

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 784

By: Campbell of the House

and

Worthen of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Community Sentencing Act; amending Section 2, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.2), which relates to definitions; modifying definitions; including the Pardon and Parole Board; allowing community sentencing services as condition for parole; providing certain exception for parolee convicted of certain offense; amending Section 3, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.3), which relates to purpose of the Community Sentencing Act; modifying purposes; allowing community sentencing system to deliver services to certain parolees; amending Section 6, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.6), which relates to planning council duties; expanding duties for services to parolees; amending Section 7, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.7), which relates to local plan system plan; requiring certain plan to include services to certain parolees; amending Section 8, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.8), which relates to community services and sentencing options; making certain services available to the Pardon and Parole Board; Section 9, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.9), which relates to fees and costs; allowing payment of certain fee for certain parolees; Section 10, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.10), which relates to limited resource system; requiring Pardon and Parole Board to be aware of use of resources for parolees; requiring certain systems to monitor certain practices and expenditures; Section 14, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.14), which relates to creation of the Community Sentencing Division; deleting provision for separate legislative funding; Section 15, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.15), which relates duties of state agency; requiring report of utilization of system by Pardon and Parole Board; amending Section 16, Chapter 4, 1st Extraordinary Session, O.S.L. 1999, as amended

by Section 1, Chapter 39, O.S.L. 2000 (22 O.S. Supp. 2000, Section 988.16), which relates to community sentencing budgets; deleting provision for pilot programs; requiring continued operation of certain system; amending Section 17, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.17), which relates to use of certain assessment; requiring certain assessment for certain parolees; amending Section 18, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.18), which relates to assessment and evaluation; providing procedure for court-order community punishments; requiring certain assessment and evaluation of certain parolees; amending Section 20, Chapter 4, 1st Extraordinary Session, O.S.L. 1999, as amended by Section 2, Chapter 39, O.S.L. 2000 (22 O.S. Supp. 2000, Section 988.20), which relates to disciplinary sanctions; prohibiting parole modification; providing for disciplinary sanctions for parolees by agreement; amending Section 21, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.21), which relates to earned credits; prohibiting earned credits for parolee; amending Section 22, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.22), which relates to completion of community sentence; including notification to the Pardon and Parole when condition of parole of certain parolees have been completed; construing effect of completion of conditions of parole on parole term and supervision; amending Section 1, Chapter 191, O.S.L. 1998 (22 O.S. Supp. 2000, Section 990.1), which relates to uniform supervision form; allowing certain form for use by certain parolees; amending 57 O.S. 1991, Section 332, as amended by Section 25, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 2000, Section 332), which relates to governor parole power; giving power to approve or deny specific conditions for parole provided by certain state agency; amending 57 O.S. 1991, Section 332.8, as last amended by Section 13, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (57 O.S. Supp. 2000, Section 332.8), which relates to conditions for parole; requiring the Pardon and Parole Board to consider public safety and cost-effectiveness of conditions of parole versus stipulations while incarcerated; amending 57 O.S. 1991, Section 365, as last amended by Section 28, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 2000, Section 365), which relates to specialized parole; modifying references; allowing consideration of certain offenders for parole with conditions to be completed within certain system; amending 57 O.S. 1991, Section 360, which relates to notification of parole; requiring notification to certain persons when parole conditions are to be completed within certain system; amending 57 O.S. 1991, Section 552, which relates to referral of inmates for parole; requiring the Department Classification Committee to seek certain placement as condition of medical or elderly person parole; amending 57 O.S. 1991, Section 332.18, as amended by Section 1, Chapter 341, O.S.L. 1998 (57 O.S. Supp. 2000, Section 332.18), which relates to placement on pardon and parole docket; giving

authority to place elderly inmates on certain docket for compassionate parole; requiring certain review and certification; providing prohibition for certain inmates being considered for compassionate parole; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.2), is amended to read as follows:

Section 988.2 A. For purposes of the Oklahoma Community Sentencing Act:

1. "Local community sentencing system" means a partnership between the state and one or more county governments which uses public and private entities to deliver services to the sentencing court for punishment of eligible felony offenders under the authority of a community sentence and to the Pardon and Parole Board as conditions of parole release for eligible offenders;

2. "Community sentence" or "community punishment" means a punishment imposed by the court as a condition of a deferred or suspended sentence for an eligible offender, or as a condition of parole recommended by the Pardon and Parole Board with approval of the Governor;

3. "Continuum of sanctions" means a variety of coercive measures and treatment options ranked by degrees of public safety, punitive effect, and cost benefit which are available to the sentencing judge as punishment for criminal conduct;

4. "Community sentencing system planning council" or "planning council" means a group of citizens and elected officials specified by law or appointed by the Chief Judge of the Judicial District which plans the local community sentencing system and with the assistance of the Community Sentencing Division of the Department of

Corrections locates treatment providers and resources to support the local community sentencing system;

5. "Incentive" means a court-ordered reduction in the terms or conditions of a community sentence which is given for exceptional performance or progress by the offender;

6. "Disciplinary sanction" means a court-ordered punishment in response to a technical or noncompliance violation of a community sentence which increases in intensity or duration with each successive violation;

7. "Division" means the Community Sentencing Division within the Department of Corrections which is the state administration agency for the Oklahoma Community Sentencing Act, the statewide community sentencing system, and all local community sentencing systems;

