# CORRECTED PRINTING

**THE STATE SENATE**
**Tuesday, March 1, 2005**

# Senate Bill No. 740

## As Amended

SENATE BILL NO. 740 - By: MYERS and GUMM of the Senate and YOUNG of the House.

**[ juveniles – Juvenile Drug Court Act – establishing jurisdiction – prohibiting admission – providing for referral – codification – effective date ]**

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7303-5.5, is amended to read as follows:

Section 7303-5.5 ~~The~~

AUTHORITY TO ESTABLISH

A. This act shall be known and may be cited as the "Juvenile Drug Court Act".

B. Each district court of this state is hereby authorized to establish a juvenile drug court ~~similar to the authority of the Oklahoma Drug Court Act~~ for the purpose of ~~treating~~ providing substance abuse treatment for children alleged ~~and~~ to have committed a delinquent act or adjudicated ~~juveniles~~ delinquent and who have a history of substance abuse. Each juvenile drug court established



(Bold face denotes Committee Amendments)

shall conform to the provisions of this act and be subject to available funding.

C. The Department of Mental Health and Substance Abuse Services shall assist in the establishment of juvenile drug courts. The Department shall select and evaluate all juvenile drug court providers annually and each provider shall be required to be certified for participation in juvenile drug court programs and to treat children for substance abuse. The Department with the assistance of the Office of Juvenile Affairs is directed to develop a training manual for juvenile drug courts.

D. The Administrative Director of the Courts shall promulgate rules, procedures, and forms necessary to implement the Juvenile Drug Court Act to ensure statewide uniformity in procedures and forms. Each district court shall establish rules to comply with the provisions of this act upon implementation of a juvenile drug court.

E. Every agency participating in a juvenile drug court shall promulgate rules necessary to comply with the provisions of this act.

SECTION 2. 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:

JURISDICTION

Any juvenile drug court established pursuant to the provisions of this act shall have jurisdiction over the child admitted to the juvenile drug court program and the person or persons responsible for a juvenile's health or welfare as such terms are defined by Section 7301-1.3 of Title 10 of the Oklahoma Statutes.

SECTION 3. 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:

DOCKET AND DRUG COURT TEAM

A. Every juvenile drug court shall operate with specialized procedures and judicial monitoring, and a separate confidential docket from the traditional juvenile system. All hearings, records and information shall be confidential and not open to public inspection or disclosure.

B. 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 assign a juvenile judge to administer the juvenile drug court program. Whenever possible, a drug court team shall be designated consisting of a juvenile judge to administer the program, a district attorney and a defense attorney specializing in juvenile cases, and other persons designated by the drug court team who shall have appropriate understanding of the goals of the program and of the appropriate

treatment methods for the various conditions. The assignment of any person to the drug court team shall not preclude the assigned person from performing other duties required in the course of their office or employment. Defense and prosecution attorneys shall work in a non-adversarial role for the best interests of each child admitted to juvenile drug court. The juvenile drug court team shall recognize relapses and restarts as part of the rehabilitation and treatment process, and no child admitted to the program shall be revoked from the program solely for relapse, restart or subsequent use of substance while in the program.

C. The existence of a juvenile drug court docket shall not mandate the assignment of all substance abuse related cases to the juvenile drug court program; however, nothing in this act shall be construed to preclude the assignment of all juvenile cases relating to substance abuse or drug possession as provided by the rules established for the specific drug court program.

SECTION 4. 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:

INITIAL ELIGIBILITY

A. The following children shall be initially eligible for consideration in juvenile drug court as provided in this act:

Any child alleged to have committed a delinquent act or any child adjudicated delinquent and alleged to have committed a subsequent delinquent act who has a history of substance abuse, and who:

1. Demonstrates behaviors necessitating judicial intervention and monitoring;

2. Has a sibling that has been adjudicated a ward of the state and placed in a state institution or other out-of-home placement;

3. Is living with any person who abuses drugs or alcohol;

4. Has a parent or other family member convicted of any offense related to substance abuse, possession, distribution, manufacturing or trafficking or any violent offense;

5. Is living in foster care, with relatives or in other out-of-home placement due to the absence or neglect of a parent or a prior adjudication;

6. Is truant from school, has failing grades or causes behavior problems in school; or

7. Is not appropriate for informal adjustment to the alleged offense nor is appropriate for other substance abuse treatment, supervision or placement, in the discretion of the court.

B. Any child subject to a deferral of prosecution agreement, deferral to file agreement or a deferral sentence agreement, or placed in any community-based program, out-of-home placement or

institutional placement, or subject to parole, on the effective date of this act shall not be eligible for juvenile drug court on such case. Provided, however, the child may be considered on any subsequent alleged delinquent act as provided in subsection A of this section.

SECTION 5. 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:

REQUIREMENTS TO ADMISSION

A. Juvenile drug court is a non-adversarial judicial intervention and monitoring process requiring an eligible child to:

1. Voluntarily waive the privilege of self-incrimination and sign a written statement under oath that the allegations are true;

2. a. admit to having a history of substance abuse, being addicted to drugs or alcohol, or repeatedly using illegal substance, or

b. make an oral request for substance abuse treatment; and

3. Sign a written agreement to attend juvenile drug court that includes:

a. a written treatment plan,

b. an explanation of the juvenile drug court program and processes,

c. a statement of consequences and sanctions that may be imposed for noncompliance with any provisions of the program,

d. a written final disposition of the case explaining both the court's disposition order upon the successful completion of treatment and court-ordered conditions and the court's disposition order upon failure to complete the program, and

e. a statement signed voluntarily by the person or persons responsible for the juvenile's health and welfare that such person will comply with the orders of the court and any conditions of the treatment program and supervising authority.

