ENROLLED HOUSE
BILL NO. 1405

By: Young, Askins, Blackwell, Ingmire, Winchester, Nance, Braddock and Dank of the House

and

Crutchfield, Myers and Bass of the Senate

An Act relating to juveniles; amending 10 O.S. 2001, Sections 7303-4.6, as amended by Section 4, Chapter 473, O.S.L. 2002 and 7303-5.5 (10 O.S. Supp. 2004, Section 7303-4.6), which relate to juvenile adjudication proceedings; adding juvenile drug court as option; providing for deferment of certain proceedings; modifying definitions; providing for certain hearings; providing for certain requests and consents; providing for objections; providing for certain denials; requiring stipulation of facts as condition of participation; requiring provisions and conditions be specified in plea agreement; providing for juvenile drug court investigation; providing for certain evidence; providing for certain photographic records; establishing final eligibility hearing; specifying certain considerations for final eligibility; requiring support for participation; requiring acceptance of personal jurisdiction of the court for certain persons; providing for acceptance into program; defining duration of participation; providing for certain progress reports; providing for revocation; providing for certain judicial discretion; allowing modification of responsibilities of certain persons for noncompliance; authorizing sanctions for noncompliance; establishing costs and fees; creating the Juvenile Drug Court Revolving Fund; directing expenditures; amending 63 O.S. 2001, Section 2-503.2, as last amended by Section 3, Chapter 437, O.S.L. 2003 (63 O.S. Supp. 2004, Section 2-503.2), which relates to assessment for violation of Uniform Controlled Dangerous Substances Act; providing for collection of certain funds for drug court and juvenile drug court; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7303-4.6, as amended by Section 4, Chapter 473, O.S.L. 2002 (10 O.S. Supp. 2004, Section 7303-4.6), is amended to read as follows:

Section 7303-4.6 A. If the court finds that the allegations of a petition alleging a child to be delinquent or in need of supervision are supported by the evidence, the court shall sustain the petition, and shall make an order of adjudication setting forth whether the child is delinquent or in need of supervision and shall adjudge the child as a ward of the court.

B. A court may defer delinquency adjudication proceedings or proceedings to determine if a child is in need of supervision for one hundred eighty (180) days if the child:

1. Is alleged to have committed or attempted to commit a delinquent offense that if committed by an adult would be a misdemeanor or that if committed by an adult would be grand larceny of property valued at One Hundred Dollars ($100.00) or less;

2. Waives the privilege against self-incrimination and testifies, under oath, that the allegations are true;

3. Has not been previously adjudicated a delinquent; and

4. Presents to the court an oral or written request to attend a Teen Court program or graduated sanctions program.

C. A court may defer delinquency adjudication proceedings for the duration of the juvenile drug court program if the child is participating in such a program.

D. The Teen Court program ~~or~~, graduated sanctions program, or juvenile drug court must be approved by the court.

~~D.~~ E. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the Teen Court program ~~or~~, graduated sanctions program or a juvenile drug court has been successfully completed.

~~E.~~ F. The court may require a child who requests a Teen Court program to pay a fee, as determined by the court, not to exceed Twenty Dollars ($20.00) to cover the costs of administration. The fee shall be deposited in the court clerk's official depository account. Eighty percent (80%) of the costs so paid shall be distributed to the organization sponsoring the Teen Court to be used for Teen Court operating expenses. The remaining twenty percent (20%) of the cost shall be paid by the court clerk to the court fund.

~~F.~~ G. A court may defer delinquency proceedings or proceedings to determine if a child is in need of supervision for one hundred eighty (180) days for any child that has not been previously adjudicated delinquent, if the child and, if required by the court, the parent or legal guardian of the child agree to participate in an alternative diversion program for first-time offenders that has been approved by the court. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the alternative diversion program for first-time offenders has been successfully completed. The records of a case dismissed pursuant to this subsection shall be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

~~G.~~ H. A court may defer delinquency proceedings for one hundred eighty (180) days for any child that has not been previously adjudicated delinquent, if the child agrees to participate in a military mentor program that has been approved by the court. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the military mentor program has been successfully completed. The records of a case dismissed pursuant to this subsection shall be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

~~H.~~ I. As used in this section:

1. "Alternative diversion programs for first-time offenders" means programs for juveniles who have been identified by law enforcement personnel, the district attorney, or the court as having committed acts which are not serious enough to warrant adjudication through the juvenile court process, but which do indicate a need for intervention to prevent further development toward juvenile delinquency. The program shall be administered, pursuant to contact with the Department of Juvenile Justice, by organizations designated as youth services agencies ~~in accordance with Section 7302-3.6 of this title~~ by law;

