ENROLLED SENATE
BILL NO. 27

BY: ROBERTS and WRIGHT of the SENATE

and

SETTLE of the HOUSE

AN ACT RELATING TO CRIMINAL JUSTICE; ESTABLISHING THE JOINT LEGISLATIVE REVIEW COMMITTEE AND THE SENTENCING REFORM REVIEW COMMITTEE; STATING PURPOSES; PROVIDING DUTIES OF THE COMMITTEES; PROVIDING FOR APPOINTMENTS; PROVIDING FOR CHAIRMEN AND VICE-CHAIRMEN; PROVIDING FOR MEETINGS AND TRAVEL REIMBURSEMENT; REQUIRING CERTAIN ENTITIES TO COOPERATE WITH THE COMMITTEES; AMENDING SECTION 4, CHAPTER 328, O.S.L. 1989, AS LAST AMENDED BY SECTION 3, CHAPTER 252, O.S.L. 1991, SECTION 5, CHAPTER 328, O.S.L. 1989, AS AMENDED BY SECTION 4, CHAPTER 214, O.S.L. 1990, AND SECTION 6, CHAPTER 328, O.S.L. 1989, AS AMENDED BY SECTION 1, CHAPTER 252, O.S.L. 1991, WHICH RELATE TO THE RECODIFICATION AND THE SENTENCING/RELEASE POLICY COMMITTEES; EXTENDING THE DURATION OF THE SENTENCING/RELEASE POLICY COMMITTEE; MODIFYING PURPOSES AND DUTIES OF THE SENTENCING/RELEASE POLICY COMMITTEE; EXTENDING TERM OF SENTENCING/RELEASE POLICY COMMITTEE CHAIRMAN AND CO-CHAIRMAN; PROVIDING FOR NONCODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. A. The Legislature hereby establishes the Joint Legislative Review Committee for the purpose of review, analysis and evaluation of the final draft for recommended legislation and summary of every recommended change and addition to existing criminal laws and procedure presented to the Legislature by the Recodification Committee pursuant to Senate Bill No. 432 of the First Session of the 42nd Legislature (1989) as amended by House Bill No. 1844 of the Second Session of the 42nd Legislature (1990) and Senate Bill No. 26 of the First Session of the 43rd Legislature (1991).

B. The Legislature directs all members appointed to the Joint Legislative Review Committee to make a full and thorough review, analysis and evaluation of the Recodification Committee's draft for recommended legislation and summary of every recommended change and addition to existing criminal laws and procedure.

C. Members of the Joint Legislative Review Committee shall be Senators appointed by the President Pro Tempore of the Senate and Representatives appointed by the Speaker of the House of Representatives. The Chairman shall be a Senator appointed by the

President Pro Tempore of the Senate and the vice-chairman shall be a Representative appointed by the Speaker of the House of Representatives. The Joint Legislative Review Committee shall have a representative from the Recodification Committee available for consultation who shall be the professor of law from the University of Oklahoma Law Center or his designee.

D. The Joint Legislative Review Committee shall meet at the call of the Chairman or his designee. All appointed members shall receive travel reimbursement from the house in which they serve as provided in the State Travel Reimbursement Act. The liaison from the Recodification Committee shall receive travel reimbursement from the Senate as provided in the State Travel Reimbursement Act.

E. All departments, offices, agencies and employees of this state shall cooperate with the Joint Legislative Review Committee as may be requested by the Chairman or his designee in carrying out the review, analysis and evaluation of the Recodification Committee's draft for recommended legislation to the criminal laws and procedure of the State of Oklahoma.

SECTION 2. AMENDATORY Section 4, Chapter 328, O.S.L. 1989, as last amended by Section 3, Chapter 252, O.S.L. 1991, is amended to read as follows:

Section 3. A. The Sentencing/Release Policy Committee shall consist of nineteen (19) members appointed as follows:

1. One member shall be a presiding judge of a court having criminal jurisdiction, to be appointed by the Assembly of Presiding Judges;

2. One member shall be a district attorney or assistant district attorney, to be appointed by the District Attorneys Association;

3. One member shall be a practicing attorney having substantial experience representing criminal defendants, to be appointed by the Oklahoma Association of Criminal Defense Lawyers and the Oklahoma Trial Lawyers Association;

