

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 808

By: Wilkerson of the Senate

and

Askins of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; creating the Reintegration Support Act; providing short title; stating legislative findings and intent; authorizing the Administrative Office of the Courts to designate one or more district courts to implement a pilot reentry court program; making pilot program subject to availability of funds; directing establishment of certain rules for certain purpose; providing eligibility and procedural requirements by rule; defining term; providing reentry in addition to parole supervision; construing eligibility; reserving certain right of refusal for admission; limiting total number of persons in certain pilot program; stating duration of certain program; providing exception by rule; requiring payment of certain costs and fees; requiring employment for participation; allowing temporary suspension of cost and fees upon certain condition; making cost and fees an obligation to the court; making certain obligation payable after term of sentence; limiting period to accrue cost and fees; providing method of collecting cost and fees; providing penalty for failure to pay certain cost and fees; allowing court clerk to retain certain percentage of cost and fees collected by rule; requiring certain notification to certain agencies; allowing certain unscheduled visits by rule; authorizing victim participation by certain methods; providing for disciplinary sanctions; making act of absconding a crime; construing authority of court to not recognize certain action; recognizing certain behaviors; providing additional penalty for removal from certain program; amending Section 14, Chapter 276, O.S.L. 1993, as last amended by Section 3, Chapter 170, O.S.L. 1999 (57 O.S. Supp. 2000, Section 612), which relates to assignment, classification and processing of DUI offenders; including other substance offenses with DUI offender's classification authority; requiring evaluation of addiction before assignment to treatment; deleting language; providing for structured supervision or aftercare; allowing recommendation to reentry court for certain offenders; authorizing treatment by public or private provider or hospital; allowing transfer to court jurisdiction by rule upon acceptance to reentry court; providing jurisdiction over offender while

sentenced; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472 of Title 22, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Reintegration Support Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that persons who have been incarcerated for long periods of time require assistance and support upon their return to society, and that persons who have received treatment for criminal conduct while incarcerated often require a structured environment for some period of time upon their return to society. The ability to provide structured support, monitoring, and when necessary, judicial intervention is within the authority of the district court, and provisions should be made to allow the courts to provide these services in a nonadversarial manner to encourage reintegration of convicted persons following a period of incarceration. It is the intent of the Legislature to allow the courts to provide nonadversarial therapeutic jurisprudence to persons returning from incarceration to enhance public safety.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

Contingent upon the availability of funds, the Administrative Office of the Courts may designate one or more district courts to implement a pilot reentry court program as provided by the provisions of this act for persons released from incarceration in

this state by parole or released as may otherwise be provided by law, subject to the eligibility and procedural requirements set by rule. The district court shall establish necessary rules for implementation of a pilot reentry court program pursuant to this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. "Reentry court" means nonadversarial judicial monitoring, structured support, and intervention for:

1. Persons convicted of a violent felony offense who are released on parole from incarceration in this state;

2. Persons convicted of any nonviolent felony offense or any combination of violent or nonviolent felony offenses who are released on parole from incarceration in this state;

3. Persons convicted of any substance abuse or alcohol-related felony offense and sentenced to incarceration in this state, who have completed a substance abuse treatment course while incarcerated and who are released to structured supervision or aftercare pending completion of the sentence pursuant to Section 612 of Title 57 of the Oklahoma Statutes; or

4. Persons convicted of a felony offense and who are released from incarceration by commutation of the sentence, or as otherwise authorized by law, and who are released from incarceration subject to participation in a structured support environment.

Reentry court is in addition to, and not in substitution for, any parole supervision provided by the Department of Corrections.

B. Nothing in this act shall require the admission of every person deemed eligible for participation in any reentry court program. The rules for eligibility screening shall provide for refusal of admission to reentry court at the discretion of the court.

C. The total number of persons allowed to participate in the pilot reentry court programs shall not exceed fifteen percent (15%) of the total population of persons committed to the custody of the Department of Corrections, excluding those on probation and parole; provided, if the total population of persons committed to the custody of the Department decreases so that the percentage of persons participating in the reentry court program exceeds fifteen percent (15%) of that population, the participants shall not be removed from the program.