B. No child shall be admitted to juvenile drug court without every item in subsection A of this section being voluntarily presented to the court. Provided, however, when the court has adjudged the child delinquent based upon a petition for delinquency and has entered the disposition in the case knowing that the child is a substance abuser, the judge may order and refer the child to juvenile drug court, notwithstanding the requirements of subsection A of this section, by suspending the imposition of the case disposition for a period up to three (3) years pending completion of or revocation from the drug court program. When the court suspends

the imposition of a case disposition to order a child into juvenile drug court, the court shall also order a lesser alternative disposition for a successful completion of the juvenile drug court program and provide a written statement describing the program processes and sanctions that may be imposed for noncompliance. The court shall have no authority to amend or modify the alternative disposition, except to dismiss the case.

SECTION 6. 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:

REFERRAL PROCEDURE AND HEARING

A. A child appearing to be initially eligible for juvenile drug court, as provided in Section 4 of this act, may be referred upon court intake or upon the court assuming custody of the child pursuant to subsection B of Section 7303-1.1 of Title 10 of the Oklahoma Statutes. An initial inquiry into the alleged delinquent act and a pre-adjudicatory substance abuse assessment shall be conducted as provided in Subsection B of Section 7302-5.1 of Title 10 of the Oklahoma Statutes and the child shall be referred for consideration when:

1. The child has a history of substance abuse and would benefit from structured treatment and monitoring;

2. The alleged delinquent act is eligible for juvenile drug court proceedings as specified by the rules of such court; and

3. The child is requesting substance abuse treatment together with the voluntary consent to treatment by the person or persons responsible for the juvenile's health and welfare or the child is otherwise amenable to treatment.

B. At any time on the court's own motion and prior to final disposition of the case, a child may be referred to juvenile drug court; provided, the court determines that judicial intervention for substance abuse treatment is in the best interests of the child based upon an investigation of the alleged delinquent act, the history of substance abuse, the report of a substance abuse assessment, and the amenability or prognosis of the child in treatment. A child otherwise eligible for a deferral of prosecution agreement, deferral to file agreement or a deferral sentence agreement shall not routinely be referred to juvenile drug court as part of the conditions for the agreement, unless such agreement has been violated and the child would likely benefit from a more highly structured judicial intervention and monitoring program in the discretion of the court.

C. The intake worker or person receiving the child into custody in a detention facility pending further court orders shall consider the eligibility of the child as provided in this act, and if deemed

to be initially eligible, such person shall submit a written form recommending the child for further consideration to juvenile drug court. The recommendation form shall be completed and delivered to the court within three (3) judicial days of intake or taking custody. The court shall set a hearing date not less than three (3) nor more than five (5) judicial days from the date of receiving the recommendation form. The district attorney and the defense attorney shall review the recommendation form and may make a written objection to the child participating in juvenile drug court; however, the decision of the judge to accept the child into juvenile drug court is a final order not subject to appeal.

D. At the hearing to consider a recommendation to juvenile drug court, the judge shall consider any written objections filed by the district attorney or defense attorney. The judge may order further investigation into the alleged delinquent act if it appears warranted or if the waiver and admission statement required by paragraph 1 of subsection A of Section 5 of this act have not been previously signed and submitted to the court. The judge shall order a pre-adjudicatory substance abuse assessment, if not completed at the time of intake or taking the child into custody. When the pre-adjudicatory substance abuse assessment indicates treatment needs appropriate for juvenile drug court, a treatment plan shall be submitted to the court with the assessment report. The court shall

review the documents required in subsection A of Section 5 of this act along with the investigation of the delinquent act and the assessment report and treatment plan and make an inquiry into the availability of treatment for the child. Upon a finding by the court that the child is both eligible for and would benefit from the available treatment in juvenile drug court, the court may defer further delinquency proceedings and immediately admit the child for juvenile drug court processing together with the person or persons responsible for the juvenile's health and welfare. When a child is ordered to juvenile drug court, the juvenile matter shall be immediately transferred to the juvenile drug court docket until completion or revocation from the program.

E. The court shall not admit a child to juvenile drug court if:

1. The delinquent act is prohibited by law or rule from participation in juvenile drug court;

2. The treatment provider is unwilling or unable to accept the child for treatment;

3. A treatment plan and case disposition has not been provided in writing;

4. The child has refused to waive self-incrimination and admit to the delinquent act or the child has been found not guilty of such act by the court;

5. The treatment funding is exhausted and no other treatment option is available, including self pay by the person responsible for the juvenile's health and welfare; or

6. The child is inappropriate for juvenile drug court in the discretion of the judge.

F. Any child admitted to juvenile drug court shall receive court-ordered treatment prior to the final disposition of the juvenile matter together with judicial monitoring and supervision until the program is either completed or the child revoked from the program. All parties are prohibited from amending, altering or modifying any agreement signed in consideration for juvenile drug court, including the order of final disposition for completion of the program and the alternate disposition for failure to complete the program, except the court may dismiss the matter and modify the treatment plan.

