

An Act relating to the Oklahoma Truth in Sentencing Act; amending 21 O.S. 1991, Section 5, as amended by Section 11, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 5), which relates to felonies; modifying definition of felony; amending 21 O.S. 1991, Section 9, as amended by Section 13, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 9), which relates to punishment of felonies; modifying effective date; amending Section 2, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 12), which relates to sentencing policy and procedures; modifying effective date for implementation of certain provisions of the Oklahoma Truth in Sentencing Act and related provisions; limiting application of parole and earned credits; providing alternative sentencing procedures under certain circumstances; amending Section 3, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 13), which relates to sentencing; delaying date; providing termination date for matrices; modifying procedures; making reports and recommendations by the Oklahoma Sentencing Commission advisory; amending Section 4, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 14), which relates to definitions; modifying and adding definitions; amending Section 5, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 15), which relates to sentencing and punishment; modifying date; providing for scope of punishment pursuant to the matrices; modifying fields; eliminating definitions for schedules; amending Section 6, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 16), which relates to classification and scheduling of felony crimes; scheduling certain crimes; rescheduling certain crimes; adding a schedule; amending Section 7, Chapter 133, O.S.L. 1997, as amended by Section 1, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1997, Section 17), which relates to offense enhancers; modifying monetary ranges of monetary value enhancer; adding an enhancer; modifying notification requirements for cases in which state intends to seek penalty enhancement; amending Section 22, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 18), which relates to misdemeanors that do not become felonies for subsequent offenses; limiting application for marihuana; modifying effective date; modifying list of crimes; amending 21 O.S. 1991, Section 42, as amended by Section 21, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 42), which relates to attempts to commit crimes; modifying punishment; amending 21 O.S. 1991, Section 64, as last amended by Section 16, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 64), which relates to fines; removing references to jail incarceration for felonies; amending 21 O.S. 1991, Section 421, as amended by Section 186, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 421), which relates to conspiracy; scheduling crime; providing an exception; amending 21 O.S. 1991, Section 701.16, as amended by Section 234, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 701.16), which relates to the death penalty; establishing crime of conspiracy to commit murder and providing scheduling of crime; amending Section 9, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 701.17), which relates to the death penalty; modifying effective date; amending 21 O.S. 1991, Section 843.1, as amended by Section 247, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 843.1), which relates to caretaker abuse; providing schedules of offenses; amending 21 O.S. 1991, Section 888, as amended by Section 264, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 888), which relates to forcible sodomy; providing schedules of offenses; providing for crime of aggravated forcible sodomy; amending 21 O.S. 1991, Sections 1114 and 1115, as amended by Section 292, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1115), which relate to rape; modifying crime of rape in the first degree; providing for crime of aggravated rape in the first degree; providing scheduling of offenses; amending 21 O.S. 1991, Section 1123, as last amended by Section 299, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1123), which relates to lewd or indecent proposals or acts as to a child and sexual battery; scheduling offenses; modifying schedule for certain offenses; amending Section 1, Chapter 107, O.S.L. 1992, as last amended by Section 307, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1173), which relates to stalking; scheduling offenses; modifying scheduling for certain offenses; amending 21 O.S. 1991, Section 1435, which relates to burglary in the second degree; modifying crime of burglary in the second degree; creating crimes of burglary in the third and fourth degrees; amending 21 O.S. 1991, Section 1436, as amended by Section 357, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1436), which relates to felony schedule for burglary; stating scheduling for burglary; modifying schedule for burglary in the second degree; adding scheduling for burglary in the third and fourth degrees; providing nonscheduled penalties for first and second degree burglary in certain circumstances; amending 21 O.S. 1991, Section 1462, as last amended by Section 360, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1462), which relates to embezzlement; providing for scheduling of offenses; providing for scheduling based on value of property; providing that certain offenses are felonies but are not scheduled; amending 21 O.S. 1991, Section 1533, as last amended by Section 1, Chapter 405, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1533), which relates to false personation, false assertion of authority and sham legal process; modifying effective date of certain provisions; amending 21 O.S. 1991, Sections 1541.2 and 1541.3, as last amended by Sections 369 and 370, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Sections 1541.2 and 1541.3), which relate to obtaining or attempting to obtain property or valuable thing by trick, deception or bogus check; scheduling offenses; providing that certain offenses are felonies but are not scheduled; amending 21 O.S. 1991, Section 1713, as amended by Section 393,

Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1713), which relates to receipt of stolen property; providing for scheduling of crimes; adding more severe schedule based on value of property; amending 21 O.S. 1991, Section 1731, as last amended by Section 406, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1731), which relates to larceny of certain merchandise; scheduling offenses; providing that certain offenses are felonies but are not scheduled; amending Sections 2, 3, 4 and 5 of Enrolled Senate Bill No. 1215 of the 2nd Session of the 46th Oklahoma Legislature, which relates to crimes involving certain telecommunications devices; providing penalties for offenses committed prior to the effective date of main sentencing matrix; amending 22 O.S. 1991, Section 857, as amended by Section 17, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 857), which relates to jury deliberation; modifying effective date; amending Section 40, Chapter 133, O.S.L. 1997, as amended by Section 6, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.2), which relates to definitions for the Community Sentencing Act; modifying definition; amending Section 43, Chapter 133, O.S.L. 1997, as amended by Section 8, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.5), which relates to community sentencing system planning councils; modifying composition of planning councils; providing sites for retention of public documents; amending Section 44, Chapter 133, O.S.L. 1997, as amended by Section 9, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.6), which relates to duties and powers of planning councils; clarifying cites; amending Section 45, Chapter 133, O.S.L. 1997, as amended by Section 10, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.7), which relates to plans for local community sentencing systems; eliminating requirement that designated judge review plan and make written declaration; providing for development and operation of plan if local system refuses to submit a plan; providing that revised plans that are in compliance with required budgetary modifications are not subject to further modification by the Community Sentencing Division; amending Section 46, Chapter 133, O.S.L. 1997, as amended by Section 11, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.8), which relates to community sentencing systems; clarifying court authority; amending Section 47, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.9), which relates to community sentence fees; crediting certain fees to the system from which fees were generated; making fees, costs, restitution and fines a continuing obligation; providing for payment of medical and dental costs; amending Section 53, Chapter 133, O.S.L. 1997, as amended by Section 14, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.15), which relates to the duties of the Community Sentencing Division; modifying duty; amending Section 54, Chapter 133, O.S.L. 1997, as amended by Section 15, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.16), which relates to community sentencing budgets; prohibiting reduction of local systems allocation of state-appropriated funds if funds are received from other sources; modifying purposes for which certain monies may be used; prohibiting certain reductions from budgets for sheriffs; amending Section 56, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.18), which relates to assessments and evaluations; authorizing waiver of assessment and evaluation; amending Section 57, Chapter 133, O.S.L. 1997, as amended by Section 17, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.19), which relates to community sentence punishment; authorizing the court to order that a community sentence be served in another county, subject to certain conditions; changing scope of authority to modify community sentence; modifying credit received by community sentence offender; providing that community sentence is subject to revocation; providing conditions; tolling program time limitation for time revoked to confinement beginning upon filing of application to revoke; modifying eligibility for expungement of record; providing that expungement is for limited purposes; amending Section 58, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.20), which relates to disciplinary sanctions; modifying length of time for sanctions; modifying places of confinement for sanctions; tolling program time limitation for sanction time spent in confinement upon filing of motion to modify; modifying transportation responsibilities of sheriff; eliminating restriction on Department of Corrections receptions for sanctions; amending Section 59, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.21), which relates to credits for community corrections offenders; providing for day-for-day credits for persons revoked to incarceration; amending Section 60, Chapter 133, O.S.L. 1997, as amended by Section 18, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.22), which relates to community sentencing services and programs; authorizing court to order offenders to participate in services or programs located beyond certain distance under certain circumstances; providing for maximum duration of community sentence, with exceptions; authorizing the Department of Corrections to contract with counties for incarceration of persons sentenced to or revoked from community sentence; amending Section 64, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 990), which relates to probationary sentences; expanding maximum duration of delayed sentences; adding definition; modifying eligibility for suspended sentences; providing authorized length of incarceration for a suspended sentence; modifying conditions of incarceration; authorizing the court to assess costs against defendant; eliminating sanctions for suspended sentences; providing for sentencing pursuant to the Delayed Sentencing Program for Young Adults; amending Section 8, Chapter 133, O.S.L. 1997, as amended by Section 2, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 990a-