8. "Eligible offender" means a felony offender who has been convicted of or who has entered a plea other than not guilty to a felony offense and who upon completion of a Level of Services Inventory or another assessment instrument has been found to be in the moderate range and who is not otherwise prohibited by law, or a felony offender recommended for parole by the Pardon and Parole Board and approved by the Governor pursuant to Section 365 of Title 57 of the Oklahoma Statutes with conditions of parole to be delivered by the Community Sentencing Division of the Department of Corrections; provided, however, that no person who has been convicted of or who has entered a plea other than not guilty to an offense enumerated in ~~subsection 5 of~~ Section 571 of Title 57 of the Oklahoma Statutes, as an exception to the definition of "nonviolent offense", shall be eligible for a community sentence or community punishment unless the district attorney or an assistant district attorney for the district in which the offender's conviction was obtained consents thereto. However, offenders released on parole after having been convicted of an offense listed in Section 571 of

Title 57 of the Oklahoma Statutes shall be considered eligible offenders for purpose of receiving services related to conditions of parole as recommended by the Pardon and Parole Board and approved by the Governor. This consent shall be made a part of the record of the case. Provided, further, that no person who has been convicted of or who has entered a plea other than not guilty to a felony enumerated in Section ~~30~~ 13.1 of ~~this act~~ Title 21 of the Oklahoma Statutes shall be eligible for a community sentence or community punishment; and

9. "Statewide community sentencing system" means a network of all counties through their respective local community sentencing systems serving the state judicial system and offering support services to each other through reciprocal and interlocal agreements and interagency cooperation.

B. For the purposes of the Oklahoma Community Sentencing Act, if a judicial district does not have a Chief Judge or if a judicial district has more than one Chief Judge, the duties of the Chief Judge provided for in the Oklahoma Community Sentencing Act shall be performed by the Presiding Judge of the Judicial Administrative District.

SECTION 2. AMENDATORY Section 3, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.3), is amended to read as follows:

Section 988.3 The purposes of the Oklahoma Community Sentencing Act are to:

1. Protect the public;
2. Establish a statewide community sentencing system;
3. Adequately supervise felony offenders punished under a court-ordered community sentence, or assigned for services by a parole as recommended by the Pardon and Parole Board with approval of the Governor;

4. Provide a continuum of sanctions to the court for eligible felony offenders sentenced to a community sentence within the community sentencing system or a parolee recommended by the Pardon and Parole Board and approved by the Governor to receive services as a condition of parole;

5. Increase the availability of punishment and treatment options to eligible felony offenders;

6. Improve the criminal justice system within this state through public/private partnerships, reciprocal and interlocal governmental agreements, and interagency cooperation and collaboration; and

7. Operate effectively within the allocation of state and local resources for the criminal justice system.

SECTION 3. AMENDATORY Section 6, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.6), is amended to read as follows:

Section 988.6 Each community sentencing planning council shall:

1. Plan the local community sentencing system within allocated funds and other available resources according to the provisions of the law and with the assistance of the Community Sentencing Division of the Department of Corrections;

2. Promulgate rules for functioning of the planning council which are consistent with the provisions of this act;

3. Prepare a detailed plan within the provisions of law and rule each fiscal year with an accompanying budget for the local community sentencing system;

4. Identify local resources by type, cost and location which are available to serve the court for eligible felony offenders sentenced to the community;

5. Identify qualified service providers to deliver services to the court for eligible felony offenders sentenced to the community;

6. Assist in monitoring the sentencing practices of the court and the assignment of parolees by the Pardon and Parole Board to ensure the local community sentencing system functions within the allocation of resources and according to the provisions of this act;

7. Assist in preparing information necessary for qualified services to support the local community sentencing system plan as provided in Section 7 988.7 of this ~~act~~ title;

8. Identify and advocate the use of interlocal governmental agreements for qualified services where services are not available within the jurisdiction or where services may be delivered in a more cost-effective manner by another jurisdiction;

9. Form multicounty systems as may be necessary to conserve state or local resources or to implement an appropriate range of services to the court;

10. Review and recommend services for cost-effectiveness and performance-based evaluation;

11. Identify various sources of funding and resources for the local community sentencing system including a variety of free services available to the court and for parolees assigned by the Pardon and Parole Board with the approval of the Governor;

12. Assist in developing public/private partnerships in the local jurisdiction, reciprocal agreements, and interagency cooperation and collaboration to provide appropriate services and support to the system; and

13. Assist in promoting local involvement and support for the provisions of the Oklahoma Community Sentencing Act.

SECTION 4. AMENDATORY Section 7, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.7), is amended to read as follows:

Section 988.7 A. A detailed plan for each local community sentencing system seeking state funds shall be submitted each fiscal year to the Community Sentencing Division within the Department of

Corrections pursuant to the rules promulgated for such purpose. The designated judge of the planning council shall review the range of services proposed in the plan and declare in writing whether the proposed services meet the needs of the court for purposes of sentencing and for services to parolees assigned by the Pardon and Parole Board with approval of the Governor pursuant to the authority of the Oklahoma Community Sentencing Act. The judge shall forward the plan to the Division for state review and appropriate funding. A plan that conforms with the goals of the Oklahoma Community Sentencing Act shall not be modified or disapproved except when the plan requires more funding than is available to the local system. Each local community sentencing system plan shall include, but not be limited to, the following goals:

1. Identification of existing resources, including cash, professional services, in-kind resources, property, or other sources of resources;

