

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1831

By: Williams

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2011, Section 471.3, which relates to the  
9 Oklahoma Drug Court Act; modifying drug court  
approval process; and providing an effective date.

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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~~ have the discretion to review the form filed by the  
13 offender and determine whether the offender's request by the  
14 offender for participation in the drug court program shall be  
15 approved. If the court determines that the request for  
16 participation in the drug court program shall be approved, the court  
17 shall refer the offender for a drug court investigation as provided  
18 in Section 471.4 of this title, and set a date for a hearing to  
19 determine final eligibility for admittance into the program.

20 ~~Upon denial for consideration in the drug court program~~ D. If  
21 the court determines at the initial hearing that the request for  
22 participation in the drug court program shall be denied, the  
23 criminal case shall proceed in the traditional manner. An objection  
24 by the district attorney and the subsequent denial of consideration

1 of the offender for the program shall not preclude any future  
2 consideration of the offender for the drug court program ~~with the~~  
3 ~~approval of the district attorney.~~

4 SECTION 2. This act shall become effective November 1, 2013.

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6 54-1-5002 GRS 12/19/12  
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