G. A referral to the juvenile drug court program shall not require a petition for delinquency to be filed. When a petition for delinquency is filed, the child may be subsequently referred to juvenile drug court upon the court's own motion, motion of the defense attorney or the district attorney, or as otherwise authorized by this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.11 of Title 10, unless there is created a duplication in numbering, reads as follows:

USE OF INFORMATION

A. Information gained from the substance abuse assessment required by this act shall be used only for substance abuse treatment and judicial determination of eligibility for juvenile drug court and for no other purpose. The results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding or as the sole basis for any revocation from any placement or participation in any program.

B. The results of the substance abuse assessment may be given to the court, the child's intake, probation or parole counselor, the person responsible for the child’s health and welfare, the child's attorney or the district attorney in the case. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of Title 10 of the Oklahoma Statutes, the results of the substance abuse assessment may also be made available to medical personnel, therapists, school personnel or others for use in the treatment and rehabilitation of the child.

C. In the event that a child is denied admission to the juvenile drug court program or is subsequently revoked from the

program, any information gained from the substance abuse assessment, investigation, and any statements or information divulged in any treatment session shall not be used in the dispositional hearing of the case referred for regular processing.

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

E. 1. As consideration for entering the juvenile drug court program, parties must consent to a full and complete photographic record of property which was to be used as evidence in the pending delinquency case. The photographic record shall be competent evidence of such property and admissible in any juvenile 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 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.12 of Title 10, unless there is created a duplication in numbering, reads as follows:

SANCTIONS, REVOCATION AND DISMISAL

A. The juvenile drug court judge is authorized to use disciplinary sanctions and incentives appropriate for juveniles and allowed by law including, but not limited to:

1. Temporary detention not exceeding three (3) days, including but not limited to, night and weekend detention;

2. Random or routine drug testing;

3. Supervision, including but not limited to, intensive supervision, electronic monitoring, mentoring, tracking, and shadowing in school;

4. Inpatient or outpatient treatment;

5. Out-of-home placement not exceeding five (5) days;

6. Short-term intensive, highly structured placement not exceeding thirty (30) days;

7. Day treatment;

8. Transitional programs;

9. Literacy and school attendance; and

10. Denial or suspension of privileges, including but not limited to, driver license, vehicle registration, use of vehicle, and control of personal time and activities, such as sports, hobbies, social activities, association with friends, music, computers, telephone privileges or extracurricular school activities.

B. Any child ordered to participate in juvenile drug court may be revoked from such program for noncompliance after the court has ordered repeated sanctions over a period of time to gain compliance with treatment and supervisory conditions but the child has failed to respond or adequately participate in the program. Upon the court's own motion, or a motion of the district attorney or defense attorney, the court shall set a hearing and notice of revocation shall be given to the child, the person responsible for the child's health and welfare, the child's attorney, the district attorney and all parties participating in the program. The notice of revocation shall be given not less than three (3) judicial days before the hearing to revoke the child from juvenile drug court. At the revocation hearing testimony may be taken and if the child is found to have violated the conditions of the program and disciplinary sanctions have been insufficient to gain compliance, the child shall be revoked from the program and referred back to the traditional juvenile docket for final case disposition as provided in the

written agreement. When a child is revoked from juvenile drug court, the delinquency case shall be brought on for final dispositional hearing and the case disposed as provided in the written agreement. No other proceedings shall be necessary and no evidentiary hearing conducted since the written agreement entered at the time of admission to juvenile drug court finally determined the juvenile's guilt and the penalty to be imposed for the delinquent act.

C. The juvenile matter or any petition for delinquency pending at the time of juvenile drug court acceptance shall be dismissed with prejudice when the child successfully completes the drug court program. If the child fails to complete the drug court program, the matter shall be referred back to the traditional juvenile docket for final disposition as specified by the written agreement for final disposition that was signed by the judge, district attorney, defense attorney, child, child's attorney or parent or legal guardian for the child at the time of admittance to the drug court program.

D. The juvenile drug court judge is authorized to sanction any parent, legal guardian or other adult living in the home of the child for noncompliance with any condition established by the court for juvenile drug court treatment.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.13 of Title 10, unless there is created a duplication in numbering, reads as follows:

MONITORING OF TREATMENT

A. The designated juvenile drug court judge shall make all judicial decisions concerning any case assigned to the juvenile drug court docket and program. The judge shall require progress reports and a periodic review of each child during participation in the juvenile drug court program. Reports from the treatment providers and the supervisory agency shall be presented to the juvenile 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, or the supervisory agency, the drug court judge shall set a date for a hearing to review the child's progress and the treatment plan. Notice shall be given to the child, the person or persons responsible for the child's health and welfare, and the other parties participating in the drug court case at least three (3) judicial days before the hearing may be held.

C. The judge may establish a regular schedule for progress hearings for any child 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 supervisory agency, the district attorney, and the defense attorney shall be allowed access to all information in the child's drug court case file and all information presented to the judge at any periodic review or progress hearing.

