

1 **SENATE FLOOR VERSION**

2 February 16, 2022

3 **AS AMENDED**

4 SENATE BILL NO. 1548

5 By: Thompson

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8
9 [criminal procedure - Oklahoma Drug Court Act -
10 establish drug court program - requirements for
11 initial hearing - drug court investigation report -
12 effective date]
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14

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

16 SECTION 1. AMENDATORY 22 O.S. 2021, Section 471.1, is
17 amended to read as follows:

18 Section 471.1. A. For purposes of the Oklahoma Drug Court Act,
19 "drug court", "drug court program" or "program" means an immediate
20 and highly structured judicial intervention process for substance
21 abuse treatment of eligible offenders which expedites the criminal
22 case and requires successful completion of the plea agreement.

23 B. Each ~~district court~~ county of this state is authorized to
24 establish a drug court program pursuant to the provisions of the

1 Oklahoma Drug Court Act, subject to availability of funds. ~~Juvenile~~
2 ~~drug courts may be established based upon the provisions of the~~
3 ~~Oklahoma Drug Court Act; provided, however, juveniles shall not be~~
4 ~~held, processed or treated in any manner which violates any~~
5 ~~provision of Title 10A of the Oklahoma Statutes~~

6 1. In each county with a drug court program, the board of
7 county commissioners shall enter into an administrative contract
8 with the Department of Mental Health and Substance Abuse Services
9 (DMHSAS) for establishing and maintaining the drug court program.

10 2. For drug court programs that encompass more than one county,
11 a single administrative contract may be executed by the board of
12 county commissioners in the county receiving payment, which shall be
13 designated as the primary county for the program.

14 3. Upon signing the contract, the board of county commissioners
15 shall designate the drug court coordinator. The county may identify
16 the program coordinator as a county employee or enter into a
17 subcontract with a court services subcontractor to provide the
18 coordinator position. If additional staff positions are necessary
19 to support the program, the county may identify additional county
20 employee positions to serve as drug court staff, subcontract with
21 its court services subcontractor to provide one or more drug court
22 program staff, or use a combination of county employees and staff
23 provided through the subcontractor. Nothing in this paragraph shall
24 be construed to prohibit personnel from other private entities or

1 state agencies from serving as drug court support staff as approved
2 by the board of county commissioners. All staff shall be under the
3 supervision of the drug court coordinator when performing duties
4 related to the drug court program.

5 4. The county shall receive and allocate the funds from DMHSAS,
6 as set forth in the administrative contract, for the operation and
7 staffing of the drug court program. The county or its court
8 services subcontractor, where applicable, shall be responsible for
9 overhead and expenses associated with operating a drug court program
10 including risk management and liability insurance, staff salaries
11 and benefits, computer equipment, and compliance officer staffing.

12 5. The county, or the county's designated court services
13 subcontractor, shall provide administrative support and oversight
14 for the drug court program and the drug court program staff. Such
15 administrative support and oversight shall include:

- 16 a. employing and supervising the drug court coordinator
17 and any other staff who are assigned to support the
18 drug court program, and
- 19 b. communicating with DMHSAS as required by the
20 administrative contract, to monitor the performance
21 and success of the drug court program based upon
22 established formulas, case load statistics, and
23 performance metrics.

24

1 C. ~~Drug court programs shall not apply to any violent criminal~~
2 ~~offense.~~ Eligible offenses may further be restricted by the rules
3 of the specific drug court program. Nothing in the Oklahoma Drug
4 Court Act shall be construed to require a drug court to consider
5 every offender with a treatable condition or addiction even if the
6 controlling offense is eligible for consideration in the program.
7 Traditional prosecution shall be required where an offender is
8 determined not appropriate for the drug court program. Juvenile
9 drug courts may be established based upon the provisions of the
10 Oklahoma Drug Court Act; provided, however, a juvenile shall not be
11 held, processed, or treated in any manner which violates any
12 provision of Title 10A of the Oklahoma Statutes.

