

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2403:

Young

AS INTRODUCED

An Act relating to juveniles; creating the Oklahoma Juvenile Drug Court program; authorizing juvenile drug court program; establishing procedures for operation of program; defining terms; establishing eligibility for program; providing for initial hearing; establishing juvenile drug court investigation; providing for inadmissibility of statements; establishing final eligibility hearing; providing for acceptance into program; defining duration of participation; establishing costs and fees; establishing monitoring of treatment programs; providing for program as disciplinary sanction; establishing standards for completion of program; providing for implementation of act; providing for codification; and providing an effective date.

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

Sections 1 through 11 of this act shall be known and may be cited as the "Oklahoma Juvenile Drug Court Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. As used in the Oklahoma Juvenile Drug Court Act:

1. "Juvenile drug court", "juvenile drug court program" or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible juvenile offenders which expedites the criminal case and requires

the successful completion of a adjudication in lieu of incarceration of the juvenile offenders;

2. "Juvenile offenders" means minors as that term is defined by the Oklahoma Juvenile Code; and

3. "Supervising staff" means an Office of Juvenile Affairs employee assigned to monitor offenders in the juvenile drug court program, a community provider assigned to monitor offenders in the program, a state or local agency representative or a certified treatment provider participating in the program, or a person designated by the judge to perform juvenile drug court investigations.

B. Each district court of this state may establish a juvenile drug court program pursuant to the provisions of the Oklahoma Juvenile Drug Court Act, subject to availability of funds. Juvenile drug courts may be established based upon the provisions of the Oklahoma Juvenile Drug Court Act; provided, however, juveniles shall not be held, processed, or treated in any manner which violates any provision of the Oklahoma Juvenile Code or rules promulgated thereto.

C. Juvenile drug court programs shall apply only to a nonviolent offense as such term is defined by Section 571 of Title 57 of the Oklahoma Statutes. Nonviolent offenses may further be restricted by the rules of the specific juvenile drug court program. Nothing in the Oklahoma Juvenile Drug Court Act shall:

1. Be construed to require a juvenile drug court to include every juvenile offender with a treatable condition or addiction in the juvenile drug court program even if the controlling offense is eligible for consideration in the program; or

2. Prohibit the traditional prosecution of a juvenile determined to be inappropriate for the juvenile drug court program.

D. 1. Juvenile drug court programs shall require a separate judicial processing system differing in practice and design from the traditional adversarial criminal prosecution and trial systems.

2. a. Whenever possible, a juvenile drug court team shall be designated. The juvenile drug court team shall consist of:

(1) a judge to administer the program,

(2) a district attorney,

(3) a defense attorney, and

(4) other persons designated by the juvenile drug court team who shall have appropriate understanding of the goals of the program and of the appropriate treatment methods for the various conditions.

b. The assignment of any person to the juvenile drug court team shall not preclude the assigned person from performing other duties required in the course of their office or employment.

3. The chief judge of the judicial district, or if the district has more than one chief judge, then the presiding judge of the Administrative Judicial District, shall designate one or more judges to administer the juvenile drug court program.

E. 1. When a juvenile drug court program is established, the arresting officer of a juvenile shall file the criminal case record for potentially eligible juvenile offenders with the district attorney within four (4) days of the arrest. The district attorney shall file information in the case within twenty-four (24) hours of receipt of the criminal case record when the juvenile offender appears eligible for consideration for the program. The information may be amended as necessary when the juvenile offender is denied admittance into the juvenile drug court program or amended for other

purposes as provided in Section 304 of Title 22 of the Oklahoma Statutes.

2. No arrested juvenile offender shall be eligible for the juvenile drug court program without the approval of the assigned district court judge.

3. Any criminal case which has been filed and processed in the traditional manner shall be cross-referenced to a juvenile drug court case file by the court clerk, if the case is subsequently assigned to the juvenile drug court program.

4. The originating criminal case file shall remain open to public inspection.

5. The judge shall determine what information or pleadings are to be retained in the juvenile drug court case file, which shall be closed to public inspection.

F. 1. The Department of Mental Health and Substance Abuse Services shall be the primary agency to assist a court in developing and implementing a juvenile drug court program. The district court may request assistance from the Department or from any state or local agency in obtaining the necessary treatment services which will assure maximum opportunity for successful treatment, education, and rehabilitation for juvenile offenders admitted to the program.