E. The judge shall accomplish monitoring and accountability by ordering progressively increasing sanctions or providing incentives, rather than removing the child from the program when relapse occurs, except when the child's conduct requires revocation from the program. Any revocation from the juvenile drug court program shall require notice to the child and the person or persons responsible for the child’s health and welfare and other participating parties in the case as provided in Section 7 of this act.

F. 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 child. The primary objective of the judge in monitoring the progress of the child and the treatment plan shall be to keep the child in treatment for a sufficient time to change behaviors and attitudes. Modification of the treatment plan requires a consultation with the treatment provider, supervisory agency, district attorney, and the defense attorney in open court.

G. The judge shall be prohibited from amending any written agreement for final disposition after the child has been admitted to the juvenile drug court program, unless the judge determines to reduce the terms of the agreement as an incentive. Any reduction in the terms of the disposition shall not thereafter be modified. Nothing in this provision shall be construed to limit the authority of the judge to remove a child from the juvenile drug court program and impose the required final disposition agreement after application, notice, and hearing.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.14 of Title 10, unless there is created a duplication in numbering, reads as follows:

PROGRAM DURATION

A. The active treatment phase of the juvenile drug court program shall be not less than three (3) months nor more than twelve (12) months and may be conducted either as outpatient, inpatient or a combination of both depending on the needs of the child. The treatment phase may be repeated due to relapse, restart and subsequent use of substance. Aftercare shall not be consider in the time period for active treatment, but shall coincide with supervision. The supervision phase is a probationary period during and following the active treatment phase with random drug testing and sanctions for noncompliance of rules and conditions. The

supervision phase shall be not less than six (6) months nor more than twenty-four (24) months following the active treatment phase. The entire juvenile drug court program shall not exceed three (3) years from the initial acceptance into treatment program until the date of final discharge from supervision and court monitoring, and may extend to age nineteen (19) years notwithstanding any provision of law terminating jurisdiction at any other age.

B. A person having participated in juvenile drug court, whether successfully completing the program or revoked, may thereafter participate in an adult drug court pursuant to Section 471 et seq. of Title 22 of the Oklahoma Statutes notwithstanding any prohibition to having prior drug court participation during the preceding five (5) years. No juvenile drug court case shall be transferred to any adult drug court for any reason. No provision of any adult drug court law or rule shall apply to a child participating in any juvenile drug court program.

C. No person participating in juvenile drug court shall be required to admit or disclose such participation to any person or in any subsequent adult proceeding, or for purposes of employment.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7303-5.15 of Title 10, unless there is created a duplication in numbering, reads as follows:

COST AND FEES

A. The court may order the person or persons responsible for the juvenile's health and welfare to pay all or part of the costs of juvenile drug court treatment and supervision based upon ability to pay. Costs of treatment shall be paid directly to the treatment provider based on a sliding scale. Costs of supervision shall be paid directly to the supervisory authority providing probation or other supervisory services. The court shall not be authorized to act as a treatment provider or supervisory agency and shall not collect any fees directly.

B. A program user fee may be assessed by the court not exceeding Twenty Dollars ($20.00) per month in addition to any other court-ordered costs or fees. The program user fee shall be collected by the court clerk and deposited into the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes. The court clerk shall be entitled to retain five percent (5%) of each program user fee collected pursuant to this subsection. Such fee when collected shall be deposited in the court fund.

C. Any treatment provider or supervision authority not receiving the agreed-upon payment from the person responsible for the juvenile's health and welfare shall notify the court. Upon notice that the court-ordered costs and fees are not being paid, the court shall set a hearing and notify all parties. At the hearing

the court shall determine whether the person had the ability to pay and willfully refused payment. For willful failure to pay as directed, the court shall hold the person responsible in contempt of court. For inability to pay as directed, the court may set a new payment schedule and amount to be collected by the court clerk.

D. No court order for costs and fees shall be limited by the age of the juvenile or the term of the juvenile drug court program, and such court order for costs and fees shall remain an obligation of the person responsible for the juvenile's health and welfare until fully paid.

E. Any person ordered to pay costs and fees for a child admitted to juvenile drug court may file a motion at any time for reconsideration of the amount or payment schedule when the financial circumstances or ability to pay have changed. Upon such motion for reconsideration of costs and fees, the court shall set a hearing and may modify, amend or dismiss any previously ordered cost or fee.

F. No person shall be refused or revoked from juvenile drug court solely for inability to pay costs or fees.

SECTION 12. AMENDATORY 10 O.S. 2001, Section 7302-5.1, is amended to read as follows:

Section 7302-5.1 A. The Department of Juvenile Justice shall provide intake, probation and parole services for juveniles and may enter into agreements to supplement probationary services to

1 juveniles in any county. The Department may participate in federal
2 programs for juvenile probation officers, and may apply for,
3 receive, use and administer federal funds for such purpose.
4 B. A pre-adjudicatory substance abuse assessment of a child may
5 be conducted in conjunction with a court intake or preliminary
6 inquiry pursuant to an alleged delinquent act or upon admission to a
7 juvenile detention facility through the use of diagnostic tools
8 including, but not limited to, urinalysis, structured interviews or
9 substance abuse projective testing instruments. A pre-adjudicatory
10 substance abuse assessment shall be conducted for every child
11 recommended to juvenile drug court as provided in this act.
12 1. Information gained from the substance abuse assessment
13 pursuant to this subsection shall be used only for substance abuse
14 treatment and for no other purpose. The results shall not be used
15 in any evidentiary or fact-finding hearing in a juvenile proceeding
16 or as the sole basis for the revocation of a community-based
17 placement or participation in a community-based program.
18 2. The results of the substance abuse assessment may be given
19 to the child's intake, probation or parole counselor, the parent or
20 guardian of the child or to the child's attorney. In accordance
21 with the guidelines established pursuant to the Serious and Habitual
22 Juvenile Offender Program and Section 620.6 of this title, the
23 counselor may also provide the results of the substance abuse

assessment to medical personnel, therapists, school personnel or others for use in the treatment and rehabilitation of the child.