13 D. Drug court programs shall require a separate judicial
14 processing system differing in practice and design from the
15 traditional adversarial criminal prosecution and trial systems.
16 Whenever possible, a drug court team shall be designated consisting
17 of a judge to ~~administer~~ preside over the drug court judicial
18 process and hold proceedings where participants are advanced through
19 the program, a district attorney, a defense attorney, a drug court
20 coordinator, and other persons designated by the drug court team who
21 shall have appropriate understanding of the goals of the program and
22 of the appropriate treatment methods for the various conditions.
23 The assignment of any person to the drug court team shall not
24 preclude the assigned person from performing other duties required

1 in the course of their office or employment. The chief judge of the
2 judicial district, or if the district has more than one chief judge
3 then the presiding judge of the Administrative Judicial District,
4 shall designate one or more judges to ~~administer~~ preside over cases
5 assigned to the drug court program. The assignment of any judge to
6 a drug court program or the designation of a drug court docket shall
7 not mandate the assignment of all substance abuse-related cases to
8 the drug court docket or the program; however, nothing in the
9 Oklahoma Drug Court Act shall be construed to preclude the
10 assignment of all criminal cases relating to substance abuse or drug
11 possession as provided by the rules established for the specific
12 drug court program. Judicial immunity shall extend to any duty
13 required by law to be performed by a judge of a drug court.

14 E. When a drug court program is established, the arresting
15 officer shall file the criminal case record for potentially eligible
16 offenders with the district attorney within four (4) days of the
17 arrest. The district attorney shall file an information in the case
18 within twenty-four (24) hours of receipt of the criminal case record
19 when the offender appears eligible for consideration for the
20 program. The information may be amended as necessary when an
21 offender is denied admittance into the drug court program or for
22 other purposes as provided in Section 304 of this title. ~~Any person~~
23 ~~arrested upon a warrant for his or her arrest shall not be eligible~~
24 ~~for the drug court program without the approval of the district~~

1 ~~attorney.~~ Any criminal case which has been filed and processed in
2 the traditional manner shall be cross-referenced to a drug court
3 case file by the court clerk if the case is subsequently assigned to
4 the drug court program. The originating criminal case file shall
5 remain open to public inspection. The judge shall determine what
6 information or pleadings are to be retained in the drug court case
7 file, which shall be closed to public inspection.

8 F. The court may request assistance from the Department of
9 Mental Health and Substance Abuse Services which shall be the
10 primary agency to assist in developing and implementing a drug court
11 program or from any state or local agency in obtaining the necessary
12 treatment services which will assure maximum opportunity for
13 successful treatment, education and rehabilitation for offenders
14 admitted to the program. All participating state and local agencies
15 are directed to coordinate with each other and cooperate in
16 assisting the ~~district court~~ county in establishing a drug court
17 program.

18 G. Each drug court program shall ~~ensure,~~ apply recognized best
19 practices including but not ~~be~~ limited to:

- 20 1. Strong linkage between participating agencies;
- 21 2. Access by all participating parties of a case to information
22 on the progress of the offender;
- 23 3. Vigilant supervision and monitoring procedures;
- 24 4. Random substance abuse testing;

- 1 5. Provisions for noncompliance, modification of the treatment
2 plan and revocation proceedings;
- 3 6. Availability of residential treatment facilities and
4 outpatient services;
- 5 7. Payment of court costs, treatment costs, supervision fees
6 and program user fees by the offender;
- 7 8. Methods for measuring application of disciplinary sanctions
8 including provisions for:
- 9 a. increased supervision,
10 b. urinalysis testing,
11 c. intensive treatment,
12 d. short-term confinement not to exceed five (5) days,
13 e. recycling the offender into the program after a
14 disciplinary action for a minimum violation of the
15 treatment plan,
16 f. reinstating the offender into the program after a
17 disciplinary action for a major violation of the
18 treatment plan, and
19 g. revocation from the program; and
- 20 9. Methods for measuring performance-based effectiveness of
21 each individual treatment provider's services.
- 22 H. All drug court programs shall be required to keep reliable
23 data on recidivism, relapse, restarts, sanctions imposed and
24 incentives given.

