

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1548

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2021, Sections 471.1, 471.2, 471.3, 471.4,
9 471.6, 471.8, and 471.10, which relate to the
10 Oklahoma Drug Court Act; modifying entity authorized
11 to establish drug court program; establishing
12 requirements for administrative contracts for
13 maintaining drug court programs; providing for
14 funding for drug court programs; providing for
15 administrative support and oversight of drug court
16 programs; modifying eligibility requirements for drug
17 court programs; modifying participants in drug court
18 team; modifying procedures for review of offender for
19 drug court program; modifying procedures for offender
20 request for consideration for drug court program;
21 modifying requirements for initial hearing for
22 consideration for drug court program; modifying
23 requirements for drug court investigation report;
24 modifying definition; deleting prohibitions for
admission to program; modifying requirements for
utilization of programs as disciplinary sanction;
modifying authority for implementation of Oklahoma
Drug Court Act; updating statutory references; and
providing an effective date.

19
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

23 Section 471.1. A. For purposes of the Oklahoma Drug Court Act,
24 "drug court", "drug court program" or "program" means an immediate
25

1 and highly structured judicial intervention process for substance
2 abuse treatment of eligible offenders which expedites the criminal
3 case and requires successful completion of the plea agreement.

4 B. Each ~~district court~~ county of this state is authorized to
5 establish a drug court program pursuant to the provisions of the
6 Oklahoma Drug Court Act, subject to availability of funds. ~~Juvenile~~
7 ~~drug courts may be established based upon the provisions of the~~
8 ~~Oklahoma Drug Court Act; provided, however, juveniles shall not be~~
9 ~~held, processed or treated in any manner which violates any~~
10 ~~provision of Title 10A of the Oklahoma Statutes~~

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

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

19 3. Upon signing the contract, the board of county commissioners
20 shall designate the drug court coordinator. The county may identify
21 the program coordinator as a county employee or enter into a
22 subcontract with a court services subcontractor to provide the
23 coordinator position. If additional staff positions are necessary
24 to support the program, the county may identify additional county

1 employee positions to serve as drug court staff, subcontract with
2 its court services subcontractor to provide one or more drug court
3 program staff or use a combination of county employees and staff
4 provided through the subcontractor. Nothing in this paragraph shall
5 be construed to prohibit personnel from other private entities or
6 state agencies from serving as drug court support staff as approved
7 by the board of county commissioners. All staff shall be under the
8 supervision of the drug court coordinator when performing duties
9 related to the drug court program.

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

17 5. The county, or the county's designated court services
18 subcontractor, shall provide administrative support and oversight
19 for the drug court program and the drug court program staff. Such
20 administrative support and oversight shall include:

- 21 a. employing and supervising the drug court coordinator
22 and any other staff who are assigned to support the
23 drug court program, and

1 **b.** communicating with DMHSAS as required by the
2 administrative contract, to monitor the performance
3 and success of the drug court program based upon
4 established formulas, case load statistics, and
5 performance metrics.

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

18 D. Drug court programs shall require a separate judicial
19 processing system differing in practice and design from the
20 traditional adversarial criminal prosecution and trial systems.
21 Whenever possible, a drug court team shall be designated consisting
22 of a judge to ~~administer~~ preside over the drug court judicial
23 process and hold proceedings where participants are advanced through
24 the program, a district attorney, a defense attorney, a drug court

1 coordinator, and other persons designated by the drug court team who
2 shall have appropriate understanding of the goals of the program and
3 of the appropriate treatment methods for the various conditions.

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

19 E. When a drug court program is established, the arresting
20 officer shall file the criminal case record for potentially eligible
21 offenders with the district attorney within four (4) days of the
22 arrest. The district attorney shall file an information in the case
23 within twenty-four (24) hours of receipt of the criminal case record
24 when the offender appears eligible for consideration for the

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

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

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

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

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

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

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

17 J. Nothing in this section shall prohibit any county from
18 establishing a drug court for misdemeanor offenses. Such
19 misdemeanor drug courts shall follow the rules and regulations of
20 felony drug courts except that the penalty for revocation shall not
21 exceed one (1) year in the county jail or the maximum penalty for
22 the misdemeanor allowed by statute, whichever is less. The
23 Department of Mental Health and Substance Abuse Services shall
24

1 provide technical assistance to the counties that establish
2 misdemeanor drug courts.

