

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend amendment number 1 to HB2902
Page 2 Section 1 Lines 2
Of the printed Bill
Of the Engrossed Bill

By deleting the word "shall" and inserting in lieu thereof, the word "may";

Page 2, Section 1, Line 6:

By inserting after the word "Statutes" the following language: "or possession of drug paraphernalia in violation of subsection B of Section 2-405 of Title 63 of the Oklahoma Statutes";

Page 2, Section 1, Line 17:

By deleting the word "guidelines";

Page 3, Section 2, Line 4:

By deleting Section 2 in its entirety and inserting a new Section 2 to read as follows:

(see attached)

Page 5, Section 4, Line 4:

By deleting Section 4 in its entirety and inserting a new Section 4 to read as follows:

(see attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Scott Biggs

Adopted: _____

Reading Clerk

1 "SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-902 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Subject to the provisions of this act, the district attorney
5 may enter into a written agreement with the defendant pursuant to
6 the provisions of Sections 305.1 through 305.6 of Title 22 of the
7 Oklahoma Statutes to defer prosecution of a charge for possession of
8 a controlled dangerous substance, possession of drug paraphernalia
9 or both possession of a controlled dangerous substance and
10 possession of drug paraphernalia for a period to be determined by
11 the district attorney, not to exceed twenty-four (24) months.

12 B. The defendant shall pay to the district attorney a fee equal
13 to the amount which would have been assessed as court costs upon
14 filing of the case in district court. Funds received by the
15 district attorney pursuant to this act shall be deposited in a
16 special fund with the county treasurer to be known as the "Drug
17 Possession Diversion Program Fund". This fund shall be used by the
18 district attorney to defray any lawful expense of the office of the
19 district attorney. The district attorney shall keep records of all
20 monies deposited to and disbursed from this fund. The records of
21 the fund shall be audited at the same time the records of county
22 funds are audited.

23 C. Unless the agreement between the defendant and the district
24 attorney provides otherwise, the defendant shall be supervised in

1 the community by the district attorney pursuant to the provisions of
2 subsection A of Section 991d of Title 22 of the Oklahoma Statutes.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2-904 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. District attorneys shall prepare and submit an annual report
7 to the District Attorneys Council showing total deposits and total
8 expenditures in the Drug Possession Diversion Program.

9 B. By September 15 of each year, the District Attorneys Council
10 shall publish an annual report for the previous fiscal year of the
11 Drug Possession Diversion Program. An electronic copy of the report
12 shall be distributed to the President Pro Tempore of the Senate, the
13 Speaker of the Oklahoma House of Representatives and the chairs of
14 the House and Senate Appropriation and Budget Committees. Each
15 district attorney shall submit information requested by the District
16 Attorneys Council regarding the Drug Possession Diversion Program.
17 The report shall include the number of charges referred to and
18 accepted into the Drug Possession Diversion Program, the total
19 amount of fees collected and such other information as required by
20 the District Attorneys Council."

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22 55-2-9486 GRS 03/09/16

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