

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1743

By: Billy

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 471.5, which relates to admissibility of statements or evidence during drug court investigation; modifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 471.5, is amended to read as follows:

Section 471.5 A. 1. Any statement, or any information procured therefrom, made by the offender to any supervising staff, which is made during the course of any drug court investigation conducted by the supervising staff pursuant to the provisions of Section ~~5~~ 471.4 of this ~~act~~ title, and any report of the supervising staff's findings and recommendations to the court, the district attorney, or the defense counsel shall not be admissible in the criminal case pending against the offender.

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

3. In the event that an offender 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 offender for the original criminal offense.

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 offender, 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 2. This act shall become effective November 1, 2005.

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