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

5 Section 471.2. A. The opportunity for review of an offender
6 for a drug court program shall occur at any time prior to
7 disposition of the case and sentencing of the offender, including
8 sentencing on a petition to revoke a suspended sentence or any
9 probation violation. Any judge assigned a criminal case where drug
10 court processing appears to be more appropriate for the offender may
11 consider eligibility for the drug court program. The judge shall
12 give the district attorney and defense attorney the opportunity to
13 make an objection. If the judge determines the person would best be
14 served by the drug court, the judge may proceed with placing the
15 offender in the drug court program. The decision of the judge for
16 or against eligibility and admission shall be final.

17 B. When a drug court is established, the following information
18 shall be initially reviewed by the sheriff or designee, if the
19 offender is held in a county jail, or by the chief of police or
20 designee, if the offender is held in a city jail:

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

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

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

9 ~~4.~~ 2. The offender has committed a felony offense or a
10 misdemeanor offense where a misdemeanor drug court is authorized;
11 and

12 ~~5.~~ 3. The offender:

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

22 ~~B.~~ C. If it appears to the reviewing officer that the offender
23 may be potentially eligible for the drug court program based upon a
24 review of the information in subsection ~~A~~ B of this section, the

1 offender shall be given an eligibility form which may be voluntarily
2 completed by the offender, and the reviewing officer shall file the
3 criminal case record within the time prescribed in subsection E of
4 Section 471.1 of this title. ~~The offender shall not automatically~~
5 ~~be considered for the program based upon this review.~~ The offender
6 ~~must~~ may request consideration for the drug court program as
7 provided in subsection ~~E~~ D of this section ~~and shall have approval~~
8 ~~from the district attorney before being considered for the drug~~
9 ~~court program.~~ The eligibility form shall describe the drug court
10 program for which the offender may be eligible, including, but not
11 limited to:

12 1. A full description of the drug court process and
13 investigation;

14 2. A general explanation of the roles and authority of the
15 supervising staff, the district attorney, the defense attorney, the
16 treatment provider, the offender, and the judge presiding over the
17 cases in the drug court program;

18 3. A clear statement that the drug court judge may decide after
19 a hearing not to consider the offender for the drug court program
20 and in that event the offender will be prosecuted in the traditional
21 manner;

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

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

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

- 8 a. waive the right to a speedy trial,
- 9 b. waive the right to a preliminary hearing,
- 10 c. the terms and conditions of a treatment plan, and
- 11 d. sign a performance contract with the drug court;

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

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

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

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

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

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

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

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

1 b. after release of the offender from incarceration, the
2 offender must sign and complete the eligibility form
3 and file it with the ~~district attorney~~ drug court
4 coordinator or the court, prior to or at the time of
5 either initial appearance or arraignment.

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

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

18 ~~D.~~ E. When an offender has filed a voluntary request to be
19 considered for a drug court program ~~on the appropriate form, the~~
20 drug court coordinator shall file the form with the district
21 attorney who shall indicate his or her ~~approval of recommendation~~
22 regarding the request by filing and submit the form with to the drug
23 court judge. Upon the filing of the request form by the district
24 attorney, an initial hearing shall be set before the drug court

1 judge. The hearing shall be not less than three (3) work days nor
2 more than five (5) work days after the date of the filing of the
3 request form. Notice of the hearing shall be given to the drug
4 court team, or in the event no drug court team is designated, to the
5 offender, the district attorney, and to the public defender. The
6 offender shall be required to notify any private legal counsel of
7 the date and time of the hearing.

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

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

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

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

19 ~~3. Any any statutory preclusion, other prohibition, or program~~
20 ~~limitation exists and is applicable to considering the offender for~~
21 ~~the program.~~

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

1 B. If the offender voluntarily consents to be considered for
2 the drug court program, and has signed and filed the required form
3 requesting consideration, ~~and no objection has been made by the~~
4 ~~district attorney,~~ the court ~~shall~~ may refer the offender for a drug
5 court investigation as provided in Section 471.4 of this title, and
6 set a date for a hearing to determine final eligibility for
7 admittance into the program.