1 I. All funds received by a ~~drug court, in its capacity as a~~ the
2 county for the drug court program, shall be credited to and
3 accounted for in the county treasurer's office in a special cash
4 fund to be known as the "Drug Court Fund". Each drug court fund
5 shall be a continuing fund, not subject to fiscal year limitations,
6 and shall be dedicated to the operation of the drug court as
7 authorized by law. The expenditures of any funds received by a drug
8 court program and deposited with the county treasurer shall be made
9 only upon sworn itemized claims approved by the county clerk, filed
10 with the county treasurer and paid by cash voucher drawn by the
11 county treasurer from the funds.

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

21 SECTION 2. AMENDATORY 22 O.S. 2021, Section 471.2, is
22 amended to read as follows:

23 Section 471.2. A. The opportunity for review of an offender
24 for a drug court program shall occur at any time prior to

1 disposition of the case and sentencing of the offender, including
2 sentencing on a petition to revoke a suspended sentence or any
3 probation violation. Any judge assigned a criminal case where drug
4 court processing appears to be more appropriate for the offender may
5 consider eligibility for the drug court program. The judge shall
6 give the district attorney and defense attorney the opportunity to
7 make an objection. If the judge determines the person would best be
8 served by the drug court, the judge may proceed with placing the
9 offender in the drug court program. The decision of the judge for
10 or against eligibility and admission shall be final.

11 B. When a drug court is established, the following information
12 shall be initially reviewed by the sheriff or designee, if the
13 offender is held in a county jail, or by the chief of police or
14 designee, if the offender is held in a city jail:

15 1. ~~The offender's arrest or charge does not involve a crime of~~
16 ~~violence against any person, unless there is a specific treatment~~
17 ~~program in the jurisdiction designed to address domestic violence~~
18 ~~and the offense is related to domestic violence and substance abuse;~~

19 2. ~~The offender has no prior felony conviction in this state or~~
20 ~~another state for a violent offense within the last ten (10) years,~~
21 ~~except as may be allowed in a domestic violence treatment program~~
22 ~~authorized by the drug court program. It shall be sufficient for~~
23 ~~this paragraph that a criminal history records name search was~~
24 ~~conducted and indicated no apparent violent offense;~~

1 ~~3.~~ The offender's arrest or charge does not involve a violation
2 of the Trafficking In Illegal Drugs Act;

3 ~~4.~~ 2. The offender has committed a felony offense or a
4 misdemeanor offense where a misdemeanor drug court is authorized;
5 and

6 ~~5.~~ 3. The offender:

- 7 a. admits to having a substance abuse addiction,
- 8 b. appears to have a substance abuse addiction,
- 9 c. is known to have a substance abuse addiction,
- 10 d. the arrest or charge is based upon an offense eligible
11 for the drug court program, or
- 12 e. is a person who has had an assessment authorized by
13 Section 3-704 of Title 43A of the Oklahoma Statutes or
14 drug court investigation and the assessment or
15 investigation recommends the drug court program.

16 ~~B.~~ C. If it appears to the reviewing officer that the offender
17 may be potentially eligible for the drug court program based upon a
18 review of the information in subsection ~~A~~ B of this section, the
19 offender shall be given an eligibility form which may be voluntarily
20 completed by the offender, and the reviewing officer shall file the
21 criminal case record within the time prescribed in subsection E of
22 Section 471.1 of this title. ~~The offender shall not automatically~~
23 ~~be considered for the program based upon this review.~~ The offender
24 ~~must~~ may request consideration for the drug court program as

1 provided in subsection C D of this section ~~and shall have approval~~
2 ~~from the district attorney before being considered for the drug~~
3 ~~court program.~~ The eligibility form shall describe the drug court
4 program for which the offender may be eligible, including, but not
5 limited to:

6 1. A full description of the drug court process and
7 investigation;

8 2. A general explanation of the roles and authority of the
9 supervising staff, the district attorney, the defense attorney, the
10 treatment provider, the offender, and the judge presiding over the
11 cases in the drug court program;

12 3. A clear statement that the drug court judge may decide after
13 a hearing not to consider the offender for the drug court program
14 and in that event the offender will be prosecuted in the traditional
15 manner;

