

1 ENGROSSED SENATE  
BILL NO. 1216

By: Rader of the Senate

2  
3 and

4 Harris of the House  
5

6 An Act relating to drug courts; amending 22 O.S.  
2021, Section 471.2, as amended by Section 2, Chapter  
7 277, O.S.L. 2022 (22 O.S. Supp. 2025, Section 471.2),  
which relates to eligibility for drug court;  
8 modifying eligibility requirements; updating  
statutory language; and providing an effective date.  
9

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

20 B. When a drug court is established, the following information  
21 shall be initially reviewed by the sheriff or designee, if the  
22 offender is held in a county jail, or by the chief of police or  
23 designee, if the offender is held in a city jail:  
24

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

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

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

18       4. The offender:

- 19           a. admits to having a substance abuse addiction,
  - 20           b. appears to have a substance abuse addiction,
  - 21           c. is known to have a substance abuse addiction,
  - 22           d. ~~the~~ has an arrest or charge that is based upon an  
23           offense eligible for the drug court program, or
- 24

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

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

16 1. A full description of the drug court process and  
17 investigation;

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

22 3. A clear statement that the drug court judge may decide after  
23 a hearing not to consider the offender for the drug court program  
24

1 and in that event the offender will be prosecuted in the traditional  
2 manner;

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

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

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

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

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

21 8. A clear statement that during participation in the drug  
22 court program, should the offender fail to comply with the terms of  
23 the agreement, the offender may be sanctioned to serve a term of  
24 confinement of six (6) months in an intermediate revocation facility

1 operated by the Department of Corrections. An offender shall not be  
2 allowed to serve more than two separate terms of confinement in an  
3 intermediate revocation facility;

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

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

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

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

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

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

1 file the form with the drug court coordinator who  
2 shall forward the form to the district attorney and  
3 the judge assigned to the offender's case, or

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

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

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

23 E. When an offender has filed a request to be considered for a  
24 drug court program, an initial hearing shall be set before the drug