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

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

20 Section 471.4. A. When ~~directed by~~ the drug court judge
21 determines that further investigation of the offender under
22 consideration is appropriate, the supervising staff for the drug
23 court program shall make an investigation ~~of the offender under~~
24

1 ~~consideration~~ to determine whether ~~or not~~ the offender is a person
2 who:

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

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

7 comprehensive assessment may take place at the time the offender
8 enters the treatment portion of the program and may take place at

9 any time after placement in the drug court program. The

10 investigation shall determine the original treatment plan which the
11 offender will be required to follow, if admitted to the program.

12 Any subsequent assessments or evaluations by the treatment provider,
13 if the offender is admitted to the program, may be used to determine

14 modifications needed to the original treatment plan. The

15 investigation shall include, but not be limited to, the following
16 information:

- 17 1. The person's age and physical condition;
- 18 2. Employment and military service records;
- 19 3. Educational background and literacy level;
- 20 4. Community and family relations;
- 21 5. Prior and current drug and alcohol use;
- 22 6. Mental health and medical treatment history, including

23 substance abuse treatment history;

- 24 7. Demonstrable motivation; and

1 8. Other mitigating or aggravating factors.

2 C. The drug court investigation may be conducted before or
3 after the initial hearing for consideration but shall occur before
4 the hearing for final determination of eligibility for the drug
5 court program. When an offender is appropriate for admittance to
6 the program, the supervising staff shall make a recommendation for
7 the treatment program or programs that are available in the
8 jurisdiction and which would benefit the offender and accept the
9 offender. The investigation findings and recommendations for
10 program placement shall be reported to the drug court judge, the
11 district attorney, the offender, and the defense attorney prior to
12 the next scheduled hearing.

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

1 provisions of the written plea agreement shall emphasize reparation
2 to the victim, community, and state.

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

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

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

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

20 1. Whether the offender voluntarily consents to the program
21 requirements;

22 2. Whether to accept the offender based upon the findings and
23 recommendations of the drug court investigation authorized by
24 Section 471.4 of this title;

1 3. Whether there is a written plea agreement, and if so,
2 whether the terms and conditions of the written negotiated plea
3 between the district attorney, the defense attorney and the offender
4 are appropriate and consistent with the penalty provisions and
5 conditions of other similar cases;

6 4. Whether there is an appropriate treatment program available
7 to the offender and whether there is a recommended treatment plan;
8 and

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

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

16 1. The required treatment plan and plea agreement have not been
17 completed;

18 2. The program funding or availability of treatment has been
19 exhausted; or

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

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

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

3 C. At the final eligibility hearing, if evidence is presented
4 that was not discovered by the drug court investigation, the
5 district attorney or the defense attorney may make an objection and
6 may ask the court to withdraw the plea agreement previously
7 negotiated. The court shall determine whether to proceed and
8 overrule the objection, to sustain the objection and transfer the
9 case for traditional criminal prosecution or to require further
10 negotiations of the plea or punishment provisions. The decision of
11 the judge for or against eligibility and admission shall be final.

12 D. When the court accepts the treatment plan with the written
13 plea agreement, the offender, upon entering the plea as agreed by
14 the parties, shall be ordered and escorted immediately into the
15 program. The offender must have voluntarily signed the necessary
16 court documents before the offender may be admitted to treatment.

17 The court documents shall include:

- 18 1. Waiver of the offender's rights to speedy trial;
- 19 2. A written plea agreement which sets forth the offense
20 charged, the penalty to be imposed for the offense in the event of a
21 breach of the agreement and the penalty to be imposed, if any, in
22 the event of a successful completion of the treatment program;
23 provided, however, incarceration shall be prohibited when the
24 offender completes the treatment program;

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

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

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

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

12 G. The period of time during which an offender may participate
13 in the active treatment portion of the drug court program shall be
14 not less than six (6) months nor more than twenty-four (24) months
15 and may include a period of supervision not less than six (6) months
16 nor more than one (1) year following the treatment portion of the
17 program. The period of supervision may be extended by order of the
18 court for not more than six (6) months. No treatment dollars shall
19 be expended on the offender during the extended period of
20 supervision. If the court orders that the period of supervision
21 shall be extended, the drug court judge, district attorney, the
22 attorney for the offender and the supervising staff for the drug
23 court program shall evaluate the appropriateness of continued
24 supervision on a quarterly basis. All participating treatment

1 providers shall be certified by the Department of Mental Health and
2 Substance Abuse Services and shall be selected and evaluated for
3 performance-based effectiveness annually by the Department of Mental
4 Health and Substance Abuse Services. Treatment programs shall be
5 designed to be completed within twelve (12) months and shall have
6 relapse prevention and evaluation components.

