STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2859 By: Sherrer

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 472, which relates to the Anna McBride Act; providing for the use of offender sanctions and incentives; stating procedures for revocations; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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