

An Act

ENROLLED HOUSE
BILL NO. 3053

By: Boles, Phillips, Roberts
(Eric), and Hill of the
House

and

Paxton of the Senate

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 471.9, which relates to the Oklahoma Drug Court Act; providing option for sentences to be deferred when offenders successfully complete drug court programs; and providing an effective date.

SUBJECT: Criminal procedure

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 471.9, is amended to read as follows:

Section 471.9 A. When an offender has successfully completed the drug court program, the criminal case against the offender shall be:

1. Dismissed or the sentence deferred for a period not to exceed two (2) years if the offense was a first felony offense; or

2. If the offender has a prior felony conviction, the disposition shall be as specified in the written plea agreement.

B. The final disposition order for a drug court case shall be filed with the judge assigned to the case, and shall indicate the sentence specified in the written plea agreement. A copy of the final disposition order for the drug court case shall also be filed in the original criminal case file under the control of the court

clerk which is open to the public for inspection. Original criminal case files which are under the control of the court clerk and which are subsequently assigned to the drug court program shall be marked with a pending notation until a final disposition order is entered in the drug court case. After an offender completes the program, the drug court case file shall be sealed by the judge and may be destroyed after ten (10) years. The district attorney shall have access to sealed drug court case files without a court order.

C. A record pertaining to an offense resulting in a successful completion of a drug court program shall not, without the offender's consent in writing, be used in any way which could result in the denial of any employee benefit.

D. Successful completion of a drug court program shall not prohibit any administrative agency from taking disciplinary action against any licensee or from denying a license or privilege as may be required by law.

E. When the offender has successfully completed the drug court program, the drug court judge shall have the discretion to expressly waive all or part of the court costs and fees, driver license reinstatement fees, if applicable, and fines associated with the criminal case if, in the opinion of the drug court judge, continued payment of the court costs, fees and fines by the offender would create a financial hardship for the offender, including specifically the discretion to waive any requirement that fines and costs be satisfied by a person prior to that person being eligible for a provisional driver license pursuant to Section 6-212 of Title 47 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2022.

Passed the House of Representatives the 10th day of May, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____