

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1349

By: Marlatt

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2011, Section 471.6, which relates to the  
9 successful completion of a drug court program;  
10 providing for reinstatement of certain driving  
11 privileges under certain circumstances; and providing  
12 an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 471.9, is  
15 amended to read as follows:

16 Section 471.9. A. When an offender has successfully completed  
17 the drug court program, the criminal case against the offender shall  
18 be:

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

22 B. The final disposition order for a drug court case shall be  
23 filed with the judge assigned to the case, and shall indicate the  
24 sentence specified in the written plea agreement. A copy of the  
final disposition order for the drug court case shall also be filed

1 in the original criminal case file under the control of the court  
2 clerk which is open to the public for inspection. Original criminal  
3 case files which are under the control of the court clerk and which  
4 are subsequently assigned to the drug court program shall be marked  
5 with a pending notation until a final disposition order is entered  
6 in the drug court case. After an offender completes the program,  
7 the drug court case file shall be sealed by the judge and may be  
8 destroyed after ten (10) years. The district attorney shall have  
9 access to sealed drug court case files without a court order.

10 C. A record pertaining to an offense resulting in a successful  
11 completion of a drug court program shall not, without the offender's  
12 consent in writing, be used in any way which could result in the  
13 denial of any employee benefit.

14 D. Successful completion of a drug court program shall not  
15 prohibit any administrative agency from taking disciplinary action  
16 against any licensee or from denying a license or privilege as may  
17 be required by law.

18 E. Notwithstanding the provisions of subsection D of this  
19 section, upon successful completion of a drug court program by an  
20 offender, if the driving privileges of the offender have been  
21 suspended, revoked, cancelled or denied by the Department of Public  
22 Safety because of the criminal case against the offender, the drug  
23 court judge shall enter a written order requiring the Department of  
24 Public Safety to stay any and all such actions against the Class D

1 driving privileges of the offender; provided, the stay shall not be  
2 construed to grant driving privileges to an offender who has not  
3 been issued a driver license by the Department or whose Oklahoma  
4 driver license has expired, in which case the offender shall be  
5 required to apply for and be found eligible for a driver license,  
6 pass all examinations, if applicable, and pay all statutory driver  
7 license issuance or renewal fees. The offender shall provide proof  
8 of insurance to the drug court judge prior to the judge ordering a  
9 stay of any driver license suspension, revocation, cancellation, or  
10 denial. When a judge of a drug court enters such a stay against an  
11 order by the Department of Public Safety suspending or revoking the  
12 driving privileges of an offender, the time period set in the order  
13 by the Department for the suspension or revocation shall be  
14 terminated.

15 SECTION 2. This act shall become effective November 1, 2012.

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