2. Identification of additional resources needed, identified by type and amount;

3. Projected number of offenders to be served by each provider and the projected total number of offenders to be served by the local system;

4. Types and priority groups of offenders to be served for purposes of budgeting and targeting specific use of selected service providers;

5. Identification of sentencing practices used for disciplinary sanctions for noncriminal conduct against participating offenders and applicable costs;

6. Identification of local policy statements;

7. Methods for allocating resources to support the services included in the plan;



8. Identification and evaluation of reciprocal agreements for out-of-jurisdiction services or methods for complying with requests for reciprocal agreements;

9. Identification of program evaluation methods and results, and criteria or minimal program standards;

10. Identification and evaluation of local record keeping and needs for audits or reviews;

11. Identification of any special administrative structure of the local system and list of specific service providers participating in the system, including detailed qualifications of staff and program administrators; and

12. Description and evaluation of the extent of community participation and support for the local system.

B. A community sentencing system shall be operational when the plan is accepted by the Community Sentencing Division or is receiving funding. The Division, upon receipt of a proposed local system plan, shall have not more than forty-five (45) days to evaluate the plan and to notify the planning council of any recommended modification. All modifications for budgeting purposes shall be completed by the first day of June of each year. Failure of the Division to request a budgetary modification within the times specified in this subsection shall constitute final approval of the plan for purposes of state funding and provider service agreements. The service agreements shall be finalized by June 30 of each year for each local community sentencing system. The Division shall not restrict by rule or practice the plan of any local system or determine what constitutes treatment or necessary services if the treatment or services comply with the goals of the Oklahoma Community Sentencing Act, unless there is a demonstrated deficiency or poor program evaluation.

C. A local administrator as provided in Section ~~13~~ 988.13 of this ~~act~~ title shall assist the local planning council in gathering

and keeping accurate information about the jurisdiction to support the planning process. For the previous two (2) years, the information pertaining to the jurisdiction may include, but not be limited to:

1. The number and rate of arrests, number of felony convictions, admissions to probation, admissions to parole, number of offenders sentenced to post-imprisonment supervision, number of offenders sentenced to county jail, average length of sentence served in county jail, number of offenders sentenced to the custody of the Department of Corrections, and average length of sentence served in the custody of the Department of Corrections;

2. Current jail capacity, and jail population data by offender-type including, but not limited to, misdemeanor, felony, trusty, post-trial detainee, pretrial detainee, disciplinary sanction or juvenile;

3. A listing of services and programs available in the community, including costs, space availability, the number of offenders participating, the average length of participation and performance-based data;

4. Range of community punishments previously used by the courts for offenders within the jurisdiction, including methods and use of disciplinary sanctions for noncriminal behavior of offenders sentenced to community punishment and use of incentives;

5. A listing of educational, vocational-technical, health, mental health, substance abuse treatment, medical, and social services available to offenders or to be made available within a twelve-month period;

6. Restrictive residential facilities or other restrictive housing options available or to be made available within a twelve-month period; and

7. Approved local system plans and budgets.

SECTION 5. AMENDATORY Section 8, Chapter 4, 1st  
Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section  
988.8), is amended to read as follows:

Section 988.8 A. A community sentencing system established pursuant to the provisions of the Oklahoma Community Sentencing Act shall include those community punishments and programs and services enumerated and funded as a pilot project in the annual plan submitted to the Community Sentencing Division within the Department of Corrections and any other services or punishments subsequently added and funded during a plan year. The options may not be utilized for offenders not meeting the eligibility criteria of programs and score requirements for the Level of Services Inventory (LSI) or other approved assessment. Each local system shall strive to have available to the court and the Pardon and Parole Board all of the following services for eligible offenders:

1. Community service with or without compensation to the offender;
2. Substance abuse treatment and availability for periodic drug testing on offenders following treatment;
3. Varying levels of supervision by the Department of Corrections probation officers or another qualified supervision source;
4. Education and literacy provided by the State Department of Education, the county library system, the local school board, or another qualified source;
5. Employment opportunities and job skills training provided by the State Department of Vocational Technical Education or another qualified source;
6. Enforced collections provided by the local court clerk, or another state agency; and
7. The availability of county jail or another restrictive housing facility for limited disciplinary sanctions.

B. The court may order as a community punishment for an eligible offender any condition listed as a condition available for a suspended sentence.

C. In all cases in which an offender is sentenced or paroled to a community punishment, the offender shall be ordered as part of the terms and conditions of the sentence to pay for the court ordered sanction, based upon ability to pay. Payments may be as provided by court order or pursuant to periodic payment schedules established by the service provider. If the offender does not have the financial ability to pay for the court ordered sanction, payment shall be made from funds budgeted for the local community sentencing system.

SECTION 6. AMENDATORY Section 9, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.9), is amended to read as follows:

Section 988.9 A. Any offender sentenced to a community sentence pursuant to the Oklahoma Community Sentencing Act which requires supervision shall be required to pay a supervision fee. The supervising agency shall establish the fee amount, not to exceed Forty Dollars (\$40.00) per month, based upon the offender's ability to pay. In hardship cases the supervising agency may expressly waive all or part of the fee. No supervising agency participating in a local community sentencing system shall deny any offender supervision services for the sole reason that the offender is indigent. Fees collected for supervision services performed by the Department of Corrections shall be paid directly to the Department to be deposited in the Department of Corrections Revolving Fund. Supervision services performed by agencies other than the Department shall be paid directly to that agency.