C. In accordance with the guidelines adopted pursuant to the Serious and Habitual Juvenile Offender Program, the Department of Juvenile Justice and the juvenile bureaus shall implement:

1. Court intake risk-assessment for children alleged or adjudicated to be delinquent;

2. The imposition of administrative sanctions for the violation of a condition of probation or parole;

3. A case management system for ensuring appropriate:

a. diversion of youth from the juvenile justice system,

b. services for and supervision of all youth on pre-adjudicatory or postadjudicatory probation or on parole, and for juvenile offenders in the custody of the Department of Juvenile Justice, and

c. intensive supervision of serious and habitual offenders and communication between law enforcement and juvenile court personnel and others regarding such offenders; and

4. Guidelines for juvenile court personnel recommendations to district attorneys regarding the disposition of individual cases by district attorneys.

D. 1. The Department of Juvenile Justice shall establish directly and by contract, the services necessary to implement the Serious and Habitual Juvenile Offender Program including, but not limited to:

a. misdemeanor and non-serious first-time offender programs,

b. tracking and mentor services,

c. weekend detention,

d. five-day out-of-home sanction placements,

e. short-term thirty-day intensive, highly structured placements,

f. transitional programs,

g. substance abuse treatment and diagnostic and evaluation programs, and

h. day treatment programs.

2. In implementing these services, the Department shall give priority to those areas of the state having the highest incidences of juvenile crime and delinquency.

E. 1. The following entities shall conduct, upon adjudication of a child as a delinquent or in need of supervision<u>, or a child in consideration of juvenile drug court,</u> unless such child has been previously assessed within the six (6) months prior to such intake, a literacy skills assessment:

a. the Department of Juvenile Justice,

b. a first-time offender program within a designated youth services agency,

c. any metropolitan county juvenile bureau, or

d. any county operating a juvenile bureau.

2. Such assessment shall be conducted through the use of diagnostic tools which include, but are not limited to:

a. structured interviews,

b. standardized literacy testing instruments which measure the educational proficiency of the child, and

c. any other measure used to determine:

(1) whether a child is reading at an age-appropriate level, and

(2) the child's capacity to read at such level.

3. The results of the literacy skills assessment required pursuant to this subsection shall be made available to the court by the district attorney for use in the disposition phase; provided, however, the results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding to determine whether a juvenile should be adjudicated. Provided, further, such results shall not be used as the sole basis for the revocation of a community-based placement ~~or~~, participation in a community-based program, or participation in a juvenile drug court program.

4. a. Upon request, the results of the literacy skills assessment shall be given to the following:

(1) the child's intake, probation or parole counselor,

(2) the parent or guardian of the child, or

(3) the child's attorney.

b. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of this title, the counselor may also provide the results of the literacy skills assessment to therapists, school personnel or others for use in the training and rehabilitation of the child.

5. a. If the child is a juvenile placed in an institution or facility operated by the Department, the child shall be assessed and a literacy improvement program shall be implemented in accordance with Sections 7302-6.1 and 7302-6.3 of this title.

b. If the child is adjudicated delinquent or in need of supervision or is being detained as part of a deferral of prosecution agreement, deferral to file agreement or a deferral sentence agreement, and the results of the literacy skills assessment show that the child is

not reading at an age-appropriate level but has the capacity to improve his or her reading skills, the child shall be required to actively participate in a literacy skills improvement program which may include, but not be limited to, a program of instruction through a public or private school, including any technology center school, of this state or any other state. The child shall provide documentation of substantial quantifiable literacy improvement, sufficient to demonstrate reading proficiency at an age-appropriate or developmentally appropriate level; provided, however, failure to demonstrate substantial quantifiable literacy improvement shall not be the sole basis for not dismissing a case against a child.

SECTION 13. AMENDATORY 10 O.S. 2001, Section 7303-1.1, as amended by Section 24, Chapter 327, O.S.L. 2002 (10 O.S. Supp. 2004, Section 7303-1.1), is amended to read as follows:

Section 7303-1.1 A. A child may be taken into custody prior to the filing of a petition alleging that the child is delinquent or in need of supervision:

1. By a peace officer, without a court order for any criminal offense for which the officer is authorized to arrest an adult without a warrant, or if the child is willfully and voluntarily

absent from the home of the child without the consent of the parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or if the child's surroundings are such as to endanger the welfare of the child;

2. By an employee of the court without a court order, if the child is willfully and voluntarily absent from the home of the child without the consent of the parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or if the child's surroundings are such as to endanger the welfare of the child;

3. Pursuant to an order of the district court issued on the application of the office of the district attorney. The application presented by the district attorney shall be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that there is probable cause to believe the child has committed a crime or is in violation of the terms of probation, parole or order of the court;

4. By order of the district court pursuant to subsection E of this section when the child is in need of medical or mental health treatment or other action in order to protect the child's health or

welfare and the parent, legal guardian, legal custodian or other person having custody or control of the child is unwilling or unavailable to consent to such medical or mental health treatment or other action; and

5. Pursuant to an emergency ex parte or a final protective order of the district court issued pursuant to the Protection from Domestic Abuse Act.

