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February 25, 2020

By: Howard

An Act relating to confidentiality of court records; amending 22 O.S. 2011, Section 472, as amended by Section 1, Chapter 180, O.S.L. 2014 (22 O.S. Supp. 2019, Section 472), which relates to mental health courts; establishing confidentiality requirements for cases assigned to mental health court programs; 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, as amended by Section 1, Chapter 180, O.S.L. 2014 (22 O.S. Supp. 2019, 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 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 program.

1 D. For purposes of this section, "mental health court" means a
2 judicial process that utilizes specially trained court personnel to
3 expedite ~~the~~ a case and explore alternatives to incarceration for
4 ~~offenders~~ an offender charged with criminal offenses other than a
5 crime listed in paragraph 2 of Section 571 of Title 57 of the
6 Oklahoma Statutes who ~~have~~ has a mental illness or a developmental
7 disability, or a co-occurring mental illness and substance abuse
8 disorder. The district attorney's office may use discretion in the
9 prosecution of ~~those offenders~~ an offender specified in this
10 subsection subject to the restrictions provided in subsection E of
11 this section.

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

21 F. The mental health court judge shall recognize relapses and
22 restarts in the program which shall be considered as part of the
23 rehabilitation and recovery process. The court shall accomplish
24 monitoring and offender accountability by ordering progressively

1 increasing sanctions or providing incentives, rather than removing
2 the offender from the program when a violation occurs, except when
3 the conduct of the offender requires revocation from the program.
4 Any revocation from the mental health court program shall require
5 notice to the offender and other participating parties in the case
6 and a revocation hearing. At the revocation hearing, if the
7 offender is found to have violated the conditions of the plea
8 agreement or performance contract and disciplinary sanctions have
9 been insufficient to gain compliance, the offender shall be revoked
10 from the program and sentenced for the offense as provided in the
11 plea agreement.

12 G. Any criminal case which has been filed and processed in the
13 traditional manner shall be cross-referenced to a mental health
14 court case file by the court clerk if the case is subsequently
15 assigned to a mental health court program. The originating criminal
16 case file shall remain open to public inspection. The judge shall
17 determine what information or pleadings are to be retained in the
18 mental health case court file, which shall be closed to public
19 inspection.

20 SECTION 2. This act shall become effective November 1, 2020.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 February 25, 2020 - DO PASS
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