B. In addition to any supervision fee, offenders participating in a local community sentencing system under a court-ordered community punishment or a condition of parole as recommended by the Pardon and Parole Board with approval of the Governor shall be

required to pay an administrative fee to support the local system which shall not exceed Twenty Dollars (\$20.00) per month to be set by the court. Administrative fees when collected shall be deposited with the Community Sentencing Division within the Department of Corrections and credited to the local community sentencing system for support and expansion of the local community corrections system. In the event the court fails to order the amount of the administrative fee, the fee shall be Twenty Dollars (\$20.00) per month.

C. In addition to any supervision fee and administrative fee authorized by this section, the court shall assess court costs, and may assess program reimbursement costs, restitution, and fines to be paid by the offender. With the exception of supervision fees, other fees, costs, fines, restitution, or monetary obligations ordered to be paid by the offender shall not cease with the termination of active supervision and such obligations shall continue until fully paid and may be collected in the same manner as court costs.

SECTION 7. AMENDATORY Section 10, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.10), is amended to read as follows:

Section 988.10 A. It is the responsibility of the planning council, the sentencing judge, and the local administrator to ensure that the expenditure of funds within the local community sentencing system is appropriately made only for eligible offenders within the range of services offered to the court and the Pardon and Parole Board. It is further the responsibility of the local system, the prosecutor, the defense attorney, the Pardon and Parole Board, and sentencing court to keep an awareness of the local correctional resources and to utilize those resources in the most efficient manner when punishing eligible offenders with community punishments or assigning parolees to conditions of parole recommend by the Pardon and Parole Board with approval of the Governor.

B. The sentencing judge when imposing any punishment pursuant to the provisions of the Oklahoma Community Sentencing Act shall consider the most cost-effective treatment specifically targeted for the offender's needs as determined by the Level of Services Inventory (LSI) report.

C. The statewide system and each local system is required to monitor sentencing practices and parole practices, together with eligibility requirements, and to prioritize expenditures, and operate within available resources for eligible offenders.

D. The Community Sentencing Division within the Department of Corrections shall not fund any community sentencing system beyond the accepted budget amounts in any fiscal year.

SECTION 8. AMENDATORY Section 14, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.14), is amended to read as follows:

Section 988.14 A. There is hereby created within the Department of Corrections the "Community Sentencing Division". The purpose of the Division shall be to implement and administer the Oklahoma Community Sentencing Act and any provisions of law relating to the operation and management of a statewide community sentencing system.

B. The Community Sentencing Division shall employ an executive management staff consisting of a deputy director and such other employees as authorized by the Legislature and subject to appropriations, who shall be unclassified state employees. In addition to the executive management staff, there shall be an appropriate number of local community sentencing system administrators as authorized by the Legislature and subject to appropriations, who shall be unclassified state employees of the Division. The deputy director of the Division shall report directly to the Director of the Department of Corrections. The Legislature shall provide the Department of Corrections sufficient funds for

~~administrative support to the Division, and the Division shall have a separate legislative appropriation for the implementation and operation of the statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act. The Director of the Department of Corrections shall hire and set the salary of the executive management staff. The deputy director of the Division shall hire the local administrators.~~

SECTION 9. AMENDATORY Section 15, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.15), is amended to read as follows:

Section 988.15 The Community Sentencing Division within the Department of Corrections shall have the duty to:

1. Administer a statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act and other provisions of law;
2. Establish goals and standards for the statewide community sentencing system and the local community sentencing systems;
3. Promulgate rules pursuant to the Administrative Procedures Act for the implementation and operation of the Oklahoma Community Sentencing Act;
4. Provide technical assistance and administrative support to each local community sentencing system. The technical assistance shall include, but not be limited to, information on:
  - a. corrections system design,
  - b. administration,
  - c. development, monitoring, and evaluating of programs and services,
  - d. program identification and specifications,
  - e. offender risk management,
  - f. supervision of offenders,
  - g. planning and budgeting,
  - h. grant applications, and

- i. preparation and submission of documents, data, budgets, and system plans;

5. Coordinate and collaborate with other state agencies for services and technical assistance to each local community sentencing system;

6. Apply for and accept money and other assets to be utilized for support of a statewide community sentencing system and to allocate and disburse appropriated funds to local community sentencing systems through an appropriate funding method;

7. Review, analyze and fund local system plans within budgetary limitations;

8. Contract with local service providers and state agencies for services to the local system;

9. Identify and solicit other funding sources and resources to support the statewide community sentencing system;

10. Request post audits of state funds;

11. Monitor and coordinate local systems;

12. Provide performance-based evaluations for all service providers of the statewide system;

13. Report annually by January 15 to the Legislature and Governor on the statewide system. The report shall provide an evaluation of the effectiveness of the Oklahoma Community Sentencing Act in terms of public safety, appropriate range of community punishments, cost-effectiveness, performance-based effectiveness in reducing recidivism, utilization by the judiciary, utilization by the Pardon and Parole Board, resource allocation, and reduced state and local institutional receptions, if any; and

14. Disseminate information to local administrators and community sentencing systems concerning corrections issues including, but not limited to:

- a. punishment options,
- b. disciplinary sanctions,



- c. resource allocation,
- d. administration,
- e. legal issues,
- f. supervision and risk management,
- g. treatment methodology and services,
- h. education and vocational services,
- i. service and program monitoring and evaluation methods,
- j. grants and funding assistance,
- k. data and record keeping, and
- l. offender characteristics.

