

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1323

By: Humphrey

AS INTRODUCED

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

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 471.3, is amended to read as follows:

Section 471.3 A. At the initial hearing for consideration of an offender for a drug court program, the district attorney shall determine whether or not:

1. The offender has approval to be considered for the drug court program;

2. The offender has been admitted to the program within the preceding five (5) years; and

3. Any statutory preclusion, other prohibition, or program limitation exists and is applicable to considering the offender for 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. ~~Upon denial~~
15 ~~for consideration~~ shall be approved. If the court determines that
16 the request for participation in the drug court program shall be
17 approved, the court shall refer the offender for a drug court
18 investigation as provided in Section 471.4 of this title, and set a
19 date for a hearing to determine final eligibility for admittance
20 into the program.

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

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

4 SECTION 2. This act shall become effective November 1, 2017.

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6 56-1-5844 GRS 12/29/16

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