

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE JOINT
RESOLUTION NO. 1032

By: Steidley

AS INTRODUCED

A Joint Resolution relating to the Sentencing/Release Policy Committee; amending Sections 4, 5 and 6, Chapter 328, O.S.L. 1989, as last amended by Sections 2, 3 and 4, Chapter 399, O.S.L. 1992, which relate to the Sentencing/Release Policy Committee; extending the duration of the Sentencing/Release Policy Committee; eliminating obsolete references to the Recodification Committee; extending term of Sentencing/Release Policy Committee Chairman and co-chairman; providing for vacancies; providing for noncodification; and declaring an emergency.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. AMENDATORY Section 4, Chapter 328, O.S.L. 1989, as last amended by Section 2, Chapter 399, O.S.L. 1992, is amended to read as follows:

Section 2. 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 ~~February 4, 1993~~ the adjournment sine die of the 2nd Session of the 44th Oklahoma Legislature.

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 2. AMENDATORY Section 5, Chapter 328, O.S.L. 1989, as last amended by Section 3, Chapter 399, O.S.L. 1992, is amended to read as follows:

Section 3. 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;

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 Sentencing/Release Policy Committee shall cease to function ~~February 4, 1993~~ upon the adjournment sine die of the 2nd Session of the 44th Oklahoma Legislature.

SECTION 3. AMENDATORY Section 6, Chapter 328, O.S.L. 1989, as last amended by Section 4, Chapter 399, O.S.L. 1992, is amended to read as follows:

Section 4. 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. 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 serving on February 3, 1992, shall continue to serve until February 4, 1993 the adjournment sine die of the 2nd Session of the 44th Oklahoma Legislature. If a vacancy occurs in either the Chairmanship or the co-chairmanship, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall select a successor from the membership of the Committee.

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

C. The ~~Committees~~ Committee shall meet at such times as may be set by the Chairman of the ~~committee~~ Committee.

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

1. Legislative members of the ~~committees~~ Committee 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~~ Committee 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~~
Committee.

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

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

SECTION 5. 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.

44-1-5333

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