2. All participating state and local agencies are directed to coordinate with each other and cooperate in assisting the court in establishing a juvenile drug court program.

G. Each juvenile drug court program shall ensure, at a minimum:

1. Strong linkage between participating agencies;
2. Access by all participating parties of a case to information on the progress of the offender;
3. Vigilant supervision and monitoring procedures;
4. Random substance abuse testing;
5. Provisions for noncompliance, modification of the treatment plan, and revocation proceedings;

6. Participation of family members of the juvenile offender in the juvenile drug court program;

7. Availability of residential treatment facilities and outpatient services;

8. Payment of court costs, treatment costs, supervision fees, and program user fees by the offender;

9. Methods for measuring application of disciplinary sanctions, including provisions for:

- a. increased supervision,
- b. urinalysis testing,
- c. intensive treatment,
- d. short-term confinement not to exceed five (5) days,
- e. recycling the offender into the program after a disciplinary action for a minimum violation of the treatment plan,
- f. reinstating the offender into the program after a disciplinary action for a major violation of the treatment plan, and
- g. revocation from the program; and

10. Methods for measuring performance-based effectiveness of the services of each individual treatment provider.

H. All juvenile drug court programs shall be required to keep reliable data on recidivism, relapse, restarts, sanctions imposed, and incentives given.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. 1. The initial review of eligibility of a juvenile offender for a juvenile drug court program shall occur within four (4) days after the arrest and detention or incarceration of the offender in the city or county jail or community intervention center. If an immediate bond release program is available through the jail, the

initial opportunity for review shall occur in conjunction with the bond release program.

2. When a juvenile drug court is established, the sheriff or designee, if the offender is held in a county jail, or the chief of police or designee, if the offender is held in a city jail shall determine whether:

- a. the arrest charge or conviction of the offender involves a nonviolent offense. If the offense is related to domestic violence and substance abuse, a juvenile offender may be determined to be eligible for the juvenile drug court if there is a specific treatment program in the jurisdiction designed to address domestic violence,
- b. the juvenile offender has any prior adjudications for crimes, which if committed by an adult would be deemed a violent felony, or any felony conviction in this state or another state for a violent crime. If a prior adjudication is related to domestic violence and substance abuse, the juvenile offender may be eligible for juvenile drug court if there is a specific treatment program in the jurisdiction designed to address domestic violence. It shall be sufficient for purposes of this subparagraph that a criminal history records name search was conducted and indicated no apparent violent crimes,
- c. the arrest or charge does not involve a violation of the Trafficking In Illegal Drugs Act,
- d. the arrest or charge is based upon an offense eligible for the juvenile drug court program, and
- e. the offender:
  - (1) admits to having a substance abuse addiction,
  - (2) appears to have a substance abuse addiction, or

(3) is known to have a substance abuse addiction.

B. 1. If it appears to the reviewing officer that the juvenile offender may be potentially eligible for the juvenile drug court program based upon a review of the information in subsection A of this section, the offender shall be given an eligibility form which may be voluntarily completed by the juvenile offender. The reviewing officer shall file the criminal case record within the time prescribed in subsection E of Section 2 of this act.

2. The juvenile offender shall not automatically be considered for the program based upon this review. The juvenile offender must request consideration for the juvenile drug court program as provided in subsection C of this section. In addition, the juvenile offender shall have approval from the assigned district judge before being considered for the juvenile drug court program.

3. The eligibility form shall describe the juvenile drug court program for which the juvenile offender may be eligible, including, but not limited to:

- a. a full description of the juvenile drug court process and investigation,
- b. a general explanation of the roles and authority of the supervising staff, the district attorney, the defense attorney, the treatment provider, the offender, and the judge in the juvenile drug court program,
- c. a clear statement that the juvenile drug court judge may decide after a hearing not to consider the offender for the juvenile drug court program and in that event the offender will be prosecuted in the traditional manner,
- d. a clear statement that the juvenile offender is required, before consideration in the program, to enter a guilty plea as part of a written adjudication,

