

SENATE FLOOR VERSION

February 10, 2026

SENATE BILL NO. 1216

By: Rader of the Senate

and

Harris of the House

An Act relating to drug courts; amending 22 O.S. 2021, Section 471.2, as amended by Section 2, Chapter 277, O.S.L. 2022 (22 O.S. Supp. 2025, Section 471.2), which relates to eligibility for drug court; modifying eligibility requirements; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 471.2, as amended by Section 2, Chapter 277, O.S.L. 2022 (22 O.S. Supp. 2025, Section 471.2), is amended to read as follows:

Section 471.2. A. The opportunity for review of an offender for a drug court program shall occur at any time prior to disposition of the case and sentencing of the offender including sentencing on a petition to revoke a suspended sentence or any probation violation.

B. When a drug court is established, the following information shall be initially reviewed by the sheriff or designee, if the

1 offender is held in a county jail, or by the chief of police or
2 designee, if the offender is held in a city jail:

3 1. ~~The offender has no prior felony conviction in this state or~~
4 ~~another state for a domestic violence offense within the last ten~~
5 ~~(10) years~~ offender's charge does not involve a violation set forth
6 in subsection C, D, E, F, G, or J of Section 644 of Title 21 of the
7 Oklahoma Statutes, except as may be allowed in a domestic violence
8 treatment program authorized by the drug court program. ~~It shall be~~
9 ~~sufficient for this paragraph that a criminal history records name~~
10 ~~search was conducted and indicated no apparent domestic violence~~
11 ~~offense.~~ An offender admitted to the drug court program for a crime
12 which requires the offender to attend a batterers' intervention
13 program certified by the ~~Attorney General's office~~ Office of the
14 Attorney General shall be required to undergo such treatment as a
15 condition of drug court;

16 2. The offender's charge does not involve a violation of the
17 Trafficking In Illegal Drugs Act;

18 3. The offender has committed a felony offense or a misdemeanor
19 offense where a misdemeanor drug court is authorized; and

20 4. The offender:

- 21 a. admits to having a substance abuse addiction,
- 22 b. appears to have a substance abuse addiction,
- 23 c. is known to have a substance abuse addiction,

1 d. ~~the~~ has an arrest or charge that is based upon an
2 offense eligible for the drug court program, or

3 e. is a person who has had an assessment authorized by
4 Section 3-704 of Title 43A of the Oklahoma Statutes or
5 drug court investigation and the assessment or
6 investigation recommends the drug court program.

7 C. If it appears to the reviewing officer that the offender may
8 be potentially eligible for the drug court program based upon a
9 review of the information in subsection B of this section, the
10 offender shall be given an eligibility form which may be voluntarily
11 completed by the offender, and the reviewing officer shall file the
12 criminal case record within the time prescribed in subsection E of
13 Section 471.1 of this title. The offender may request consideration
14 for the drug court program as provided in subsection D of this
15 section. The eligibility form shall describe the drug court program
16 for which the offender may be eligible including, but not limited
17 to:

18 1. A full description of the drug court process and
19 investigation;

20 2. A general explanation of the roles and authority of the
21 supervising staff, the district attorney, the defense attorney, the
22 treatment provider, the offender, and the judge presiding over the
23 cases in the drug court program;

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

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

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

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

- 15 a. waive the right to a speedy trial,
- 16 b. waive the right to a preliminary hearing,
- 17 c. the terms and conditions of a treatment plan, and
- 18 d. sign a performance contract with the drug court;

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

23 8. A clear statement that during participation in the drug
24 court program, should the offender fail to comply with the terms of

1 the agreement, the offender may be sanctioned to serve a term of
2 confinement of six (6) months in an intermediate revocation facility
3 operated by the Department of Corrections. An offender shall not be
4 allowed to serve more than two separate terms of confinement in an
5 intermediate revocation facility;

6 9. A clear statement that during participation in the drug
7 court program, should the offender:

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

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

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

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

- 21 a. if the offender is incarcerated, the offender must
22 sign and complete the eligibility form and return it
23 to the sheriff, if the offender is held in the county
24 jail; or to the chief of police, if the offender is

1 held in a city jail. The sheriff or chief of police,
2 upon receipt of the completed eligibility form, shall
3 file the form with the drug court coordinator who
4 shall forward the form to the district attorney and
5 the judge assigned to the offender's case, or

6 b. after release of the offender from incarceration, the
7 offender must sign and complete the eligibility form
8 and file it with the drug court coordinator or the
9 court, prior to or at the time of either initial
10 appearance or arraignment. The drug court coordinator
11 shall forward the form to the district attorney and
12 the judge assigned to the offender's case.

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

18 3. Nothing contained in the provisions of this subsection shall
19 prohibit the drug court from considering any offender deemed
20 eligible for the program at any time prior to sentencing whose case
21 has been prosecuted in the traditional manner, or upon a violation
22 of parole or probation conditions relating to substance abuse, upon
23 recommendation of the district attorney as provided in Section 471.8
24 of this title.

1 E. When an offender has filed a request to be considered for a
2 drug court program, an initial hearing shall be set before the drug
3 court judge. The hearing shall be not less than three (3) work days
4 nor more than five (5) work days after the date of the filing of the
5 request form. Notice of the hearing shall be given to the drug
6 court team, or in the event no drug court team is designated, to the
7 offender, the district attorney, and ~~to~~ the public defender. The
8 offender shall be required to notify any private legal counsel of
9 the date and time of the hearing.

10 SECTION 2. This act shall become effective November 1, 2026.

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
12 February 10, 2026 - DO PASS
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