16 4. A clear statement that the offender is required, before
17 consideration in the program, to enter a guilty plea as part of a
18 written plea agreement;

19 5. A clear statement that the plea agreement will specify the
20 offense to which the guilty plea will be entered and will state any
21 penalty to be imposed for the offense, both in the event of a
22 successful completion of the drug court program, and in the event of
23 a failure to complete the program;

24

1 6. A clear statement that the offender must voluntarily agree
2 to:

- 3 a. waive the right to a speedy trial,
- 4 b. waive the right to a preliminary hearing,
- 5 c. the terms and conditions of a treatment plan, and
- 6 d. sign a performance contract with the drug court;

7 7. A clear statement that the offender, if accepted into the
8 drug court program, may not be incarcerated for the offense in a
9 state correctional institution or jail upon successful completion of
10 the program;

11 8. A clear statement that during participation in the drug
12 court program should the offender fail to comply with the terms of
13 the agreement, the offender may be sanctioned to serve a term of
14 confinement of six (6) months in an intermediate revocation facility
15 operated by the Department of Corrections. An offender shall not be
16 allowed to serve more than two separate terms of confinement in an
17 intermediate revocation facility;

18 9. A clear statement that during participation in the drug
19 court program should the offender:

- 20 a. fail to comply with the terms of the agreements,
- 21 b. be convicted of a misdemeanor offense which reflects a
22 propensity for violence,
- 23 c. be arrested for a violent felony offense, or
- 24 d. be convicted of any felony offense,

1 the offender may be required, after a court hearing, to be revoked
2 from the program and sentenced without trial pursuant to the
3 punishment provisions of the negotiated plea agreement; and

4 10. An explanation of the criminal record retention and
5 disposition resulting from participation in the drug court program
6 following successful completion of the program.

7 ~~E. D.~~ 1. The offender may request consideration for the drug
8 court program as follows:

9 a. if the offender is incarcerated, the offender must
10 sign and complete the eligibility form and return it
11 to the sheriff, if the offender is held in the county
12 jail; or to the chief of police, if the offender is
13 held in a city jail. The sheriff or chief of police,
14 upon receipt of the completed eligibility form, shall
15 file the form with the ~~district attorney at the time~~
16 ~~of filing the criminal case record or at any time~~
17 ~~during the period of incarceration when the offender~~
18 ~~completes the form after the criminal case record has~~
19 ~~been filed~~ drug court coordinator, or

20 b. after release of the offender from incarceration, the
21 offender must sign and complete the eligibility form
22 and file it with the ~~district attorney~~ drug court
23 coordinator or the court, prior to or at the time of
24 either initial appearance or arraignment.

1 2. Any offender desiring legal consultation prior to signing or
2 completing the form for consideration in a drug court program shall
3 be referred to the defense attorney of the drug court team, or a
4 public defender, if the offender is indigent, or allowed to consult
5 with private legal counsel.

6 3. Nothing contained in the provisions of this subsection shall
7 prohibit the drug court from considering any offender deemed
8 eligible for the program at any time prior to sentencing whose case
9 has been prosecuted in the traditional manner, or upon a violation
10 of parole or probation conditions relating to substance abuse, upon
11 recommendation of the district attorney as provided in Section 471.8
12 of this title.

13 ~~D.~~ E. When an offender has filed a voluntary request to be
14 considered for a drug court program ~~on the appropriate form, the~~
15 drug court coordinator shall file the form with the district
16 attorney who shall indicate his or her approval of recommendation
17 regarding the request by filing and submit the form with to the drug
18 court judge. Upon the filing of the request form by the district
19 attorney, an initial hearing shall be set before the drug court
20 judge. The hearing shall be not less than three (3) work days nor
21 more than five (5) work days after the date of the filing of the
22 request form. Notice of the hearing shall be given to the drug
23 court team, or in the event no drug court team is designated, to the
24 offender, the district attorney, and to the public defender. The

1 offender shall be required to notify any private legal counsel of
2 the date and time of the hearing.