SECTION 10. AMENDATORY Section 16, Chapter 4, 1st Extraordinary Session, O.S.L. 1999, as amended by Section 1, Chapter 39, O.S.L. 2000 (22 O.S. Supp. 2000, Section 988.16), is amended to read as follows:

Section 988.16 A. The Department of Corrections shall ~~implement pilot projects for establishment and~~ ensure the continued operation of local community sentencing systems.

Each fiscal year the Division, in collaboration with the local planning councils, shall provide goals and funding priorities for community punishments as provided by law. The statewide community sentencing system shall be composed of local community sentencing system plans as approved by the Division. The Division shall promulgate rules for local community sentencing systems based upon objective criteria for allocation of state-appropriated funds to local systems for day-to-day operation during a fiscal year which may include identification of:

1. Fiscally responsible allocations of services and funds;
2. Innovative or effective programs of the local system; and
3. Appropriate targeting of offenders for services.

The Division and each of the local community sentencing systems are required to operate within the appropriated funds. The state shall require each local community sentencing system to identify resources

other than state funds as part of the funding formula. The Division shall establish procedures for disbursement of state funds to service providers, and shall disburse state funds in a timely manner.

B. For a local community sentencing pilot project to remain eligible for state funding, a local community sentencing system shall:

1. Demonstrate fiscal responsibility by operating the local system within the plan and budget allocation;

2. Require performance-based selection of service providers participating in the annual system plan;

3. Submit a plan which offers a continuum of sanctions for eligible offenders sentenced or paroled to the local community sentencing system and appropriately assign offenders for services; and

4. Comply with the rules promulgated by the Community Sentencing Division within the Department of Corrections and the provisions of the Oklahoma Community Sentencing Act.

C. The Community Sentencing Division within the Department of Corrections shall review and evaluate all community sentencing system plans and budget requests when plans are submitted for approval and funding. The Division is directed to automatically approve all plans complying with the provisions of the Oklahoma Community Sentencing Act which require no state funding.

D. When state funding is required to implement a local community sentencing system plan, the Community Sentencing Division shall approve the plan only to the extent that the jurisdiction's share of the total state appropriations will support the implementation of the local system plan. Modification to a local plan shall be for budgetary purposes, as provided in Section 988.7 of this title, and for compliance with law and rule.

E. State funds from the Community Sentencing Division disbursed to community sentencing systems shall be used for operation and administrative expenses and shall not be used to construct, renovate, remodel, expand or improve any jail, residential treatment facility, restrictive housing facility, or any other structure, nor shall these funds be used to replace funding or other resources from the federal, state, county or city government committed in support of the detailed system plan during the plan year.

F. Any funds accruing to the benefit of a community sentencing system shall be deposited in the Oklahoma Community Sentencing Revolving Fund created as provided in Section 557.1 of Title 57 of the Oklahoma Statutes, and shall be credited to the local jurisdiction making such deposit. The Community Sentencing Division within the Department of Corrections and every local planning council are authorized to apply for and accept grants, gifts, bequests and other lawful money from nonprofit private organizations, for-profit organizations, political subdivisions of this state, the United States, and private citizens to support or expand the community sentencing system.

G. For purposes of calculating state funding for local community sentencing systems, supervision, treatment, and education shall be the first funding priorities.

SECTION 11. AMENDATORY Section 17, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.17), is amended to read as follows:

Section 988.17 A. The Department of Corrections shall utilize the Level of Services Inventory (LSI) assessment instrument, or another assessment that evaluates criminal risk to recidivate, to evaluate all eligible offenders sentenced to community punishments under the Oklahoma Community Sentencing Act. This assessment shall not be waived and is required for eligibility determination.

B. The Administrative Office of the Courts shall assist in promulgating instructions and forms necessary for the courts' use of the required assessment. In collaboration with the Department of Corrections, all state agencies shall provide technical assistance necessary to implement and monitor the Oklahoma Community Sentencing Act in the areas of their expertise and experience, and shall offer services to local community sentencing systems.

C. All participating state agencies and local planning councils are directed to promulgate rules necessary to implement the provisions of the Oklahoma Community Sentencing Act. When promulgating the rules, participating state agencies and local planning councils shall collaborate with the Division so their rules enhance the effectiveness of the statewide community sentencing system and statewide goals established for the criminal justice system.

SECTION 12. AMENDATORY Section 18, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.18), is amended to read as follows:

Section 988.18 A. For offenders sentenced pursuant to the Oklahoma Community Sentencing Act by the district court:

1. On and after March 1, 2000, for each felony offender considered for any community punishment pursuant to the Oklahoma Community Sentencing Act, the judge shall, prior to sentencing, order an assessment and evaluation of the defendant as required by law;<sup>i</sup>

~~B.~~ 2. The Level of Services Inventory (LSI), or another assessment and evaluation instrument designed to predict risk to recidivate approved by the Department of Corrections, shall be required to determine eligibility for any offender sentenced pursuant to the Oklahoma Community Sentencing Act. The completed assessment accompanied by a written supervision plan shall be presented to and reviewed by the court prior to determining any

punishment for the offense. The purpose of the assessment shall be to identify the extent of the defendant's deficiencies and pro-social needs, the potential risk to commit additional offenses that threaten public safety, and the appropriateness of various community punishments-;