4. One member shall be an active law enforcement officer, to be appointed by the Sheriffs and Peace Officers Association;

5. One member shall be an attorney from the Public Defender's Office, to be appointed by the members of the Oklahoma Public Defender Systems Board;

6. Four members shall be appointed by the President Pro Tempore of the Senate;

7. Four members shall be appointed by the Speaker of the House of Representatives;

8. One member shall be the Chairman of the Pardon and Parole Board or his designee;

9. One member shall be the Director of the Oklahoma Department of Corrections or his designee;

10. One member shall be the Director of the Victim's Compensation Board or his designee;

11. One member shall be a judge of the Oklahoma Court of Criminal Appeals, to be appointed by the judges of the Oklahoma Court of Criminal Appeals;

12. One member shall be the Administrative Director of the Courts or his designee; and

13. One member shall be a professor of law from the Oklahoma City University School of Law, to be appointed by the Dean of the School of Law.

B. Each member of the Sentencing/Release Policy Committee initially appointed shall make his appointment known to the President Pro Tempore of the Senate and the Speaker of the House of

Representatives by August 1, 1989. Appointed members shall serve until ~~June 1, 1992~~ February 4, 1993.

C. No member of the Sentencing/Release Policy Committee shall serve the committee simultaneously with the Recodification Committee. The Sentencing/Release Policy Committee may divide into subcommittees in furtherance of its purposes.

D. Any vacancies in the appointive membership of the Sentencing/Release Policy Committee shall be filled for the unexpired term in the same manner as the original appointment.

SECTION 3. AMENDATORY Section 5, Chapter 328, O.S.L. 1989, as amended by Section 4, Chapter 214, O.S.L. 1990, is amended to read as follows:

Section 5. A. The purposes of the Sentencing/Release Policy Committee shall be to consider and recommend sentencing and release policies and procedures to assure the maximum protection of the people of the State of Oklahoma and the appropriate punishment for criminal offenders. The duties of the Committee in preparing recommendations shall be as follows:

1. To recommend policies that assure the protection of the public from persons committing felony and misdemeanor crimes;

2. To recommend policies that assure the fair, consistent and appropriate punishment of the defendant in relation to the seriousness of his offense;

3. To coordinate sentence/release policies;

4. To review current sentence/release practices in relation to correctional resources, including but not limited to the capacity of local and state correctional facilities;

5. To recommend policies that assure appropriate sanctions for offenders for whom imprisonment is not appropriate, including but not limited to: Community service programs, restitution, probation, payment of fines, rehabilitation, preparole conditional supervision, rehabilitation and special treatment programs;

6. To systematically collect and analyze the data obtained from studies, research and the empirical experience of public and private agencies concerning sentencing processes, pardon and parole, Oklahoma Prison Overcrowding Emergency Power Act, earned credits and others;

7. To systematically collect and analyze information concerning sentences actually imposed;

8. To systematically collect and analyze information regarding effectiveness of sentences actually imposed;

9. To consider a presumptive or fixed sentence for offenders where incarceration is proper, based on appropriate combination of reasonable offense and offender characteristics;

10. To create fiscal projections for implementation of proposed changes to sentence/release policies;

11. To consider present fiscal limitations within the criminal justice system in the State of Oklahoma;

12. To consider public policy relating to sentence/release policy;

13. To consider factors relevant to appropriate sentencing, including but not limited to: Severity of offense, criminal history of the offender, aggravating and mitigating circumstances of the offense, performance under probationary supervision, deterrence, reformation, prevention of recidivism, effective capacity of state and local correctional facilities and other sentence sanctions available; ~~and~~

14. To monitor the contract between the Oklahoma Legislative Service Bureau and the Oklahoma Department of Corrections, entered into March 9, 1992, for the analysis of the impact of the Truth in

Sentencing Act recommendations proposed by the Sentencing/Release Policy Committee; and

15. To perform any other act necessary to complete the specific purposes of the Committee.

B. The Sentencing/Release Policy Committee shall:

1. Create a report on the committee findings concerning Oklahoma sentence/release policies;

2. Draft recommended sentence/release policy changes and submit the recommended draft to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than February 3, 1992;

3. Submit a summary of every recommended change to existing sentence/release policy and project the impact of those changes on correctional resources and public policy. The summary shall be submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives with the recommended draft of sentence/release policy changes; and

4. Submit a report of the findings of the impact study conducted pursuant to the contract between the Oklahoma Legislative Service Bureau and the Oklahoma Department of Corrections, entered into March 9, 1992, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than February 1, 1993.