Any child referred to in this subsection shall not be considered to be in the custody of the Office of Juvenile Affairs.

B. Whenever a child is taken into custody as a delinquent child or a child in need of supervision pursuant to subsection A of this section, the child shall be detained, held temporarily in the custodial care of a peace officer or other person employed by a police department, or be released to the custody of the child's parent, legal guardian, legal custodian, attorney or other responsible adult, upon the written promise of such person to bring the child to the court at the time fixed if a petition is to be filed and to assume responsibility for costs for damages caused by the child if the child commits any delinquent acts after being released regardless of whether or not a petition is to be filed. It shall be a misdemeanor for any person to sign the written promise and then fail to comply with the terms of the promise. Any person convicted of violating the terms of the written promise shall be

subject to imprisonment in the county jail for not more than six (6) months or a fine of not more than Five Hundred Dollars ($500.00) or both such fine and imprisonment. In addition, if a parent, legal guardian, legal custodian, attorney or other responsible adult is notified that the child has been taken into custody, it shall be a misdemeanor for such person to refuse to assume custody of the child within a timely manner. If detained, the child shall be taken immediately before a judge of the district court in the county in which the child is sought to be detained, or to the place of detention or shelter designated by the court. If no judge be available locally, the person having the child in custody shall immediately report the detention of the child to the presiding judge of the judicial administrative district, provided that the child shall not be detained in custody beyond the next judicial day or for good cause shown due to problems of arranging for and transporting the child to and from a secure juvenile detention center, beyond the next two (2) judicial days unless the court shall so order after a detention hearing to determine if there exists probable cause to detain the child. The child shall be present at the detention hearing or the image of the child may be broadcast to the judge by closed-circuit television or any other electronic means that provides for a two-way communication of image and sound between the child and the judge. If the latter judge cannot be reached, such

detention shall be reported immediately to any judge regularly serving within the judicial administrative district. If detained, a reasonable bond for release shall be set. Pending further disposition of the case, a child whose custody has been assumed by the court may be released to the custody of a parent, legal guardian, legal custodian, or other responsible adult or to any other person appointed by the court, or be detained pursuant to Article IV of the Oklahoma Juvenile Code in such place as shall be designated by the court, subject to further order. Any child detained or released to the custody of a parent, legal guardian, legal custodian, or other responsible adult or to any person appointed by the court, may be considered for juvenile drug court and have the juvenile case expedited as provided in this act. Any bond shall be released upon acceptance into the juvenile drug court program.

C. When any child is taken into custody pursuant to this title and it reasonably appears to the peace officer, employee of the court or person acting pursuant to court order that the child is in need of medical treatment to preserve the health of the child, any peace officer, any employee of the court or person acting pursuant to court order shall have the authority to authorize medical examination and medical treatment for any child found to be in need of medical treatment as diagnosed by a competent medical authority

in the absence of the child's parent, legal guardian, legal custodian, or other person having custody and control of the child who is competent to authorize medical treatment. The officer or the employee of the court or person acting pursuant to court order shall authorize said medical treatment only after exercising due diligence to locate the child's parent, legal guardian, legal custodian, or other person legally competent to authorize said medical treatment. The child's parent, legal guardian, legal custodian, or other person having custody and control shall be responsible for such medical expenses as ordered by the court. No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this section for any child found in need of such medical treatment shall have any liability, civil or criminal, for giving such authorization.

D. A child who has been taken into custody as otherwise provided by this Code who appears to be a minor in need of treatment may be admitted to a mental health or substance abuse treatment facility on an emergency basis or for an inpatient evaluation or for treatment only in accordance with the provisions of the Inpatient Mental Health and Substance Abuse Treatment of Minors Act. The child's parent, legal guardian, legal custodian, or other person having custody and control shall be responsible for such mental health expenses as ordered by the court. No peace officer, any

employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this section for any child found in need of such mental health evaluation or treatment shall have any liability, civil or criminal, for giving such authorization.

E. 1. A child may be taken into custody pursuant to an order of the court specifying that the child is in need of medical treatment or other action to protect the child's health or welfare and the parent, legal guardian, legal custodian, or other responsible adult having custody or control of a child is unwilling or unavailable to consent to such medical treatment or other action.

2. If the child is in need of immediate medical treatment or other action to protect the child's health or welfare, the court may issue an emergency ex parte order upon application of the district attorney of the county in which the child is located. The application for an ex parte order may be verbal or in writing and shall be supported by facts sufficient to demonstrate to the court that there is reasonable cause to believe that the child is in need of immediate medical treatment or other action to protect the child's health or welfare. The emergency ex parte order shall be in effect until a full hearing is conducted. A copy of the application, notice for full hearing and a copy of any ex parte order issued by the court shall be served upon such parent, legal

guardian, legal custodian, or other responsible adult having custody or control of the child. Within twenty-four (24) hours of the filing of the application the court shall schedule a full hearing on the application, regardless of whether an emergency ex parte order had been issued or denied.

