

1 primary agency to assist in developing and implementing a mental
2 health court ~~pilot~~ program.

3 D. For purposes of this section, "mental health court" means a
4 judicial process that utilizes specially trained court personnel to
5 expedite the case and explore alternatives to incarceration for
6 offenders charged with criminal offenses other than a crime listed
7 in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes
8 who have a mental illness or a developmental disability, or a co-
9 occurring mental illness and substance abuse disorder. The district
10 attorney's office may use discretion in the prosecution of those
11 offenders specified in this subsection subject to the restrictions
12 provided in subsection E of this section.

13 E. The court shall have the authority to exclude from mental
14 health court any offender arrested or charged with any violent
15 offense or any offender who has a prior felony conviction in this
16 state or another state for a violent offense. Eligibility and entry
17 by an offender into the mental health court program is dependent
18 upon prior approval of the district attorney. Eligible offenses may
19 further be restricted by the rules of the specific mental health
20 court program. The court also shall have the authority to exclude
21 persons from mental health court who have a propensity for violence.

22 F. The mental health court judge shall recognize relapses and
23 restarts in the program which shall be considered as part of the
24 rehabilitation and recovery process. The court shall accomplish

1 monitoring and offender accountability by ordering progressively
2 increasing sanctions or providing incentives, rather than removing
3 the offender from the program when a violation occurs, except when
4 the conduct of the offender requires revocation from the program.
5 Any revocation from the mental health court program shall require
6 notice to the offender and other participating parties in the case
7 and a revocation hearing. At the revocation hearing, if the
8 offender is found to have violated the conditions of the plea
9 agreement or performance contract and disciplinary sanctions have
10 been insufficient to gain compliance, the offender shall be revoked
11 from the program and sentenced for the offense as provided in the
12 plea agreement.

13 SECTION 2. This act shall become effective November 1, 2014.

14
15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/12/2014 - DO
16 PASS, As Coauthored.

17
18
19
20
21
22
23
24