

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3664

By: Kannady

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6 AS INTRODUCED

7 An Act relating to drug courts; amending 22 O.S.
8 2011, Section 471.1, as amended by Section 1, Chapter
9 222, O.S.L. 2016 (22 O.S. Supp. 2019, Section 471.1),
10 which relates to the Oklahoma Drug Court Act;
11 requiring cooperation by board of county
12 commissioners when district courts establish drug
13 court programs; authorizing creation of public
14 trusts; authorizing boards to enter into agreements
15 pursuant to Interlocal Cooperation Act; allowing
16 boards or trusts to contract for program coordinator
17 with approval from the district court; providing an
18 effective date; and declaring an emergency.

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1 B. 1. Each district court of this state is authorized to
2 establish a drug court program pursuant to the provisions of this
3 act, subject to availability of funds. When a district court
4 establishes a drug court program in a county, the board of county
5 commissioners shall cooperate in providing space and personnel for
6 the drug court program. The board of county commissioners may
7 create a public trust and enter into agreements pursuant to the
8 Interlocal Cooperation Act to implement and operate the drug court
9 program. The board of county commissioners or public trust may
10 contract with a person or entity to serve as the coordinator of the
11 drug court program with the approval of the district court.

12 2. Juvenile drug courts may be established based upon the
13 provisions of this act; provided, however, juveniles shall not be
14 held, processed, or treated in any manner which violates any
15 provision of Title 10A of the Oklahoma Statutes.

16 C. Drug court programs shall not apply to any violent criminal
17 offense. Eligible offenses may further be restricted by the rules
18 of the specific drug court program. Nothing in this act shall be
19 construed to require a drug court to consider every offender with a
20 treatable condition or addiction, regardless of the fact that the
21 controlling offense is eligible for consideration in the program.
22 Traditional prosecution shall be required where an offender is
23 determined not appropriate for the drug court program.

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1 D. Drug court programs shall require a separate judicial
2 processing system differing in practice and design from the
3 traditional adversarial criminal prosecution and trial systems.
4 Whenever possible, a drug court team shall be designated consisting
5 of a judge to administer the program, a district attorney, a defense
6 attorney, and other persons designated by the drug court team who
7 shall have appropriate understanding of the goals of the program and
8 of the appropriate treatment methods for the various conditions.
9 The assignment of any person to the drug court team shall not
10 preclude the assigned person from performing other duties required
11 in the course of ~~their~~ his or her office or employment. The chief
12 judge of the judicial district, or if the district has more than one
13 chief judge than the presiding judge of the Administrative Judicial
14 District, shall designate one or more judges to administer the drug
15 court program. The assignment of any judge to a drug court program
16 or the designation of a drug court docket shall not mandate the
17 assignment of all substance abuse related cases to the drug court
18 docket or the program; however, nothing in this act shall be
19 construed to preclude the assignment of all criminal cases relating
20 to substance abuse or drug possession as provided by the rules
21 established for the specific drug court program.

22 E. When a drug court program is established, the arresting
23 officer shall file the criminal case record for potentially eligible
24 offenders with the district attorney within four (4) days of the

1 arrest. The district attorney shall file an information in the case
2 within twenty-four (24) hours of receipt of the criminal case record
3 when the offender appears eligible for consideration for the
4 program. The information may be amended as necessary when an
5 offender is denied admittance into the drug court program or for
6 other purposes as provided in Section 304 of this title. Any person
7 arrested upon a warrant for his or her arrest shall not be eligible
8 for the drug court program without the approval of the district
9 attorney. Any criminal case which has been filed and processed in
10 the traditional manner shall be cross-referenced to a drug court
11 case file by the court clerk, if the case is subsequently assigned
12 to the drug court program. The originating criminal case file shall
13 remain open to public inspection. The judge shall determine what
14 information or pleadings are to be retained in the drug court case
15 file, which shall be closed to public inspection.

16 F. The court may request assistance from the Department of
17 Mental Health and Substance Abuse Services which shall be the
18 primary agency to assist in developing and implementing a drug court
19 program or from any state or local agency in obtaining the necessary
20 treatment services which will assure maximum opportunity for
21 successful treatment, education, and rehabilitation for offenders
22 admitted to the program. All participating state and local agencies
23 are directed to coordinate with each other and cooperate in
24 assisting the district court in establishing a drug court program.

- 1 G. Each drug court program shall ensure, but not be limited to:
- 2 1. Strong linkage between participating agencies;
- 3 2. Access by all participating parties of a case to information
- 4 on the progress of the offender;
- 5 3. Vigilant supervision and monitoring procedures;
- 6 4. Random substance abuse testing;
- 7 5. Provisions for noncompliance, modification of the treatment
- 8 plan, and revocation proceedings;
- 9 6. Availability of residential treatment facilities and
- 10 outpatient services;
- 11 7. Payment of court costs, treatment costs, supervision fees,
- 12 and program user fees by the offender;
- 13 8. Methods for measuring application of disciplinary sanctions,
- 14 including provisions for:
- 15 a. increased supervision,
- 16 b. urinalysis testing,
- 17 c. intensive treatment,
- 18 d. short-term confinement not to exceed five (5) days,
- 19 e. recycling the offender into the program after a
- 20 disciplinary action for a minimum violation of the
- 21 treatment plan,
- 22 f. reinstating the offender into the program after a
- 23 disciplinary action for a major violation of the
- 24 treatment plan, and

1 g. revocation from the program; and

2 9. Methods for measuring performance-based effectiveness of
3 each individual treatment provider's services.

4 H. All drug court programs shall be required to keep reliable
5 data on recidivism, relapse, restarts, sanctions imposed, and
6 incentives given.

7 I. Nothing in this section shall prohibit any county from
8 establishing a drug court for misdemeanor offenses. Such
9 misdemeanor drug courts shall follow the rules and regulations of
10 felony drug courts except that the penalty for revocation shall not
11 exceed one (1) year in the county jail or the maximum penalty for
12 the misdemeanor allowed by statute, whichever is less. The
13 Department of Mental Health and Substance Abuse Services shall
14 provide technical assistance to the counties that establish
15 misdemeanor drug courts.

16 SECTION 2. This act shall become effective July 1, 2020.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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22 57-2-9657 GRS 12/11/19
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