2. "Graduated sanctions program" means a program administered by the Office of Juvenile Affairs as defined in Section 7301-1.3 of this title or as otherwise approved by the court;

3. "Juvenile drug court", "juvenile drug court program" or "program" means a highly structured judicial intervention process for substance abuse treatment of eligible juveniles as set forth in Section 7303-5.5 of this title;

4. "Military mentor program" means a program administered by the Oklahoma Military Department as provided in Section 7303-5.3 of this title;

5. "Supervising staff" means a community provider assigned to monitor juveniles 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 drug court investigations; and

6. "Teen Court program" means a program which provides an alternative judicial forum for cases involving juvenile offenders, in which teenage participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, including jurors, lawyers, bailiffs and judges. Such program also may include participation by volunteer adult attorneys. The Teen Court hears cases involving juvenile offenders who are referred to the Teen Court by the district attorney or the district court and assesses sentences such as participation in community work projects, counseling or rehabilitation programs~~;~~

~~3. "Military mentor program" means a program administered by the Oklahoma Military Department as provided in Section 7303-5.3 of this title; and~~

~~4. "Graduated sanctions program" means a program administered by the Office of Juvenile Affairs or as otherwise approved by the Court as defined in Section 7301-1.3 of this title~~.

SECTION 2. AMENDATORY 10 O.S. 2001, Section 7303-5.5, is amended to read as follows:

Section 7303-5.5 A. The court is hereby authorized to establish a juvenile drug court similar to the authority of the Oklahoma Drug Court Act for the purpose of treating alleged ~~and~~ or adjudicated juveniles who have a ~~history of~~ substance abuse disorder. The Department of Mental Health and Substance Abuse Services shall assist in the establishment of juvenile drug courts.

B. At the hearing to defer delinquency adjudication proceedings for consideration of a juvenile for a juvenile drug court program, the district judge shall determine whether:

1. Any statutory preclusion, other prohibition, or program limitation exists and is applicable to considering the juvenile for the program;

2. The person responsible for the health or welfare of the juvenile, as defined by Section 7301-1.3 of this title, will actively support the participation of the juvenile in the program; and

3. The juvenile and the person responsible for the health or welfare of the juvenile consent to treatment as part of the juvenile's participation in a juvenile drug court program, including residential treatment, if residential treatment is deemed necessary and appropriate by the drug court team.

C. The district attorney may object to the consideration of a juvenile for the juvenile drug court program at the initial hearing.

D. If the juvenile and the person responsible for the health or welfare of the juvenile voluntarily consent to be considered for the juvenile drug court program and have signed and filed the required form requesting consideration, the court may refer the juvenile for a juvenile drug court investigation as provided in Section 3 of this act and set a date for a hearing to determine final eligibility for admittance into the program.

E. As a condition of participation in the juvenile drug court program, the juvenile shall stipulate to the facts of the case and the plea agreement shall specify the provisions and conditions of traditional processing should the juvenile be revoked from the drug court program.

F. Upon denial for consideration in the juvenile drug court program at the initial hearing, the case shall proceed as authorized by the Juvenile Code.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. When directed by the juvenile drug court judge, the treatment staff for the juvenile drug court program shall make an

investigation of the juvenile under consideration to determine whether the juvenile is a person who:

1. Would benefit from the juvenile drug court program; and

2. Is otherwise appropriate for the juvenile drug court program.

B. 1. The juvenile drug court investigation shall be conducted through a standardized screening test, personal interview, and home study. A more comprehensive assessment may take place at the time the juvenile 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 juvenile 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 age and physical condition of the juvenile,

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,

h. the willingness of the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, to actively support the participation of the juvenile in the program, and

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

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 juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, and the defense attorney.

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

2. For a juvenile 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 rehabilitation provisions specified before the scheduled hearing date for determining final eligibility.

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

4. The rehabilitation provisions of the plea agreement shall emphasize reparation to the victim, community, and state.

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.7 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. Any statement, or any information procured therefrom, made by the juvenile to any supervising staff, which is made during the course of any drug court investigation conducted by the supervising staff pursuant to Section 3 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.

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

3. In the event that a juvenile is denied admission to the drug court program or is subsequently revoked from the program, any information gained from the drug court investigation, any statements or information divulged during the drug court investigation or any treatment session shall not be used in the sentencing of the juvenile for the original adjudication.