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

1 Abuse Education and Treatment Revolving Fund established pursuant to
2 Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders
3 for costs and fees pursuant to this subsection shall not be limited
4 for purposes of collection to the maximum term of imprisonment for
5 which the offender could have been imprisoned for the offense, nor
6 shall any court order for costs and fees be limited by any term of
7 probation, parole, supervision, treatment or extension thereof.

8 Court orders for costs and fees shall remain an obligation of the
9 offender until fully paid; provided, however, once the offender has
10 successfully completed the drug court program, the drug court judge
11 shall have the discretion to expressly waive all or part of the
12 costs and fees provided for in this subsection if, in the opinion of
13 the drug court judge, continued payment of the costs and fees by the
14 offender would create a financial hardship for the offender.

15 Offenders who have not fully paid all costs and fees pursuant to
16 court order but who have otherwise successfully completed the drug
17 court program shall not be counted as an active drug court
18 participant for purposes of drug court contracts or program
19 participant numbers.

20 I. Notwithstanding any other provision of law, if the driving
21 privileges of the offender have been suspended, revoked, canceled or
22 denied by the Department of Public Safety and if the drug court
23 judge determines that no other means of transportation for the
24 offender is available, the drug court judge may enter a written

1 order requiring the Department of Public Safety to stay any and all
2 such actions against the Class D driving privileges of the offender;
3 provided, the stay shall not be construed to grant driving
4 privileges to an offender who has not been issued a driver license
5 by the Department or whose Oklahoma driver license has expired, in
6 which case the offender shall be required to apply for and be found
7 eligible for a driver license, pass all examinations, if applicable,
8 and pay all statutory driver license issuance or renewal fees. The
9 offender shall provide proof of insurance to the drug court judge
10 prior to the judge ordering a stay of any driver license suspension,
11 revocation, cancellation or denial. When a judge of a drug court
12 enters a stay against an order by the Department of Public Safety
13 suspending or revoking the driving privileges of an offender, the
14 time period set in the order by the Department for the suspension or
15 revocation shall continue to run during the stay. When an offender
16 has successfully completed the drug court program, the drug court
17 judge shall maintain jurisdiction over the offender's driving
18 privileges for one (1) year after the date on which the offender
19 graduates from the drug court program.

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

22 Section 471.8. The drug court program may be utilized as a
23 disciplinary sanction for a violation of a condition of parole
24 related to substance abuse for eligible offenses, or in a case where
25

1 the offender has been tried for an eligible offense in the
2 traditional manner, given either a deferred or suspended sentence,
3 and has violated a condition of the sentence. The judge shall not
4 order an offender into treatment within the scope of any drug court
5 program without prior approval from the ~~designated drug court team,~~
6 ~~or the district attorney if no team is designated.~~ Any judge having
7 ~~a criminal case assigned where drug court processing appears to be~~
8 ~~more appropriate for the offender, may request a review of the case~~
9 ~~by the drug court team, or if no team is designated, a review by the~~
10 ~~district attorney and the defense attorney.~~ If both the district
11 ~~attorney and the defense attorney or offender agree, the case may be~~
12 ~~transferred to the drug court program with the approval of a~~
13 ~~designated~~ presiding drug court judge. After a case has been
14 transferred to the drug court docket, it shall continue with the
15 designated drug court judge until the offender is revoked or
16 released from the program. The offenders whose cases have been
17 transferred from a traditional criminal case docket to the drug
18 court docket shall be required to have a drug court investigation
19 and complete the drug court process prior to placement in any
20 treatment program authorized by ~~this act~~ Section 471 et seq. of this
21 title.

22 SECTION 7. AMENDATORY 22 O.S. 2021, Section 471.10, is
23 amended to read as follows:
24

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

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

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

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

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

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

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

13 ~~7. The Oklahoma Department of Vocational and Technical~~
14 ~~Education.~~

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

1 ~~Services shall provide technical assistance to the district courts~~
2 ~~in implementing drug court programs.~~

3 ~~€.~~ All participating agencies shall promulgate rules as
4 necessary to comply with the provisions of ~~this act~~ Section 471 et
5 seq. of this title. ~~Each district court shall establish rules for~~
6 ~~their jurisdiction upon implementation of a drug court program,~~
7 ~~pursuant to the provisions of this act.~~

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

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