3. Except as otherwise provided by paragraph 2 of this ~~section~~ subsection, whenever a child is in need of medical treatment to protect the child's health or welfare, or whenever any other action is necessary to protect the child's health or welfare, and the child's parent, legal guardian, legal custodian, or other person having custody or control of the child is unwilling or unavailable to consent to such medical treatment or other action, the court, upon application of the district attorney of the county in which the child is located, shall hold a full hearing within five (5) days of filing the application. Notice of the hearing and a copy of the application shall be served upon the parent, legal guardian, legal custodian, or other person having custody or control of the child.

4. At any hearing held pursuant to this subsection, the court may grant any order or require such medical treatment or other action as is necessary to protect the health or welfare of the child.

5. a. The parent, legal guardian, legal custodian, or other person having custody or control of the child shall be

responsible for such medical expenses as ordered by the court.

b. No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this subsection for any child found in need of such medical treatment shall have any liability, civil or criminal.

SECTION 14. AMENDATORY 10 O.S. 2001, Section 7303-1.3, as last amended by Section 7, Chapter 3, O.S.L. 2003 (10 O.S. Supp. 2004, Section 7303-1.3), is amended to read as follows:

Section 7303-1.3 A. The court may provide by rule who shall make a preliminary inquiry to determine whether the interests of the public or of the child who is within the purview of the Oklahoma Juvenile Code require that further court action be taken. Provided, that where intake is to be provided by the Department of Juvenile Justice under contract with the Supreme Court, or under the provision of rules issued by the Supreme Court, the preliminary inquiry shall follow the uniform contractual procedures as agreed to by the Supreme Court and the Department. If it is determined by the preliminary inquiry that no further action be taken and if agreed to by the district attorney, the person or the court may make such informal adjustment as is practicable without a petition.

B. A petition in a juvenile proceeding may be filed by the district attorney to determine if further action is necessary. The proceeding shall be entitled "In the matter of _____, an alleged (delinquent) or (a child alleged to be in need of supervision)".

The petition shall be verified and may be upon information and belief. It shall set forth:

1. With particularity facts which bring the child within the purview of the Oklahoma Juvenile Code;

2. The name, age and residence of the child;

3. The names and residences of the parents of the child;

4. The name and residence of the legal guardian of the child, if applicable;

5. The name and residence of the person or persons having custody or control of the child;

6. The name and residence of the nearest known relative, if no parent or guardian can be found;

7. The relief requested; and

8. The specific federal law, state law or municipal ordinance under which the child is charged, and an endorsement of witnesses intended to be called by the petitioner, where the child is sought to be adjudged a delinquent child.

If a termination of parental rights is desired, it must be stated in the petition and summons, and if an order for the payment of funds for the care and maintenance of the child is desired, it must be stated in the petition and summons. If any of the facts herein required are not known by the petitioner, the petition shall so state, along with the reasons why the facts are not known to the petitioner.

C. A petition alleging a child to be a minor in need of treatment shall be filed by a district attorney pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act.

D. A copy of the petition shall be attached to and delivered with the summons.

E. A district attorney may defer filing a petition alleging a child to be delinquent or in need of supervision for a period of ninety (90) days if the child participates in a teen court program, a graduated sanctions program or a first-time offender program, as defined in Section 7303-4.6 of this title. If the child successfully completes the program, the district attorney shall not file the petition. The records of a case for which a petition is not filed shall be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

<u>F. A district attorney may defer filing a petition alleging a child to be delinquent or defer filing a subsequent petition on a</u>

previously adjudicated delinquent pursuant to a written agreement for admission to juvenile drug court as provided in this act. If the child successfully completes the juvenile drug court program, the district attorney shall not thereafter file the petition. The records of a case for which a petition is not filed shall be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

SECTION 15. AMENDATORY 10 O.S. 2001, Section 7303-1.4, as amended by Section 3, Chapter 473, O.S.L. 2002 (10 O.S. Supp. 2004, Section 7303-1.4), is amended to read as follows:

Section 7303-1.4 A. If a child has been taken into custody pursuant to the provisions of the Juvenile Justice Code before a petition has been filed, a petition shall be filed and a summons issued within five (5) judicial days from the date of such assumption of custody, or custody of the child shall be relinquished to the child's parent, legal guardian, legal custodian, or other responsible adult, ~~unless~~ except as provided for admission into the juvenile drug court program pursuant to the provisions of this act or otherwise provided for in the Oklahoma Juvenile Code.