~~C.~~ 3. Upon order of the court, the defendant shall be required to submit to the LSI or other approved assessment which shall be administered and scored by an appropriately trained person designated by the court or pursuant to a service agreement with the local community sentencing system. Any defendant lacking sufficient skills to comprehend or otherwise participate in the assessment and evaluation shall have appropriate assistance. If it is determined that the offender cannot be adequately evaluated using the LSI or another approved assessment, the offender shall be deemed ineligible for any community services pursuant to the Oklahoma Community Sentencing Act, and shall be sentenced as prescribed by law for the offense-;

~~D.~~ 4. The willful failure or refusal of the defendant to be assessed and evaluated by using the LSI or another approved assessment shall preclude the defendant from eligibility for any community punishment-;

~~E.~~ 5. The completed LSI, or other approved assessment, shall include a written supervision plan and identify an appropriate community punishment, if any, when the offender is considered eligible for community punishments based upon the offender's completed risk/need score from the LSI assessment. Any offender scoring outside the moderate range on the LSI assessment shall not be eligible for any state funded community punishments-; and

~~F.~~ 6. The court is not required to sentence any offender to a community punishment regardless of an eligible score on the LSI. Any felony offender scoring in the low risk/need levels on the LSI may be sentenced to a suspended sentence with minimal, if any,

conditions of the sentence to be paid by the offender. If the LSI or another assessment has been conducted, the evaluation report shall accompany the judgment and sentence.

B. To be eligible for assignment to the Community Sentencing Division pursuant to the Oklahoma Community Sentencing Act by a recommendation of the Pardon and Parole Board with approval of the Governor, parolees must meet the requirements of the LSI as set out in Section 988.17 of this title.

SECTION 13. AMENDATORY Section 20, Chapter 4, 1st Extraordinary Session, O.S.L. 1999, as amended by Section 2, Chapter 39, O.S.L. 2000 (22 O.S. Supp. 2000, Section 988.20), is amended to read as follows:

Section 988.20 A. Upon proper motion to the court to modify a community sentence as provided in Section 988.19 of this title, the judge shall have authority to impose disciplinary sanctions or incentives. An order for a disciplinary sanction shall not modify the terms of the original sentence and shall be imposed only to gain compliance with the terms of the court-ordered community punishment. The court may order any community punishment available and funded in the jurisdiction that is deemed appropriate by the judge for the circumstance including, but not limited to, a term of imprisonment not to exceed thirty (30) days per disciplinary order in either:

1. The county jail;
2. A residential treatment facility;
3. A restrictive housing facility; or
4. A halfway house.

When the offender is to be confined, the sheriff shall, upon order of the court, deliver the offender to the designated place of confinement, provided the place of confinement has an agreement for confinement services with the local community sentencing system or is the county jail. The sheriff shall be reimbursed by the local community sentencing system for transporting offenders pursuant to

this subsection. The offender shall be given day-for-day credit for any terms of incarceration served in the county jail or other restrictive facility when the sentence is modified.

B. The court may, through a standing court order, provide for specific disciplinary sanctions and incentives which may be utilized by the local administrator upon notification to the court.

C. When a motion for modification has been filed pursuant to Section 988.19 of this title, the court shall have authority to offer incentives to offenders to encourage proper conduct in the community and for compliance with the community punishments. The court shall use its discretion in ordering appropriate incentives. Incentives shall be considered a reduction and modification to the community punishment and may be ordered after the motion to modify has been heard.

D. When any offender is disciplined by the court as authorized by this section and is to be imprisoned in the county jail or other restrictive facility, the sheriff or facility administrator shall receive compensation as provided by their agreement with the local community sentencing system, or the sheriff or facility administrator shall be paid directly for the services by the offender when ordered to pay for the confinement as part of the disciplinary sanction. In no event shall any compensation for disciplinary confinement exceed the maximum amount provided for county jail confinement in Section 38.1 of Title 57 of the Oklahoma Statutes.

E. The Department of Corrections is prohibited from accepting offenders into any state penitentiary for disciplinary sanctions.

F. A parolee assigned by a recommendation of the Pardon and Parole Board with the approval of the Governor for services as a condition of parole shall not have the parole modified pursuant to this section but may be sanctioned as agreed in the parole release.

SECTION 14. AMENDATORY Section 21, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.21), is amended to read as follows:

Section 988.21 Any law directing earned credits during periods of imprisonment or otherwise, including Sections 20, 58.3, 138, 138.1 and 224 of Title 57 of the Oklahoma Statutes and Section 615 of Title 69 of the Oklahoma Statutes, shall not be applicable to persons sentenced or paroled to a community sentence pursuant to the provisions of the Oklahoma Community Sentencing Act. Day-for-day credits for any term of incarceration served as part of a community punishment shall be given to offenders who have community sentences revoked to county jail or state prison and also shall be given when a community sentence is modified.

SECTION 15. AMENDATORY Section 22, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.22), is amended to read as follows:

Section 988.22 A. Any offender ordered to participate in the local community sentencing system shall be advised of the conditions of the specific program or service to which he or she is assigned.

B. Prior to completing a community punishment, the offender may, in special circumstances, request a reciprocal assignment in another jurisdiction to complete the terms and conditions of the community punishment. Each community sentencing system shall have entered into a reciprocal agreement for services with the other jurisdiction, and shall have the approval of the receiving jurisdiction and a court order from the court having jurisdiction of the offender before any transfer of the person, case, and services shall be made.