3 SECTION 3. AMENDATORY 22 O.S. 2021, Section 471.3, is
4 amended to read as follows:

5 Section 471.3. A. At the initial hearing for consideration of
6 an offender for a drug court program, the ~~district attorney~~ judge
7 presiding over the drug court case shall determine whether ~~or not:~~

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

10 2. ~~The offender has been admitted to the program within the~~
11 ~~preceding five (5) years; provided, having been admitted to a drug~~
12 ~~court program within the previous five (5) years shall not make the~~
13 ~~offender ineligible for consideration; and~~

14 3. ~~Any~~ any statutory preclusion, other prohibition, or program
15 limitation exists and is applicable to considering the offender for
16 the program.

17 The district attorney may object to the consideration of an
18 offender for the drug court program at the initial hearing.

19 B. If the offender voluntarily consents to be considered for
20 the drug court program, and has signed and filed the required form
21 requesting consideration, ~~and no objection has been made by the~~
22 ~~district attorney,~~ the court ~~shall~~ may refer the offender for a drug
23 court investigation as provided in Section 471.4 of this title, and

24

1 set a date for a hearing to determine final eligibility for
2 admittance into the program.

3 C. ~~Upon any objection of the district attorney for~~
4 ~~consideration of an offender for the program, the court shall deny~~
5 ~~consideration of the offender's request for participation in the~~
6 ~~drug court program. Upon denial for If the judge denies~~
7 consideration in the drug court program at the initial hearing, the
8 criminal case shall proceed in the traditional manner. ~~An objection~~
9 ~~by the district attorney and the subsequent A denial of~~
10 consideration of the offender for the program shall not preclude any
11 future consideration of the offender for the drug court program ~~with~~
12 ~~the approval of the district attorney.~~

13 SECTION 4. AMENDATORY 22 O.S. 2021, Section 471.4, is
14 amended to read as follows:

15 Section 471.4. A. When ~~directed by~~ the drug court judge
16 determines that further investigation of the offender under
17 consideration is appropriate, the supervising staff for the drug
18 court program shall make an investigation ~~of the offender under~~
19 ~~consideration~~ to determine whether ~~or not~~ the offender is a person
20 who:

- 21 1. Would benefit from the drug court program; and
- 22 2. Is appropriate for the drug court program.

23 B. The drug court investigation shall be conducted through a
24 standardized screening test and personal interview. A more

1 comprehensive assessment may take place at the time the offender
2 enters the treatment portion of the program and may take place at
3 any time after placement in the drug court program. The
4 investigation shall determine the original treatment plan which the
5 offender will be required to follow, if admitted to the program.
6 Any subsequent assessments or evaluations by the treatment provider,
7 if the offender is admitted to the program, may be used to determine
8 modifications needed to the original treatment plan. The
9 investigation shall include, but not be limited to, the following
10 information:

- 11 1. The person's age and physical condition;
- 12 2. Employment and military service records;
- 13 3. Educational background and literacy level;
- 14 4. Community and family relations;
- 15 5. Prior and current drug and alcohol use;
- 16 6. Mental health and medical treatment history, including
17 substance abuse treatment history;
- 18 7. Demonstrable motivation; and
- 19 8. Other mitigating or aggravating factors.

20 C. The drug court investigation may be conducted before or
21 after the initial hearing for consideration but shall occur before
22 the hearing for final determination of eligibility for the drug
23 court program. When an offender is appropriate for admittance to
24 the program, the supervising staff shall make a recommendation for

1 the treatment program or programs that are available in the
2 jurisdiction and which would benefit the offender and accept the
3 offender. The investigation findings and recommendations for
4 program placement shall be reported to the drug court judge, the
5 district attorney, the offender, and the defense attorney prior to
6 the next scheduled hearing.

