibility shall be set not
18 less than three (3) work days nor more than seven (7) work days from
19 the date of the initial hearing for consideration, unless extended
20 by the court.

21 F. For purposes of this act, "supervising staff" means a
22 Department of Corrections employee assigned to monitor offenders in
23 the drug court program, a community provider assigned to monitor

1 offenders in the program, a state or local agency representative or
2 a certified treatment provider participating in the program, or a
3 person designated by the judge to perform drug court investigations.

4 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-307, is
5 amended to read as follows:

6 Section 2-307. Persons registered to manufacture, distribute,
7 or dispense controlled dangerous substances ~~under~~ as defined in
8 Section 2-101 of this act title shall keep records and maintain
9 inventories in conformance with the record-keeping and inventory
10 requirements of federal law and with the additional rules the
11 Commissioner issues.

12 SECTION 3. AMENDATORY 21 O.S. 2001, Section 832, is
13 amended to read as follows:

14 Section 832. A. 1. No person shall willfully mingle any
15 poison, Schedule I through V drug pursuant to the provisions of
16 Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes,
17 or sharp object, or any other object or substance which if used in a
18 manner which is not customary or usual is harmful to human life,
19 with any food, drink, medicine, or patent or proprietary medicine
20 with intent that the same shall be taken, consumed, applied, or used
21 in any manner by any human being to ~~his~~ the injury; and

22 2. Unless authorized by law, no person shall willfully poison
23 or place any Schedule I through V drug pursuant to the provisions of

1 Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes or
2 any other object or substance which if used in a manner which is not
3 customary or usual is harmful to human life in any spring, well, or
4 reservoir of water.

5 B. Any person convicted of violating any of the provisions of
6 this section shall be guilty of a felony, punishable by imprisonment
7 in the State Penitentiary for not less than five (5) years, or by a
8 fine of not less than One Thousand Dollars (\$1,000.00), or by both
9 such fine and imprisonment.

10 SECTION 4. This act shall become effective November 1, 2003.

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-26-03 - DO
12 PASS.