

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3053

By: Boles

AS INTRODUCED

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.

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 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

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

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

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

19 E. When the offender has successfully completed the drug court
20 program, the drug court judge shall have the discretion to expressly
21 waive all or part of the court costs and fees, driver license
22 reinstatement fees, if applicable, and fines associated with the
23 criminal case if, in the opinion of the drug court judge, continued
24 payment of the court costs, fees and fines by the offender would

1 create a financial hardship for the offender, including specifically
2 the discretion to waive any requirement that fines and costs be
3 satisfied by a person prior to that person being eligible for a
4 provisional driver license pursuant to Section 6-212 of Title 47 of
5 the Oklahoma Statutes.

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

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8 58-2-8751 GRS 12/01/21

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