C. Upon completion of any court-ordered provision or any condition of parole, pursuant to the Oklahoma Community Sentencing Act, the administrator of the local system shall file a statement with the court, or the Pardon and Parole Board if the offender is on



parole release, defining the provision which has been successfully completed. When all court-ordered provisions have been successfully completed the defendant shall be deemed to have completed the community punishment. When a parolee has completed the conditions of parole, the condition shall be completed; however, the parole term may continue with supervision as provided on the parole release documents.

D. The provisions of the Oklahoma Community Sentencing Act shall not confer any rights upon the defendant to avoid a term of imprisonment prescribed by law for the offense, nor grant any additional rights to appeal for failure to be offered any specific punishment or treatment option available to the court.

E. A community sentence pursuant to the Oklahoma Community Sentencing Act shall not require active supervision, programs or services for more than three (3) years, but may continue beyond the three-year limitation for purpose of completing court-ordered monetary obligations.

SECTION 16. AMENDATORY Section 1, Chapter 191, O.S.L. 1998 (22 O.S. Supp. 2000, Section 990.1), is amended to read as follows:

Section 990.1 A. The Administrative Office of the Courts in collaboration with the Department of Corrections through both the Community Corrections/Probation and Parole Division and the Community Sentencing Division shall establish a uniform supervision form to be distributed to and used by the district courts of this state for felony offenders sentenced to supervision under a sentence of probation, a suspended sentence, a split sentence, a delayed sentence, ~~and~~ a community sentence or for services as conditions of parole release recommended by the Pardon and Parole Board with approval of the Governor. The form shall comply with the provisions of Section 990 of Title 22 of the Oklahoma Statutes and any other statutory authority for supervision of court orders. The form shall

provide sufficient space for the sentencing judge to write orders for specific conditions of the sentence ~~as provided in paragraph B of Section 987.8 of Title 22 of the Oklahoma Statutes~~ and for orders enumerating amounts, schedules, and designation of payments for restitution, reimbursements, repayments, costs, fees, court costs, and statutory fines. The form shall be completed and implemented by July 1, 1998.

B. The Administrative Office of the Courts shall promulgate rules necessary to carry out the implementation of the provisions of this section by the judiciary. The Department of Corrections through both the Community Corrections/Probation and Parole Division and the Community Sentencing Division shall promulgate rules necessary to carry out the implementation of the provisions of this section by persons under their authority.

SECTION 17. AMENDATORY 57 O.S. 1991, Section 332, as amended by Section 25, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 2000, Section 332), is amended to read as follows:

Section 332. The Governor shall have power to grant, after conviction, reprieves, commutations, paroles and pardons for all offenses, except cases of impeachment, upon such conditions and such restrictions and limitations as may be deemed proper by the Governor, subject, however, to the regulations prescribed by law and the provisions of Section 10 of Article VI of the Oklahoma Constitution. The Governor shall have power to approve or deny the recommendations for specific conditions for parole release to be provided by the Community Sentencing Division of the Department of Corrections upon a recommendation from the Pardon and Parole Board for parole.

SECTION 18. AMENDATORY 57 O.S. 1991, Section 332.8, as last amended by Section 13, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (57 O.S. Supp. 2000, Section 332.8), is amended to read as follows:

Section 332.8 No recommendations to the Governor for parole shall be made in relation to any inmate in a penal institution in the State of Oklahoma unless the Pardon and Parole Board considers the victim impact statements if presented to the jury, or the judge in the event a jury was waived, at the time of sentencing and, in every appropriate case, as a condition of parole, monetary restitution of economic loss as defined by Section 991f of Title 22 of the Oklahoma Statutes, incurred by a victim of the crime for which the inmate was imprisoned. In every case, the Pardon and Parole Board shall first consider the number of previous felony convictions and the type of criminal violations leading to any such felony convictions, then shall consider either suitable employment or a suitable residence, then shall consider the public safety cost-effectiveness of paroling the offender with conditions to be delivered by the Community Sentencing Division, as opposed to setting stipulations to be completed while incarcerated, and finally shall mandate participation in education programs to achieve the proficiency level established in Section 510.7 of this title or, at the discretion of the Board require the attainment of a general education diploma, as a condition for release on parole. The probation and parole officer shall render every reasonable assistance to any person making application for parole, in helping to obtain suitable employment or enrollment in an education program or a suitable residence. Any inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of eligibility for parole, shall have his or her eligibility for parole revoked. Any such inmate shall be returned to confinement in the custody of the Department of Corrections.

SECTION 19. AMENDATORY 57 O.S. 1991, Section 365, as last amended by Section 28, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 2000, Section 365), is amended to read as follows:

Section 365. A. Offenders who are:

1. Persons in the custody of the Department of Corrections sentenced for crimes committed prior to July 1, 1998, who meet the following guidelines may be considered by the Pardon and Parole Board for a specialized parole:

~~1.~~

a. (1) who are within one (1) year of projected release date and are serving a sentence for a crime listed in Schedule A, B, C, D or D-1 on the main sentencing matrix or S-1, S-2 or S-3 on the sex crimes matrix~~;~~ and or

~~b.~~

(2) who are within two (2) years of projected release date and are serving a sentence for an offense that is in a different schedule of the main matrix or is on the drug crimes or intoxicant crimes involving a vehicle matrix~~;~~ and

~~2. Who~~

b. who have completed at least one of the following:

~~a.~~ (1) general education diploma, ~~or~~

~~b.~~ (2) adult literacy program, ~~or~~

~~c.~~ (3) residential substance abuse program, ~~or~~

~~d.~~ (4) participation in a prison public works program for ninety (90) consecutive days, ~~or~~

~~e.~~ (5) a vocational-technical education program, or

~~f.~~ (6) other educational or rehabilitation program available in the department~~;~~ and

~~3. Who~~

c. who are not incarcerated for an offense for which parole is prohibited pursuant to law.

