

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 493

By: Haste

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5
6 AS INTRODUCED

7 An Act relating to mental health courts; amending 22
8 O.S. 2021, Section 472, which relates to mental
9 health court programs; authorizing use of certified
10 therapeutic dog in certain court proceedings;
11 defining term; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 472, is
14 amended to read as follows:

15 Section 472. A. This section shall be known and may be cited
16 as the "Anna McBride Act".

17 B. Any district or municipal court of this state may establish
18 a mental health court program pursuant to the provisions of this
19 section, subject to the availability of funds.

20 C. The court may request assistance from the Department of
21 Mental Health and Substance Abuse Services which shall be the
22 primary agency to assist in developing and implementing a mental
23 health court program.

1 D. For purposes of this section, "mental health court" means a
2 judicial process that utilizes specially trained court personnel to
3 expedite a case and explore alternatives to incarceration for an
4 offender charged with criminal offenses other than a crime listed in
5 paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes who
6 has a mental illness or a developmental disability, or a co-
7 occurring mental illness and substance abuse disorder. The district
8 attorney's office may use discretion in the prosecution of an
9 offender specified in this subsection subject to the restrictions
10 provided in subsection E of this section.

11 E. The court shall have the authority to exclude from mental
12 health court any offender arrested or charged with any violent
13 offense or any offender who has a prior felony conviction in this
14 state or another state for a violent offense. Eligibility and entry
15 by an offender into the mental health court program is dependent
16 upon prior approval of the district attorney. Eligible offenses may
17 further be restricted by the rules of the specific mental health
18 court program. The court shall have the authority to exclude
19 persons from mental health court who have a propensity for violence.

20 F. The mental health court judge shall recognize relapses and
21 restarts in the program which shall be considered as part of the
22 rehabilitation and recovery process. The court shall accomplish
23 monitoring and offender accountability by ordering progressively
24 increasing sanctions or providing incentives, rather than removing

1 the offender from the program when a violation occurs, except when
2 the conduct of the offender requires revocation from the program.
3 Any revocation from the mental health court program shall require
4 notice to the offender and other participating parties in the case
5 and a revocation hearing. At the revocation hearing, if the
6 offender is found to have violated the conditions of the plea
7 agreement or performance contract and disciplinary sanctions have
8 been insufficient to gain compliance, the offender shall be revoked
9 from the program and sentenced for the offense as provided in the
10 plea agreement.

11 G. Any criminal case which has been filed and processed in the
12 traditional manner shall be cross-referenced to a mental health
13 court case file by the court clerk if the case is subsequently
14 assigned to a mental health court program. The originating criminal
15 case file shall remain open to public inspection. The court shall
16 determine what information or pleadings are to be retained in the
17 mental health case court file, which shall be closed to public
18 inspection.

19 H. 1. Upon approval of the district or municipal court, an
20 offender participating in a mental health court program shall be
21 afforded the opportunity, if available, to have a certified
22 therapeutic dog accompanied by the handler of the certified
23 therapeutic dog while the offender provides testimony or otherwise
24 appears in court proceedings.

1 2. For purposes of this subsection, "certified therapeutic dog"
2 means a dog which has received the requisite training or
3 certification from the American Kennel Club, Alliance of Therapy
4 Dogs, or an equivalent organization to perform the duties associated
5 with therapy dogs in places such as hospitals, nursing homes, and
6 other facilities where the emotional benefits of therapy dogs are
7 recognized. Prior to the use of a certified therapeutic dog the
8 court shall conduct a hearing to verify:

- 9 a. the credentials of the certified therapeutic dog,
10 b. the certified therapeutic dog is appropriately
11 insured, and
12 c. a relationship has been established between the
13 offender and the certified therapeutic dog in
14 anticipation of testimony or other appearance in court
15 proceedings.

16 SECTION 2. This act shall become effective November 1, 2023.

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