7 D. The district attorney and the defense attorney for the
8 offender shall independently review the findings and recommendations
9 of the drug court investigation report. ~~For an offender to remain~~
10 ~~eligible for consideration in the program, both the~~ The district
11 attorney and the defense attorney ~~must accept the recommended~~
12 ~~treatment plan, and~~ shall negotiate the terms of the written plea
13 agreement with all punishment provisions specified ~~before~~ prior to
14 the scheduled hearing date for determining final eligibility. Upon
15 failure of the district attorney and defense attorney to negotiate
16 the written plea agreement, the judge presiding over the case may
17 order the criminal case ~~shall~~ to be withdrawn from the drug court
18 program and processed in the traditional manner. The punishment
19 provisions of the written plea agreement shall emphasize reparation
20 to the victim, community, and state.

21 E. The hearing to determine final eligibility shall be set not
22 less than three (3) work days nor more than seven (7) work days from
23 the date of the initial hearing for consideration, unless extended
24 by the court.

1 F. For purposes of ~~this act~~ Section 471 et seq. of this title,
2 "supervising staff" means a Department of Corrections employee
3 assigned to monitor offenders in the drug court program, ~~a community~~
4 ~~provider assigned to monitor offenders in the program,~~ a state, or
5 ~~local agency~~ county, or municipal governmental representative, or a
6 certified treatment provider participating in the program, or a
7 CLEET-certified person designated by the ~~judge~~ drug court program to
8 perform drug court investigations.

9 SECTION 5. AMENDATORY 22 O.S. 2021, Section 471.6, is
10 amended to read as follows:

11 Section 471.6. A. The drug court judge shall conduct a hearing
12 as required by subsection E of Section 471.4 of this title to
13 determine final eligibility by considering:

14 1. Whether the offender voluntarily consents to the program
15 requirements;

16 2. Whether to accept the offender based upon the findings and
17 recommendations of the drug court investigation authorized by
18 Section 471.4 of this title;

19 3. Whether there is a written plea agreement, and if so,
20 whether the terms and conditions of the written negotiated plea
21 between the district attorney, the defense attorney and the offender
22 are appropriate and consistent with the penalty provisions and
23 conditions of other similar cases;

24

1 4. Whether there is an appropriate treatment program available
2 to the offender and whether there is a recommended treatment plan;
3 and

4 5. Any information relevant to determining eligibility;
5 provided, however, an offender shall not be denied admittance to any
6 drug court program based upon an inability to pay court costs or
7 other costs or fees.

8 B. At the hearing to determine final eligibility for the drug
9 court program, the judge shall not grant any admission of any
10 offender to the program when:

11 1. The required treatment plan and plea agreement have not been
12 completed;

13 2. The program funding or availability of treatment has been
14 exhausted; or

15 ~~3. The treatment program is unwilling to accept the offender;~~

16 ~~4. The offender was ineligible for consideration by the nature~~
17 ~~of a violent offense at the time of arrest, and the charge has been~~
18 ~~modified to meet the eligibility criteria of the program; or~~

19 ~~5. The offender is inappropriate for admission to the program,~~
20 in the discretion of the judge.

21 C. At the final eligibility hearing, if evidence is presented
22 that was not discovered by the drug court investigation, the
23 district attorney or the defense attorney may make an objection and
24 may ask the court to withdraw the plea agreement previously

1 negotiated. The court shall determine whether to proceed and
2 overrule the objection, to sustain the objection and transfer the
3 case for traditional criminal prosecution or to require further
4 negotiations of the plea or punishment provisions. The decision of
5 the judge for or against eligibility and admission shall be final.

6 D. When the court accepts the treatment plan with the written
7 plea agreement, the offender, upon entering the plea as agreed by
8 the parties, shall be ordered and escorted immediately into the
9 program. The offender must have voluntarily signed the necessary
10 court documents before the offender may be admitted to treatment.

11 The court documents shall include:

12 1. Waiver of the offender's rights to speedy trial;

13 2. A written plea agreement which sets forth the offense
14 charged, the penalty to be imposed for the offense in the event of a
15 breach of the agreement and the penalty to be imposed, if any, in
16 the event of a successful completion of the treatment program;
17 provided, however, incarceration shall be prohibited when the
18 offender completes the treatment program;

19 3. A written treatment plan which is subject to modification at
20 any time during the program; and

21 4. A written performance contract requiring the offender to
22 enter the treatment program as directed by the court and participate
23 until completion, withdrawal or removal by the court.