1), which relates to sentencing; modifying effective date; modifying procedures for sentencing; authorizing sentencing of Field 3 offenders subject to certain factors; providing for sentencing of certain habitual and repeat felons; authorizing sentencing to the Delayed Sentencing Program for Young Adults; authorizing sentencing certain offenders to certain minimum term of incarceration; amending 22 O.S. 1991, Section 991a-2, as amended by Section 66, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 991a-2), which relates to county jail imprisonment; limiting scope of section to day, night and weekend incarceration; providing state funding for offenders who are incarcerated in the county jail for day, night and weekend incarceration, for limited time periods; amending 22 O.S. 1991, Section 991a-4, as last amended by Section 20, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1997, Section 991a-4), which relates to the Community Service Sentencing Program; expanding duration of program; amending 22 O.S. 1991, Section 991c, as last amended by Section 70, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 991c), which relates to deferred judgment; modifying confinement; authorizing court to order payment of fine as condition of deferred judgment; amending Section 20, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 991c-1), which relates to postimprisonment supervision; providing that postimprisonment supervision is a part of the total sentence; amending 22 O.S. 1991, Section 996.3, which relates to the Delayed Sentencing Program for Young Adults; authorizing plea negotiations and plea agreements; amending Section 1, Chapter 355, O.S.L. 1994, as amended by Section 34, Chapter 133, O.S.L. 1997, Section 8, Chapter 355, O.S.L. 1994, as last amended by Section 22, Chapter 333, O.S.L. 1997 and Section 33, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Sections 1501, 1508 and 1516), which relate to the Oklahoma Sentencing Commission; providing termination date for the Commission; removing responsibility of the Commission to promulgate matrices; making recommendations of the Commission advisory; requiring the Commission to provide victim impact statements on implementation of the Oklahoma Truth in Sentencing Act and on legislation that impacts the criminal justice system; providing for assistance from other entities; amending 57 O.S. 1991, Section 38, as last amended by Section 76, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, Section 38), which relates to Department of Corrections reimbursements to counties; modifying rate of reimbursement for contracts for incarceration of community sentence offender; requiring the Department of Corrections to assume physical custody of certain inmates; amending 57 O.S. 1991, Section 138, as last amended by Section 5 of Enrolled House Bill No. 2616 of the 2nd Session of the 46th Oklahoma Legislature, which relates to earned credits; modifying effective date for earned credits for persons sentenced under Oklahoma Truth in Sentencing Act; amending 57 O.S. 1991, Section 332.7, as last amended by Section 6 of Enrolled House Bill No. 2616 of the 2nd Session of the 46th Oklahoma Legislature, which relates to parole; modifying times for parole consideration for certain inmates; limiting authority for reconsideration for certain inmates; eliminating parole eligibility for certain community punishment inmates; modifying effective date for certain provisions; amending 57 O.S. 1991, Section 502, as last amended by Section 1, Chapter 266, O.S.L. 1995 (57 O.S. Supp. 1997, Section 502), which relates to the Oklahoma Corrections Act of 1967; eliminating definition of repealed program; amending Section 2, Chapter 254, O.S.L. 1997, as amended by Section 24, Chapter 333, O.S.L. 1997 (57 O.S. Supp. 1997, Section 508.2a), which relates to the Oklahoma Criminal Justice System Task Force Committee; requiring the Committee to make written reports on the impact of legislation on crime victims; amending 57 O.S. 1991, Section 510.3, as amended by Section 3, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1997, Section 510.3), which relates to inmates who have priority placement in vocational-technical training; eliminating priority for programs no longer in existence; amending 57 O.S. 1991, Section 570, as amended by Section 32, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, Section 570), which relates to the Oklahoma Prison Overcrowding Emergency Powers Act; modifying date; amending Section 62, Chapter 133, O.S.L. 1997, as renumbered by Section 26, Chapter 333, O.S.L. 1997 (57 O.S. Supp. 1997, Section 557.1), which relates to the Oklahoma Community Corrections Revolving Fund; providing that funds deposited by a local jurisdiction shall be credited to that jurisdiction; amending 63 O.S. 1991, Section 2-402, as last amended by Section 530, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-402), which relates to the Uniform Controlled Dangerous Substances Act; providing scheduling for offenses; modifying penalty for possession of marijuana; clarifying that provisions relating to marijuana do not apply to other provisions of law; amending 63 O.S. 1991, Section 2-415, as last amended by Section 535, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-415), which relates to the Trafficking in Illegal Drugs Act; providing scheduling of offenses; modifying scheduling for methamphetamines; amending 66 O.S. 1991, Section 304, as last amended by Section 2 of Enrolled Senate Bill No. 260 of the 2nd Session of the 46th Oklahoma Legislature, which relates to the Railroad Revitalization Act; providing for scheduling of crime; providing penalties for offenses committed prior to the effective date of main sentencing matrix; amending 69 O.S. 1991, Section 1705, as last amended by Section 3 of Enrolled House Bill No. 2731 of the 2nd Session of the 46th Oklahoma Legislature, which relates to the Oklahoma Turnpike Authority; providing for scheduling of crime; providing penalties for offenses committed prior to the effective date of main sentencing matrix; amending 74 O.S. 1991, Section

150.12, as amended by Section 4, Chapter 259, O.S.L. 1994 (74 O.S. Supp. 1997, Section 150.12), which relates to records retained by the Oklahoma State Bureau of Investigation; modifying information to be kept in the criminal record data base; amending Section 612, Chapter 133, O.S.L. 1997, Section 45, Chapter 293, O.S.L. 1997, Section 28, Chapter 333, O.S.L. 1997 and Section 8, Chapter 420, O.S.L. 1997, which relates to effective dates; modifying effective dates; amending Section 606, Chapter 133, O.S.L. 1997, which relates to a repealer; modifying effective date; amending Sections 598, 599, 600 and 601, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Sections 20.1, 20.2, 20.3 and 20.4), which are sentencing matrices; modifying matrices; repealing 57 O.S. 1991, Sections 510.2 and 510.4, as amended by Sections 2 and 4, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1997, Sections 510.2 and 510.4), which relates to house arrest; repealing Section 50, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 987.12), which relate to county jail incarceration of community sentence offenders; providing for codification; providing an effective date; and declaring an emergency.