- e. a clear statement that the adjudication will specify the offense to which the guilty plea will be entered and will state any penalty to be imposed for the offense, both in the event of a successful completion of the juvenile drug court program, and in the event of a failure to complete the program,
- f. a clear statement that the juvenile offender must voluntarily agree to:
  - (1) waive the right to a speedy trial,
  - (2) waive the right to a preliminary hearing,
  - (3) the terms and conditions of a treatment plan, and
  - (4) sign a performance contract with the court,
- g. a clear statement that the juvenile offender, if accepted into the juvenile drug court program, can not be detained in secure detention for the offense in a state juvenile detention center or jail upon successful completion of the program,
- h. a clear statement that during participation in the juvenile drug court program if the juvenile offender:
  - (1) fails to comply with the terms of the agreements,
  - (2) is convicted of a misdemeanor offense which reflects a propensity for violence,
  - (3) is arrested for a violent felony offense, or
  - (4) is convicted of any felony offense,the juvenile offender, after a court hearing, may be revoked from the program and sentenced without trial pursuant to the punishment provisions of the adjudication, and
- i. an explanation of the criminal record retention and disposition resulting from participation in the juvenile drug court program following successful completion of the program.



C. 1. The juvenile offender may request consideration for the juvenile drug court program as follows:

a. (1) if the juvenile offender is incarcerated, the offender must sign and complete the eligibility form and return it to:

(a) the sheriff, if the offender is held in the county jail, or

(b) to the chief of police, if the offender is held in a city jail.

(2) the sheriff or chief of police, upon receipt of the eligibility form, shall file the form with the district attorney at the time of filing the criminal case record or at any time during the period of incarceration when the offender completes the form after the criminal case record has been filed, or

b. after release of the offender from incarceration, the offender must sign and complete the eligibility form and file it with the district attorney or the court, prior to or at the time of either initial appearance or arraignment.

2. Any juvenile offender desiring legal consultation prior to signing or completing the form for consideration in a juvenile drug court program shall be referred to the defense attorney of the juvenile drug court team, or to a public defender if the offender is indigent, or allowed to consult with private legal counsel.

3. Upon recommendation of the district judge as provided in Section 9 of this act, nothing contained in the provisions of this subsection shall prohibit the juvenile drug court from deeming any juvenile offender eligible for the program:

a. at any time prior to sentencing whose case has been prosecuted in the traditional manner, or

- b. upon a violation of parole or probation conditions relating to substance abuse.

D. 1. When a juvenile offender has filed a voluntary request to be considered for a juvenile drug court program on the appropriate form, the district attorney shall file the form with the juvenile drug court judge.

2. Upon the filing of the request form by the district attorney, an initial hearing shall be set before the juvenile drug court judge. The hearing shall be not less than three (3) work days nor more than five (5) work days after the date of the filing of the request form.

3. Notice of the hearing shall be given to the juvenile drug court team, or in the event no juvenile drug court team is designated, to the offender, the district attorney, and to the public defender.

4. The juvenile offender shall be required to notify any private legal counsel of the date and time of the hearing.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.4 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. 1. At the initial hearing for consideration of a juvenile offender for a juvenile drug court program, the district judge shall determine whether or not:

- a. the offender has been admitted to the program within the preceding five (5) years, and
- b. any statutory preclusion, other prohibition, or program limitation exists and is applicable to considering the offender for the program.

2. The district attorney may object to the consideration of an offender for the juvenile drug court program at the initial hearing.

B. If the offender voluntarily consents to be considered for the juvenile drug court program, and has signed and filed the

required form requesting consideration, the court shall refer the offender for a juvenile drug court investigation as provided in Section 5 of this act, and set a date for a hearing to determine final eligibility for admittance into the program.

C. Upon denial for consideration in the juvenile drug court program at the initial hearing, the criminal case shall proceed in the traditional manner.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.5 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When directed by the juvenile drug court judge, the supervising staff for the juvenile drug court program shall make an investigation of the juvenile offender under consideration to determine whether the offender is a person who:

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

B. 1. The juvenile 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 juvenile drug court program.

2. The investigation shall determine the original treatment plan which the offender will be required to follow, if admitted to the program. Any subsequent assessments or evaluations by the treatment provider, if the offender is admitted to the program, may be used to determine modifications needed to the original treatment plan.

3. The investigation shall include, but not be limited to, the following information:

- a. the juvenile offenders age and physical condition,
- b. employment,

- c. educational background and literacy level,
- d. community and family relations,
- e. prior and current drug and alcohol use,
- f. mental health and medical treatment history, including substance abuse treatment history,
- g. demonstrable motivation, and
- h. other mitigating or aggravating factors.

C. 1. The juvenile drug court investigation shall be conducted after the initial hearing and before the hearing for final determination of eligibility for the juvenile drug court program.