B. No order of the court providing for the initial or continued removal of a child alleged or adjudicated delinquent or in need of supervision from the child’s home shall be entered unless the court finds that the continuation of the child in the home of the child is

contrary to the welfare of the child. The order shall include either:

1. A determination as to whether or not reasonable efforts have been made to prevent the need for the removal of the child from the home or, as appropriate, reasonable efforts have been made to provide for the return of the child to the home; or

2. A determination as to whether or not an absence of efforts to prevent the removal of the child from the home is reasonable upon consideration of the family circumstances, the safety of the child and the protection of the public; or

3. A determination that reasonable efforts to prevent the removal of the child from the home or to reunify the child and family are not required because:

a. a court of competent jurisdiction has determined that the parent has subjected the child to one of the following aggravated circumstances: abandonment, torture, chronic abuse, sexual abuse or chronic, life-threatening neglect of the child,

b. a court of competent jurisdiction has determined that the parent has been convicted of one of the following:

(1) murder of another child of the parent,

(2) voluntary manslaughter of another child of the parent,

(3) aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter, or

(4) a felony assault that results in serious bodily injury to the child or another child of the parent, or

c. the parental rights of the parent with respect to a sibling have been terminated involuntarily.

C. For purposes of this section and Sections 7303-1.1 and 7303-1.2 of this title, "responsible adult" means a stepparent, foster parent, person related to the juvenile in any manner who is eighteen (18) years of age or older, or any person having an obligation and authority to care for or safeguard the juvenile in another person's absence who is eighteen (18) years of age or older.

SECTION 16. 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. <u>The court shall defer</u>

delinquency adjudication proceedings or any proceedings on a subsequent allegation of delinquency for any child previously adjudicated delinquent when the child is referred to and admitted to juvenile drug court as provided in this act.

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. The Teen Court program or graduated sanctions program must be approved by the court.

D. 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 has been successfully completed.

E. 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. 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. 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. 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~~ the provisions of this title;

2. "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 17. AMENDATORY 22 O.S. 2001, Section 471.1, is amended to read as follows:

Section 471.1 A. For purposes of this act, "drug court", "drug court program" or "program" means an immediate and highly structured judicial intervention process for substance abuse treatment of eligible offenders which expedites the criminal case, and requires successful completion of the plea agreement in lieu of incarceration.

B. Each district court of this state is authorized to establish a drug court program pursuant to the provisions of this act, subject to availability of funds. Juvenile drug courts may be established ~~based upon the provisions of this act; provided, however, juveniles shall not be held, processed, or treated in any manner which violates any provision~~ as provided in Section 7303-5.5 of Title 10 of the Oklahoma Statutes and Sections 2 through 11 of this act and are not subject to the provisions of the Oklahoma Drug Court Act.

C. Drug court programs shall not apply to any violent criminal offense. Eligible offenses may further be restricted by the rules of the specific drug court program. Nothing in this act shall be construed to require a drug court to consider every offender with a treatable condition or addiction, regardless of the fact that the controlling offense is eligible for consideration in the program. Traditional prosecution shall be required where an offender is determined not appropriate for the drug court program.

D. Drug court programs shall require a separate judicial processing system differing in practice and design from the traditional adversarial criminal prosecution and trial systems. Whenever possible, a drug court team shall be designated consisting of a judge to administer the program, a district attorney, a defense attorney, and other persons designated by the drug court team who shall have appropriate understanding of the goals of the program and

of the appropriate treatment methods for the various conditions. The assignment of any person to the drug court team shall not preclude the assigned person from performing other duties required in the course of their office or employment. The chief judge of the judicial district, or if the district has more than one chief judge than the presiding judge of the Administrative Judicial District, shall designate one or more judges to administer the drug court program. The assignment of any judge to a drug court program or the designation of a drug court docket shall not mandate the assignment of all substance abuse related cases to the drug court docket or the program; however, nothing in this act shall be construed to preclude the assignment of all criminal cases relating to substance abuse or drug possession as provided by the rules established for the specific drug court program.

E. When a drug court program is established, the arresting officer shall file the criminal case record for potentially eligible offenders with the district attorney within four (4) days of the arrest. The district attorney shall file an information in the case within twenty-four (24) hours of receipt of the criminal case record when the offender appears eligible for consideration for the program. The information may be amended as necessary when an offender is denied admittance into the drug court program or for other purposes as provided in Section 304 of Title 22 of the

Oklahoma Statutes. Any person arrested upon a warrant for his or her arrest shall not be eligible for the drug court program without the approval of the district attorney. Any criminal case which has been filed and processed in the traditional manner shall be cross-referenced to a drug court case file by the court clerk, if the case is subsequently assigned to the drug court program. The originating criminal case file shall remain open to public inspection. The judge shall determine what information or pleadings are to be retained in the drug court case file, which shall be closed to public inspection.

F. 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 drug court program 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 offenders admitted to the program. All participating state and local agencies are directed to coordinate with each other and cooperate in assisting the district court in establishing a drug court program.

G. Each drug court program shall ensure, but not be limited to:

1. Strong linkage between participating agencies;

2. Access by all participating parties of a case to information on the offender's progress;

3. Vigilant supervision and monitoring procedures;

4. Random substance abuse testing;

5. Provisions for noncompliance, modification of the treatment plan, and revocation proceedings;

6. Availability of residential treatment facilities and outpatient services;

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

8. 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

9. Methods for measuring performance-based effectiveness of each individual treatment provider's services.

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

SECTION 18. 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~~ this 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, grants, gifts and other money accruing to the benefit of the fund, this act, 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, 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 19. This act shall become effective November 1, 2005.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO PASS, As Amended and Coauthored.