~~B.~~ 2. Upon an inmate becoming eligible for specialized parole it shall be the duty of the Pardon and Parole Board, with or without

application being made, to cause an examination to be made of the criminal record of the inmate and to make inquiry into the conduct and the record of the inmate during confinement in the custody of the Department of Corrections.

~~C.~~ 3. Upon a favorable finding by the Pardon and Parole Board, the Board shall recommend to the Governor that the inmate be placed on specialized parole. If approved by the Governor, notification shall be made to the Department of Corrections that said inmate has been placed on specialized parole.

~~D.~~ 4. Prior to the placement of an inmate on specialized parole, the Pardon and Parole Board shall provide written notification to the sheriff and district attorney of the county in which any person on specialized parole is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the placement of the person on specialized parole within the county or incorporated city or town. The Board also shall provide written notification of the placement of the person on specialized parole within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Board shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

B. All other offenders who meet the assessment and evaluation requirements of the Oklahoma Community Sentencing Act may be considered by the Pardon and Parole Board for parole with conditions to be completed within the community sentencing system.

SECTION 20. AMENDATORY 57 O.S. 1991, Section 360, is amended to read as follows:

Section 360. A. Upon the granting of a parole by the Governor, and release of the inmate to the community with or without

conditions of parole, the Pardon and Parole Board shall provide written notification to the following:

1. The sheriff of the county in which the parolee is to reside;
2. The district attorney of the county in which the parolee is to reside;
3. The chief law enforcement officer of any incorporated city or town in which the parolee is to reside;
4. The sheriff of the sentencing county as defined in Section 513.2 of this title;
5. The district attorney of the sentencing county as defined in Section 513.2 of this title;
6. The chief law enforcement officer of any incorporated city or town in the sentencing county who has requested such notification; and
7. Any victim of the crime for which the parolee was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the parolee to any victim of the crime for which the parolee was convicted.

If the inmate is to be paroled with conditions to be completed within the community sentencing systems, the Community Sentencing Division of the Department of Corrections and the administrator of the local planning council for the Community Sentencing Division shall receive notice of the parole release.

B. Upon the granting of a pardon by the Governor, the Pardon and Parole Board shall provide written notification to the following:

1. The sheriff of the sentencing county as defined in Section 513.2 of this title;
2. The district attorney of the sentencing county as defined in Section 513.2 of this title;

3. The chief law enforcement officer of any incorporated city or town in the sentencing county who has requested such notification; and

4. Any victim of the crime for which the person receiving the pardon was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the person receiving the pardon to any victim of the crime for which the person receiving the pardon was convicted.

C. Said notification shall be made on a monthly basis by the tenth day of the month following the granting of the pardon or parole.

SECTION 21. AMENDATORY 57 O.S. 1991, Section 552, is amended to read as follows:

Section 552. A. The Department Classification Committee shall have the authority to refer inmates, upon reception, to the Pardon and Parole Board under written rules ~~and regulations~~ governing such referrals promulgated by ~~said~~ the Board.

B. 1. The Department Classification Committee shall seek to recommend prisoners requiring alcoholism treatment services to alcoholism treatment centers as a condition of a medical leave or parole. If a prisoner requiring such services is indigent, such services shall be provided by the Department of Mental Health and Substance Abuse Services.

2. The Department Classification Committee shall seek to recommend inmates requiring extensive medical care or geriatric care to medical care facilities, geriatric centers or rest homes as a condition of a medical or elderly person parole.

SECTION 22. AMENDATORY 57 O.S. 1991, Section 332.18, as amended by Section 1, Chapter 341, O.S.L. 1998 (57 O.S. Supp. 2000, Section 332.18), is amended to read as follows:

Section 332.18 A. The Director of the Department of Corrections shall have the authority to request the Executive Director of the Pardon and Parole Board to place an inmate on the Pardon and Parole Board docket for a medical reason, out of the normal processing procedures. Documentation of the medical condition of such inmate shall be certified by the medical director of the Department of Corrections. The Pardon and Parole Board shall have the authority to bring any such inmate before the Board at any time, except as otherwise provided in subsection B of this section.

B. When a request is made for a medical parole review of an inmate who is dying or is near death as certified by the medical director of the Department of Corrections, the Executive Director shall place such inmate on the first available parole review docket for a compassionate parole recommendation.

C. The Director of the Department of Corrections shall have the authority to request the Executive Director of the Pardon and Parole Board to place an inmate that is sixty-five (65) years of age or older on the Pardon and Parole docket for a compassionate parole, out of the normal processing procedures. Such inmates shall be reviewed and certified by the medical director of the Department of Corrections. Inmates with documented acts of violent behavior or misconducts within the past five (5) years will not be considered for parole pursuant to this section.

SECTION 23. 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.