

1 **SENATE FLOOR VERSION**

2 March 26, 2014

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2859

6 By: Sherrer of the House

7 and

8 Ivester of the Senate

9 **[ criminal procedure - Anna McBride Act - sanctions**  
10 **and incentives - effective date ]**

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

12 SECTION 1. AMENDATORY 22 O.S. 2011, Section 472, is  
13 amended to read as follows:

14 Section 472. A. This section shall be known and may be cited  
15 as the "Anna McBride Act".

16 B. Any district or municipal court of this state may establish  
17 a mental health court ~~pilot~~ program pursuant to the provisions of  
18 this section, subject to the availability of funds.

19 C. The court may request assistance from the Department of  
20 Mental Health and Substance Abuse Services which shall be the  
21 primary agency to assist in developing and implementing a mental  
22 health court ~~pilot~~ program.

23 D. For purposes of this section, "mental health court" means a  
24 judicial process that utilizes specially trained court personnel to

1 expedite the case and explore alternatives to incarceration for  
2 offenders charged with criminal offenses other than a crime listed  
3 in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes  
4 who have a mental illness or a developmental disability, or a co-  
5 occurring mental illness and substance abuse disorder. The district  
6 attorney's office may use discretion in the prosecution of those  
7 offenders specified in this subsection subject to the restrictions  
8 provided in subsection E of this section.

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

18 F. The mental health court judge shall recognize relapses and  
19 restarts in the program which shall be considered as part of the  
20 rehabilitation and recovery process. The court shall accomplish  
21 monitoring and offender accountability by ordering progressively  
22 increasing sanctions or providing incentives, rather than removing  
23 the offender from the program when a violation occurs, except when  
24 the conduct of the offender requires revocation from the program.

1 Any revocation from the mental health court program shall require  
2 notice to the offender and other participating parties in the case  
3 and a revocation hearing. At the revocation hearing, if the  
4 offender is found to have violated the conditions of the plea  
5 agreement or performance contract and disciplinary sanctions have  
6 been insufficient to gain compliance, the offender shall be revoked  
7 from the program and sentenced for the offense as provided in the  
8 plea agreement.

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

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
11 March 26, 2014 - DO PASS AS AMENDED  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24