24

1 E. If admission into the drug court program is denied, the
2 criminal case shall be returned to the traditional criminal docket
3 and shall proceed as provided for any other criminal case.

4 F. At the time an offender is admitted to the drug court
5 program, any bail or undertaking on behalf of the offender shall be
6 exonerated.

7 G. The period of time during which an offender may participate
8 in the active treatment portion of the drug court program shall be
9 not less than six (6) months nor more than twenty-four (24) months
10 and may include a period of supervision not less than six (6) months
11 nor more than one (1) year following the treatment portion of the
12 program. The period of supervision may be extended by order of the
13 court for not more than six (6) months. No treatment dollars shall
14 be expended on the offender during the extended period of
15 supervision. If the court orders that the period of supervision
16 shall be extended, the drug court judge, district attorney, the
17 attorney for the offender and the supervising staff for the drug
18 court program shall evaluate the appropriateness of continued
19 supervision on a quarterly basis. All participating treatment
20 providers shall be certified by the Department of Mental Health and
21 Substance Abuse Services and shall be selected and evaluated for
22 performance-based effectiveness annually by the Department of Mental
23 Health and Substance Abuse Services. Treatment programs shall be

1 designed to be completed within twelve (12) months and shall have
2 relapse prevention and evaluation components.

3 H. The drug court judge shall order the offender to pay court
4 costs, treatment costs, drug testing costs, a program user fee not
5 to exceed Twenty Dollars (\$20.00) per month and necessary
6 supervision fees, unless the offender is indigent. The drug court
7 judge shall establish a schedule for the payment of costs and fees.
8 The cost for treatment, drug testing and supervision shall be set by
9 the treatment and supervision providers respectively and made part
10 of the court's order for payment. User fees shall be set by the
11 drug court judge within the maximum amount authorized by this
12 subsection and payable directly to the court clerk for the benefit
13 and administration of the drug court program. Treatment, drug
14 testing and supervision costs shall be paid to the respective
15 providers. The court clerk shall collect all other costs and fees
16 ordered and deposit such costs and fees with the county treasurer in
17 a drug court fund created and administered pursuant to subsection I
18 of Section 471.1 of this title. The remaining user fees shall be
19 remitted to the State Treasurer by the court clerk for deposit in
20 the Department of Mental Health and Substance Abuse Services' Drug
21 Abuse Education and Treatment Revolving Fund established pursuant to
22 Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders
23 for costs and fees pursuant to this subsection shall not be limited
24 for purposes of collection to the maximum term of imprisonment for

1 which the offender could have been imprisoned for the offense, nor
2 shall any court order for costs and fees be limited by any term of
3 probation, parole, supervision, treatment or extension thereof.
4 Court orders for costs and fees shall remain an obligation of the
5 offender until fully paid; provided, however, once the offender has
6 successfully completed the drug court program, the drug court judge
7 shall have the discretion to expressly waive all or part of the
8 costs and fees provided for in this subsection if, in the opinion of
9 the drug court judge, continued payment of the costs and fees by the
10 offender would create a financial hardship for the offender.
11 Offenders who have not fully paid all costs and fees pursuant to
12 court order but who have otherwise successfully completed the drug
13 court program shall not be counted as an active drug court
14 participant for purposes of drug court contracts or program
15 participant numbers.

16 I. Notwithstanding any other provision of law, if the driving
17 privileges of the offender have been suspended, revoked, canceled or
18 denied by the Department of Public Safety and if the drug court
19 judge determines that no other means of transportation for the
20 offender is available, the drug court judge may enter a written
21 order requiring the Department of Public Safety to stay any and all
22 such actions against the Class D driving privileges of the offender;
23 provided, the stay shall not be construed to grant driving
24 privileges to an offender who has not been issued a driver license

1 by the Department or whose Oklahoma driver license has expired, in
2 which case the offender shall be required to apply for and be found
3 eligible for a driver license, pass all examinations, if applicable,
4 and pay all statutory driver license issuance or renewal fees. The
5 offender shall provide proof of insurance to the drug court judge
6 prior to the judge ordering a stay of any driver license suspension,
7 revocation, cancellation or denial. When a judge of a drug court
8 enters a stay against an order by the Department of Public Safety
9 suspending or revoking the driving privileges of an offender, the
10 time period set in the order by the Department for the suspension or
11 revocation shall continue to run during the stay. When an offender
12 has successfully completed the drug court program, the drug court
13 judge shall maintain jurisdiction over the offender's driving
14 privileges for one (1) year after the date on which the offender
15 graduates from the drug court program.