2. When a juvenile offender is appropriate for admittance to the program, the supervising staff shall make a recommendation for the treatment program or programs that are available in the jurisdiction and which would benefit the offender and accept the juvenile offender.

3. Prior to the next scheduled hearing, the investigation findings and recommendations for program placement shall be reported to the juvenile drug court judge, the district attorney, the offender, and the defense attorney.

D. 1. The district attorney and the defense attorney for the juvenile offender shall independently review the findings and recommendations of the juvenile drug court investigation report.

2. For a juvenile offender to remain eligible for consideration in the program, both the district attorney and the defense attorney must accept the recommended treatment plan and shall negotiate the terms of the written plea agreement with all punishment provisions specified before the scheduled hearing date for determining final eligibility.

3. Upon failure of the district attorney and defense attorney to negotiate the written adjudication, the criminal case shall be withdrawn from the juvenile drug court program and processed in the traditional manner.

4. The punishment provisions of the written adjudication shall emphasize reparation to the victim, community, and state.

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.6 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. 1. Any statement, or any information procured therefrom, made by a juvenile offender to any supervising staff, during the course of any juvenile drug court investigation conducted by the supervising staff pursuant to Section 5 of this act, and any report of the findings and recommendations of the supervising staff to the court, the district attorney, or the defense counsel shall not be admissible in the criminal case pending against the juvenile offender.

2. Any statement, or any information procured, with respect to the specific offense for which the juvenile offender was arrested or is charged, made to any supervising staff subsequent to the granting of admission of the offender to the juvenile drug court program, shall not be admissible in the pending criminal case nor shall such be grounds for the revocation of an offender from the program.

3. If an offender is denied admission to the juvenile drug court program or is subsequently revoked from the program, any information gained from the juvenile drug court investigation, and any statements or information divulged during the juvenile drug court investigation or any treatment session shall not be used in the sentencing of the juvenile offender for the original criminal crime.

4. The restrictions contained in this section shall not preclude the admissibility of statements or evidence obtained by the state from independent sources.

B. 1. The offender, as consideration for entering the juvenile drug court program, must consent to a full and complete photographic record of property which was to be used as evidence in the pending criminal case. The photographic record shall be competent evidence of such property and admissible in any criminal action or proceeding as the best evidence.

2. After the photographic record is made, the property shall be returned as follows:

- a. property, except that which is prohibited by law, shall be returned to its owner after proper verification of title,
- b. the return to the owner shall be without prejudice to the state or to any person who may have a claim against the property, and
- c. when a return is made to the owner, the owner shall sign, under penalty of perjury, a declaration of ownership. The declaration shall be retained by the person in charge of the property at the police department or sheriff's office.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.7 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The juvenile drug court judge shall conduct a hearing as required by Section 471.6 of Title 22 of the Oklahoma Statutes to determine final eligibility of the juvenile offender for the juvenile drug court program by considering:

1. Whether the offender has voluntarily consented to the program requirements;

2. The findings and recommendations of the juvenile drug court investigation authorized by Section 471.4 of Title 22 of the Oklahoma Statutes;

3. Whether there is a written adjudication agreement, and if so, whether the terms and conditions of the written negotiated adjudication among the district attorney, the defense attorney, and the offender are appropriate and consistent with the penalty provisions and conditions of other similar cases;

4. Whether there is an appropriate treatment program available to the offender and whether there is a recommended treatment plan; and

5. Any information relevant to determining eligibility. An offender shall not be denied admittance to any juvenile drug court program based upon an inability to pay court costs or other costs or fees.

B. At the hearing to determine final eligibility of the juvenile offender for the juvenile drug court program, the judge shall not grant an offender admission to the program if:

1. The required treatment plan and adjudication agreement have not been completed;

2. The program funding or availability of treatment has been exhausted;

3. The treatment program is unwilling to accept the offender;

4. The juvenile offender was ineligible for consideration because of the nature of the offense at the time of arrest, and the charge was modified to meet the eligibility criteria of the program; or

5. The juvenile offender is inappropriate for admission to the program, in the discretion of the judge.

C. 1. At the final eligibility hearing, if evidence is presented that was not discovered by the juvenile drug court investigation, the district attorney or the defense attorney may

make an objection and may ask the court to withdraw the adjudication agreement previously negotiated.