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

B. 1. The juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, as consideration for entering the 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, which shall be retained by the person in charge of the property at the police department or sheriff's office.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.8 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The juvenile drug court judge shall conduct a hearing to determine final eligibility of the juvenile for the juvenile drug court program by considering:

1. Whether the juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, have voluntarily consented to the program requirements;

2. The findings and recommendations of the juvenile drug court investigation;

3. Whether there is a plea agreement, and if so, whether the terms and conditions of the plea agreement among the district attorney, the defense attorney, the juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, are appropriate and consistent with the provisions and conditions of other similar cases;

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

5. Any information relevant to determining eligibility. A juvenile shall not be denied admittance to any juvenile drug court program based upon the inability of the juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, to pay court costs or other costs or fees.

B. At the hearing to determine final eligibility of the juvenile for the juvenile drug court program, the judge shall not grant a juvenile 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 juvenile;

4. The juvenile was ineligible for consideration because of the nature of the offense at the time of arrest pursuant to subsection A of Section 471.2 of Title 22 of the Oklahoma Statutes and the charge was modified to meet the eligibility criteria of the program; or

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

C. The judge shall require the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, to demonstrate support for the participation of the juvenile in the program. In order for the juvenile to be admitted to the program, every person responsible for the health or welfare of the juvenile shall accept the personal jurisdiction of the court. Any adult who establishes a permanent residence in the home where the juvenile resides after the juvenile has been admitted to the program shall also accept the personal jurisdiction of the court.

D. 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 plea agreement previously negotiated or the court may continue the issue to a subsequent hearing.

2. The court shall determine whether to proceed and overrule the objection, to sustain the objection and transfer the case for traditional processing, or to require further negotiations of the plea agreement. The decision of the judge for or against eligibility and admission shall be final.

E. When the court accepts the treatment plan and plea agreement, the juvenile, upon entering the plea as agreed by the parties, shall be ordered immediately into the program. The juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, must have voluntarily signed the necessary court documents before the juvenile may be admitted to treatment. The court documents shall include:

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

2. A plea agreement which sets forth the offense charged;

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

4. A statement requiring the juvenile to enter the treatment program as directed by the court and to participate until completion, withdrawal, or removal by the court; and

5. A statement signed voluntarily by the person or persons responsible for the health or welfare of the juvenile that such person will comply with the orders of the court and any conditions of the treatment program and supervising staff for as long as the juvenile participates in the juvenile drug court program.

F. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the juvenile presents satisfactory evidence that the juvenile drug court program has been successfully completed.

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

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

I. 1. The period of time during which a juvenile 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. Any person admitted to a juvenile drug court program who becomes eighteen (18) years of age shall be eligible to complete the drug court 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.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.9 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The 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 during their period of participation in the 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 drug court judge as specified by the treatment plan or as ordered by the court.

B. Upon the written or oral motion of the treatment provider, the district attorney, the defense attorney, the juvenile, the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, or the supervising staff, the juvenile drug court judge shall set a

date for a hearing to review the progress of the juvenile and the treatment plan. Notice shall be given to the juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, and the other parties participating in the drug court case three (3) days before the hearing may be held.

C. The judge may establish a regular schedule for progress hearings for any juvenile in the 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 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 drug court case file of the juvenile and all information presented to the judge at any periodic review or progress hearing.

E. 1. The 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 juvenile accountability by ordering progressively increasing sanctions or providing incentives, rather than removing the juvenile from the program when relapse occurs, except when the conduct of the juvenile requires revocation from the program.

3. Any revocation from the drug court program shall require notice to the juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, and other participating parties in the case and a revocation hearing.

4. At the revocation hearing, if the juvenile is found to have violated the conditions of the plea agreement and disciplinary sanctions have been insufficient to gain compliance, the juvenile shall be revoked from the program and be sent to adjudication for the offense as provided in the plea agreement.

F. Upon application of any participating party to a drug court case, the judge may modify a treatment plan at any hearing when it is determined that the treatment is not beneficial to the juvenile. The primary objective of the judge in monitoring the progress of the juvenile and the treatment plan shall be to keep the juvenile in treatment for a sufficient time to change behaviors and attitudes. 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 plea agreement after a juvenile has been admitted to the drug court program. Nothing in this provision shall be construed to limit the authority of the judge to remove a juvenile from the program and proceed with adjudication or traditional processing of the juvenile as stated in the plea agreement after application, notice, and hearing.