16 SECTION 6. AMENDATORY 22 O.S. 2021, Section 471.8, is
17 amended to read as follows:

18 Section 471.8. The drug court program may be utilized as a
19 disciplinary sanction for a violation of a condition of parole
20 related to substance abuse for eligible offenses, or in a case where
21 the offender has been tried for an eligible offense in the
22 traditional manner, given either a deferred or suspended sentence,
23 and has violated a condition of the sentence. The judge shall not
24 order an offender into treatment within the scope of any drug court

1 program without prior approval from the ~~designated drug court team,~~
2 ~~or the district attorney if no team is designated. Any judge having~~
3 ~~a criminal case assigned where drug court processing appears to be~~
4 ~~more appropriate for the offender, may request a review of the case~~
5 ~~by the drug court team, or if no team is designated, a review by the~~
6 ~~district attorney and the defense attorney. If both the district~~
7 ~~attorney and the defense attorney or offender agree, the case may be~~
8 ~~transferred to the drug court program with the approval of a~~
9 ~~designated presiding drug court judge. After a case has been~~
10 transferred to the drug court docket, it shall continue with the
11 designated drug court judge until the offender is revoked or
12 released from the program. The offenders whose cases have been
13 transferred from a traditional criminal case docket to the drug
14 court docket shall be required to have a drug court investigation
15 and complete the drug court process prior to placement in any
16 treatment program authorized by ~~this act~~ Section 471 et seq. of this
17 title.

18 SECTION 7. AMENDATORY 22 O.S. 2021, Section 471.10, is
19 amended to read as follows:

20 Section 471.10. A. ~~For purposes of this act, the following~~
21 ~~state agencies shall jointly develop a standardized testing~~
22 ~~instrument with an appropriate scoring device for use by all the~~
23 ~~district courts in this state in implementing the Oklahoma Drug~~
24 ~~Court Act:~~

1 ~~1. The Department of Corrections;~~

2 ~~2. The Administrative Office of the Courts;~~

3 ~~3. The Department of Mental Health and Substance Abuse~~
4 ~~Services;~~

5 ~~4. The State Department of Health;~~

6 ~~5. The State Department of Education;~~

7 ~~6. The Office of Juvenile Affairs; and~~

8 ~~7. The Oklahoma Department of Vocational and Technical~~
9 ~~Education.~~

10 ~~B. The Administrative Office of the Courts shall promulgate~~
11 ~~rules, procedures, and forms necessary to implement the Oklahoma~~
12 ~~Drug Court Act to ensure statewide uniformity in procedures and~~
13 ~~forms. The Department of Mental Health and Substance Abuse Services~~
14 ~~is directed to develop a training and implementation manual for drug~~
15 ~~court programs with the assistance of the State Department of~~
16 ~~Health, the State Department of Education, the Oklahoma Department~~
17 ~~of Career and Technology Education, the Department of Corrections,~~
18 ~~the Office of Juvenile Affairs, and the Administrative Office of the~~
19 ~~Courts. The Department of Mental Health and Substance Abuse~~
20 ~~Services shall provide technical assistance to the district courts~~
21 ~~in implementing drug court programs.~~

22 ~~C. All participating agencies shall promulgate rules as~~
23 ~~necessary to comply with the provisions of this act Section 471 et~~
24 ~~seq. of this title. Each district court shall establish rules for~~

1 ~~their jurisdiction upon implementation of a drug court program,~~
2 ~~pursuant to the provisions of this act.~~

3 SECTION 8. This act shall become effective November 1, 2022.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 February 16, 2022 - DO PASS AS AMENDED
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