2. The court shall determine whether to proceed and overrule the objection, to sustain the objection and transfer the case for traditional criminal prosecution, or to require further negotiations of the adjudication or punishment provisions. The decision of the judge for or against eligibility and admission shall be final.

D. When the court accepts the treatment plan with the written adjudication agreement, the juvenile offender, upon entering the plea as agreed by the parties, shall be ordered and escorted immediately into the program. The juvenile offender must have voluntarily signed the necessary court documents before the offender may be admitted to treatment. The court documents shall include:

1. Waiver of the right of the offender to a speedy trial;

2. A written adjudication agreement which sets forth the offense charged, the penalty to be imposed for the offense in the event of a breach of the agreement, and the penalty to be imposed, if any, in the event of a successful completion of the treatment program. Incarceration shall be prohibited when the offender completes the treatment program;

3. A written treatment plan which is subject to modification at any time during the program; and

4. A written performance contract requiring the juvenile offender to enter the treatment program as directed by the court and to participate until completion, withdrawal, or removal by the court.

E. If admission into the juvenile drug court program is denied, the criminal case shall be returned to the traditional criminal docket and shall proceed as provided for any other criminal case.

F. At the time a juvenile offender is admitted to the juvenile drug court program, any bail or undertaking on behalf of the offender shall be exonerated.



G. 1. The period of time during which a juvenile offender may participate in the active treatment portion of the juvenile drug court program shall be not less than six (6) months nor more than twenty-four (24) months and may include a period of supervision not less than six (6) months nor more than one (1) year following the treatment portion of the program.

2. All participating treatment providers shall be certified by the Department of Mental Health and Substance Abuse Services and shall be selected and evaluated for performance-based effectiveness annually by the Department of Mental Health and Substance Abuse Services. Treatment programs shall be designed to be completed within twelve (12) months and shall have relapse prevention and evaluation components.

H. 1. The juvenile drug court judge shall order the juvenile offender to pay court costs, treatment costs, drug testing costs, a program user fee not to exceed Twenty Dollars (\$20.00) per month, and necessary supervision fees, unless the offender is indigent.

2. The juvenile drug court judge shall establish a schedule for the payment of costs and fees. The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the court order for payment. User fees shall be set by the juvenile drug court judge within the maximum amount authorized by this subsection and payable directly to the court clerk for the benefit and administration of the juvenile drug court program. Treatment, drug testing, and supervision costs shall be paid to the respective providers.

3. The court clerk shall collect all other costs and fees ordered. The remaining user fees shall be remitted to the State Treasurer by the court clerk for deposit in the Drug Abuse Education and Treatment Revolving Fund established pursuant to Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders for costs and

fees pursuant to this subsection shall not be limited for purposes of collection to the maximum term of imprisonment for which the offender could have been detained for the offense. No court order for costs and fees shall be limited by any term of probation, parole, supervision, treatment, or extension thereof. Court orders for costs and fees shall remain an obligation of the offender with court monitoring until fully paid.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.8 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The designated juvenile drug court judge shall make all judicial decisions concerning any case assigned to the juvenile drug court docket or program. The judge shall require progress reports and a periodic review of each juvenile offender during the offenders period of participation in the juvenile drug court program or for purposes of collecting costs and fees after completion of the treatment portion of the program. Reports from the treatment providers and the supervising staff shall be presented to the juvenile drug court judge as specified by the treatment plan or as ordered by the court.

B. 1. Upon the written or oral motion of the treatment provider, the district attorney, the defense attorney, the defendant, or the supervising staff, the juvenile drug court judge shall set a date for a hearing to review the juvenile offender, the treatment plan, and the provisions of the performance contract.

2. Notice shall be given to the offender and the other parties participating in the juvenile drug court case three (3) days before the hearing is held.

C. The judge may establish a regular schedule for progress hearings for any juvenile offender in the juvenile drug court program. The district attorney shall not be required to attend

regular progress hearings, but shall be required to be present upon the motion of any party to a juvenile drug court case.

D. The treatment provider, the supervising staff, the district attorney, and the defense attorney shall be allowed access to all information in the juvenile drug court case file of the offender and all information presented to the judge at any periodic review or progress hearing.

E. 1. The juvenile drug court judge shall recognize relapses and restarts in the program which are considered to be part of the rehabilitation and recovery process.