H. The juvenile drug court judge shall be authorized to modify the responsibilities of any person responsible for the health and welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, for noncompliance with any condition established by the court. The juvenile drug court judge is also authorized to sanction the person responsible for the health and welfare of the juvenile for noncompliance of such person with any condition established in the court.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.10 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. 1. The juvenile drug court judge shall order the juvenile or the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, to pay court costs, treatment costs, drug-testing costs, a program user fee, and supervision fees unless the juvenile and the person responsible for the health or welfare of the juvenile are indigent.

2. The juvenile drug court judge shall establish a schedule for the payment of costs and fees.

B. 1. There is hereby created with the county treasurer of each county within this state a cash fund to be designated as the "Juvenile Drug Court Revolving Fund".

2. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received and any other monies designated by law for deposit into the fund.

3. All monies accruing to the credit of the fund are hereby appropriated and shall be expended by the juvenile drug court coordinator for the benefit and administration of the juvenile drug court program.

4. Claims against the fund shall include only expenses incurred for the administration of the juvenile drug court program and payment may be made after the claim is approved by the juvenile drug court team.

5. The necessary forms and procedures to account for the monies shall be developed and implemented by the Office of the State Auditor and Inspector.

C. 1. The cost for treatment, drug testing, supervision and program user fees shall be set by the juvenile drug court team and shall reflect actual expenses or rates established by the Department of Mental Health and Substance Abuse Services and made part of the court's order for payment.

2. The costs for drug testing, supervision, and program user fees shall be paid to the juvenile drug court coordinator for deposit into the county Juvenile Drug Court Revolving Fund.

3. The costs for treatment shall be paid to the respective juvenile drug court treatment provider or providers.

4. The court clerk shall collect all other costs and fees ordered.

D. 1. No court order for costs and fees shall be limited by any term of supervision, treatment, or extension thereof.

2. Court orders for costs and fees shall remain an obligation of the juvenile and the person responsible for the health or welfare of the juvenile, as defined in Section 7301-1.3 of Title 10 of the Oklahoma Statutes, with court monitoring until fully paid.

SECTION 8. AMENDATORY 63 O.S. 2001, Section 2-503.2, as last amended by Section 3, Chapter 437, O.S.L. 2003 (63 O.S. Supp. 2004, Section 2-503.2), is amended to read as follows:

Section 2-503.2 A. 1. Every person convicted of a violation of the Uniform Controlled Dangerous Substances Act or the Trafficking In Illegal Drugs Act~~, Section 2-414 et seq. of this title,~~ shall be assessed for each offense a sum of not less than One Hundred Dollars ($100.00) nor more than Three Thousand Dollars ($3,000.00).

2. The assessment shall be mandatory and in addition to and not in lieu of any fines, restitution costs, other assessments, or forfeitures authorized or required by law for the offense. The assessment required by this section shall not be subject to any order of suspension. The court shall order either a lump sum payment or establish a payment schedule.

3. Failure of the offender to comply with the payment schedule shall be considered contempt of court.

4. For purposes of collection, the assessment order shall not expire until paid in full, nor shall the assessment order be limited by the term of imprisonment prescribed by law for the offense, nor by any term of imprisonment imposed against the offender, whether suspended or actually served.

B. The assessment provided for in subsection A of this section shall be collected by the court clerk as provided for collection of fines and costs. When assessment payments are collected by the court clerk pursuant to court order, the funds shall be forwarded to the Department of Mental Health and Substance Abuse Services for deposit into its Drug Abuse Education and Treatment Revolving Fund created by ~~subsection C of Section 2-503.2 of~~ this ~~title~~ section.

C. 1. There is hereby created in the State Treasury a revolving fund for the Department of Mental Health and Substance Abuse Services to be designated the "Drug Abuse Education and Treatment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of assessments collected pursuant to this section, court-ordered assessments collected pursuant to Section 11-902 of Title 47 of the Oklahoma Statutes and Section 2-401 of this title, the Oklahoma Drug Court Act, Section 7 of this act, grants, gifts and other money accruing to the benefit of the fund and the Oklahoma Drug Court Act.

2. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Mental Health and Substance Abuse Services for treatment and drug testing of indigent substance abusing offenders pursuant to the Oklahoma Drug Court Act, Section 7303-5.5 of Title 10 of the

Oklahoma Statutes, and Sections 3 through 7 of this act, for substance abuse prevention, drug courts, and continuing education.

3. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

4. Monies expended from this fund shall not supplant other local, state, or federal funds.

SECTION 9. This act shall become effective November 1, 2005.

Passed the House of Representatives the 18th day of May, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the 19th day of May, 2005.

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Presiding Officer of the Senate