C. The ~~Sentence/Release~~ Sentencing/Release Policy Committee shall cease to function ~~June 1, 1992~~ February 4, 1993.

SECTION 4. AMENDATORY Section 6, Chapter 328, O.S.L. 1989, as amended by Section 1, Chapter 252, O.S.L. 1991, is amended to read as follows:

Section 6. A. Within fifteen (15) days from the initial appointment of membership for the Recodification and the Sentencing/Release Policy Committees, the Chairman and co-chairman of each committee shall be appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives from the membership of the respective committees~~, who~~. The Chairman and co-chairman of the Recodification Committee shall serve until June 1, 1992. The Chairman and co-chairman of the Sentencing/Release Policy Committee shall serve until February 4, 1993.

B. Other officers may be elected to serve their respective committees for terms of office as may be designated by the committee members. The Chairman of each committee or his designee shall preside at meetings.

C. The Committees shall meet ~~at least one time per month and~~ at such ~~other~~ times as may be set by the Chairman of the committee.

D. Members of the committees shall receive no salary; however, all members of the committees shall be reimbursed for their actual and necessary travel expenses as follows:

1. Legislative members of the committees shall receive reimbursement from the house in which they serve as provided in the State Travel Reimbursement Act, except when the Legislature is in session and the meeting is held in Oklahoma City.

2. Nonlegislative committee members employed by the state shall be reimbursed by their respective employing agency pursuant to the Travel Reimbursement Act.

3. Any other committee member shall receive reimbursement pursuant to the Travel Reimbursement Act from funds of the Legislative Service Bureau.

E. Meetings of the Recodification and Sentencing/Release Policy Committees shall comply with the provisions of the Open Meeting Act.

F. The presence of seven members appointed to the Recodification Committee shall constitute a quorum and a majority

present may act for the committee. The presence of six members appointed to the Sentencing/Release Policy Committee shall constitute a quorum and a majority present may act for the committee.

G. The committees shall keep minutes of meetings and voting records of each appointed member on file pursuant to the Open Records Act.

SECTION 5. A. The Legislature hereby establishes the Sentencing Reform Review Committee for the purpose of review, analysis and evaluation of the final work of the Sentencing/Release Policy Committee pursuant to Senate Bill No. 432 of the First Session of the 42nd Legislature (1989) as amended by House Bill No. 1844 of the Second Session of the 42nd Legislature (1990) and Senate Bill No. 26 of the First Session of the 43rd Legislature (1991), the contract between the Oklahoma Legislative Service Bureau and the Oklahoma Department of Corrections entered into March 9, 1992, for the analysis of the impact of the Truth in Sentencing Act recommendations proposed by the Sentencing/Release Policy Committee, and the provisions of this act.

B. The Legislature directs all members appointed to the Sentencing Reform Review Committee to make a full and thorough review, analysis and evaluation of the Sentencing/Release Policy Committee's final work and recommendations for legislation.

C. Members of the Sentencing Reform Review Committee shall be Senators appointed by the President Pro Tempore of the Senate and Representatives appointed by the Speaker of the House of Representatives. The Chairman shall be a Representative appointed by the Speaker of the House of Representatives and the vice-chairman shall be a Senator appointed by the President Pro Tempore of the Senate.

D. The Sentencing Reform Review Committee shall meet at the call of the Chairman or his designee. All appointed members shall receive travel reimbursement from the house in which they serve as provided in the State Travel Reimbursement Act.

E. All departments, offices, agencies and employees of this state shall cooperate with the Sentencing Reform Review Committee as may be requested by the Chairman or his designee in carrying out the review, analysis and evaluation of the Sentencing/Release Policy Committee's final work and recommendations for legislation.

SECTION 6. The provisions of Sections 1, 2, 3, 4 and 5 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 12th day of May, 1992.

President of the Senate

Passed the House of Representatives the 25th day of May, 1992.

Speaker of the House of Representatives