2. The judge shall accomplish monitoring and offender accountability by ordering progressively increasing sanctions or by providing incentives, rather than removing the offender from the program when relapse occurs, except when the conduct of the offender requires revocation from the program. Any revocation from the juvenile drug court program shall require notice to the offender and other participating parties in the case and a revocation hearing. At the revocation hearing, if the offender is found to have violated the conditions of the plea agreement or performance contract and disciplinary sanctions have been insufficient to gain compliance, the juvenile offender shall be revoked from the program and sentenced for the offense as provided in the adjudication agreement.

F. 1. Upon application of any participating party to a juvenile drug court case, the judge may modify a treatment plan at any hearing when it is determined that the treatment is not benefiting the juvenile offender. The primary objective of the judge in monitoring the progress of the juvenile offender and the treatment plan shall be to keep the offender in treatment for a sufficient time to change behaviors and attitudes.

2. Modification of the treatment plan requires a consultation with the treatment provider, supervising staff, district attorney, and the defense attorney in open court.

G. The judge shall be prohibited from amending the written adjudication after a juvenile offender has been admitted to the juvenile drug court program.

H. Nothing in this section shall be construed to limit the authority of the judge to remove an offender from the program and impose the required punishment stated in the adjudication after application, notice, and hearing.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.9 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The juvenile drug court program may be utilized as a disciplinary sanction for:

1. A violation of a condition of probation related to substance abuse for eligible offenses; or

2. In a case where the offender has been adjudicated for an eligible offense in the traditional manner, given either a deferred or suspended sentence, and has violated a condition of the sentence.

B. The judge shall not order an offender into treatment within the scope of any juvenile drug court program without prior approval from the designated juvenile drug court team.

C. Any judge, having a criminal case assigned where juvenile drug court processing appears to be more appropriate for the offender, may request a review of the case by the juvenile drug court team, or if no team is designated, a review by the district attorney and the defense attorney.

D. If both the district attorney and the defense attorney or offender agree, the case may be transferred to the juvenile drug court program with the approval of a designated juvenile drug court judge.

E. After a case has been transferred to the juvenile drug court docket, it shall continue with the designated juvenile drug court judge until the offender is revoked or released from the program.

The offenders whose cases have been transferred from a traditional criminal case docket to the juvenile drug court docket shall be required to have a juvenile drug court investigation and complete the juvenile drug court process prior to placement in any treatment program authorized by the Oklahoma Juvenile Drug Court Act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.10 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When an offender has successfully completed the juvenile drug court program prior to reaching eighteen (18) years of age, the criminal case against the juvenile offender shall be:

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

B. 1. The final disposition order for a juvenile drug court case shall be filed with the judge assigned to the case and shall indicate the sentence specified in the adjudication. A copy of the final disposition order for the juvenile 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 juvenile drug court program shall be marked with a pending notation until a final disposition order is entered in the juvenile drug court case.

2. After an offender completes the program, the juvenile 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 juvenile drug court case files without a court order.

C. A record pertaining to an offense resulting in a successful completion of a juvenile drug court program shall not, without the

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 juvenile 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 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.11 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. For purposes of the Oklahoma Juvenile Drug Court Act, the following state agencies shall jointly develop a standardized testing instrument with an appropriate scoring device for use by all the district courts in this state in implementing the Oklahoma Juvenile Drug Court Act:

1. The Department of Corrections;
2. The Administrative Office of the Courts;
3. The Department of Mental Health and Substance Abuse Services;
4. The State Department of Health;
5. The State Department of Education;
6. The Office of Juvenile Affairs; and
7. The Oklahoma Department of Career and Technology Education.

B. The Administrative Office of the Courts shall promulgate rules, procedures, and forms necessary to implement the Oklahoma Juvenile Drug Court Act to ensure statewide uniformity in procedures and forms. The Department of Mental Health and Substance Abuse Services is directed to develop a training and implementation manual for juvenile drug court programs with the assistance of the State Department of Health, the State Department of Education, the Oklahoma Department of Career and Technology Education, the Department of Corrections, the Office of Juvenile Affairs, and the Administrative Office of the Courts. The Department of Mental

Health and Substance Abuse Services shall provide technical assistance to the district courts in implementing juvenile drug court programs.

C. All participating agencies shall promulgate rules as necessary to comply with the provisions of the Oklahoma Juvenile Drug Court Act. Each district court shall establish rules for their jurisdiction upon implementation of a juvenile drug court program, pursuant to the provisions of the Oklahoma Juvenile Drug Court Act.

SECTION 12. This act shall become effective January 1, 2005.

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