

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1881

By: Crain

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5
6 AS INTRODUCED

7 An Act relating to drug court programs; amending 22
8 O.S. 2011, Section 471.3, which relates to initial
9 hearing; requiring documentation and transmittal of
10 certain objection; requiring certain entry into
11 record of certain case; and providing an effective
12 date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2011, Section 471.3, is
14 amended to read as follows:

15 Section 471.3. A. At the initial hearing for consideration of
16 an offender for a drug court program, the district attorney shall
17 determine whether or not:

18 1. The offender has approval to be considered for the drug
19 court program;

20 2. The offender has been admitted to the program within the
21 preceding five (5) years; and

22 3. Any statutory preclusion, other prohibition, or program
23 limitation exists and is applicable to considering the offender for
24 the program.

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

3 B. If the offender voluntarily consents to be considered for
4 the drug court program, has signed and filed the required form
5 requesting consideration, and no objection has been made by the
6 district attorney, the court shall refer the offender for a drug
7 court investigation as provided in Section ~~5~~ 471.4 of this ~~act~~
8 title, and set a date for a hearing to determine final eligibility
9 for admittance into the program.

10 C. Upon any objection of the district attorney for
11 consideration of an offender for the program, the court shall deny
12 consideration of the offender's request for participation in the
13 drug court program. Upon denial for consideration in the drug court
14 program at the initial hearing, the criminal case shall proceed in
15 the traditional manner. An objection by the district attorney and
16 the subsequent denial of consideration of the offender for the
17 program shall not preclude any future consideration of the offender
18 for the drug court program with the approval of the district
19 attorney. An objection by the district attorney for the
20 participation of an offender in the drug court program shall be
21 documented, made part of the permanent record and transmitted to the
22 judge presiding over the criminal case. Based upon the written
23 objection, the judge shall enter into the permanent record prior to
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1 sentencing his or her opinion as to whether the offender would have
2 been an appropriate candidate for the drug court program.

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

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