D. Persons participating in the reentry court program shall remain active in the program for twelve (12) months, but may be required to remain in the program until the completion of the sentence as provided by rule. All persons participating in the reentry court program shall pay the costs of supervision or other costs or fees associated with the program. All persons participating in the reentry court program shall be or become employed. The judge may suspend payment of costs and fees during periods of unemployment or in the event of a person being totally disabled and unable to be employed, but costs and fees shall not be waived and shall constitute an obligation to the court until paid. The obligation for costs and fees shall not be limited by the term of the sentence nor by the length of active participation in the reentry court; provided, however, costs and fees shall accrue only during the active portion of reentry court. Costs and fees shall be collected as provided for court costs and failure to pay may result in contempt of court proceedings. The court clerk may retain a percentage as provided by rule.

E. The court shall notify the sheriff, district attorney of the county, and the chief law enforcement officer of any incorporated city or town in which a person admitted to reentry court is to be residing. Unscheduled visits to the person admitted to reentry court are allowed by these agencies within the guidelines

established by rule. The court shall allow victims to file a victim impact statement, attend open court sessions, and have an opportunity to consult with a victim offender mediator.

F. Any person admitted to reentry court who violates any rule or condition of the program shall be subject to disciplinary sanctions designed to redirect the behavior in a more pro-social manner. Any person admitted to reentry court who absconds from supervision shall be considered to have escaped and shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes. Provided, nothing shall require the court to recognize an escape when a more appropriate disciplinary sanction exists under the factual situation.

G. Reentry courts recognize that upon return from incarceration there may be evidence of unacceptable behavior or thinking patterns, difficulty adjusting to the demands of family and financial obligations, and substance use relapse while the person readjusts to societal standards. The court shall encourage pro-social behavior through consistent application of disciplinary sanctions and incentives in a nonadversarial therapeutic jurisprudence environment. Any inmate removed by the court from the reentry court program for repeated infractions or violation of any rule or condition or for commission of any additional criminal offense shall be revoked to the remainder of the original sentence and in addition, the offender may be punished by a term of incarceration not exceeding two (2) years as a disciplinary sanction.

SECTION 5. AMENDATORY Section 14, Chapter 276, O.S.L. 1993, as last amended by Section 3, Chapter 170, O.S.L. 1999 (57 O.S. Supp. 2000, Section 612), is amended to read as follows:

Section 612. A. Any person convicted of violating the provisions of Section 11-902 of Title 47 of the Oklahoma Statutes or any offense prohibited by the Uniform Controlled Dangerous Substances Act and sentenced to the custody of the Department of

Corrections shall be processed through the Lexington Assessment and Reception Center or other location determined by the Director of the Department of Corrections, classified and assigned as follows:

1. To the Department of Mental Health and Substance Abuse Services for substance abuse treatment, if the person is evaluated to be addicted and receptive to treatment and not deemed by the Department of Corrections to be a security risk. The inmate may be required to reimburse the Department of Mental Health and Substance Abuse Services for all or part of the actual cost incurred for treatment of the inmate while the inmate is assigned to the Department of Mental Health and Substance Abuse Services. The Department of Corrections shall determine whether the inmate has the ability to pay for all or part of the cost of treatment. While assigned to a Department of Mental Health and Substance Abuse Services treatment program the inmate shall comply with the rules ~~and regulations as~~ agreed upon by the Department of Mental Health and Substance Abuse Services and the Department of Corrections. Any infraction of ~~said~~ the rules may result in the inmate's reassignment to a correctional facility ~~of the Department of Corrections~~. Upon successful completion of the treatment program the inmate shall be properly reassigned by the Department of Corrections for structured supervision, aftercare, or reentry court for the completion of the sentence imposed by the court. Prior to discharge from the treatment facility, the treatment facility shall forward to the Department of Corrections a report and discharge summary including arrangements and recommendations for further disposition and follow-up treatment, including recommendation for reentry court participation when applicable;

2. To an inpatient substance abuse treatment program operated by a public or private treatment provider or hospital with the offender paying for the treatment. Upon successful completion of the inpatient treatment program, the offender may be assigned to a

halfway house, structured ~~community placement~~ supervision,
aftercare, reentry court or home placement with the advice of the
treatment provider. The Department of Corrections shall require as
a condition of any assignment that the offender have electronic
monitoring or ignition interlock device requirements, or both, as a
condition of placement. The offender shall be responsible for all
costs and fees associated with electronic monitoring, ignition
interlock device, and supervision; ~~or~~

3. To a correctional facility when:

- a. the person is evaluated not to be addicted or not to
be receptive to treatment,
- b. the person is evaluated to be violent or a high
security risk, or
- c. the person requires educational, medical or other
services or programs not available in the community
~~setting as determined by the Department; or~~

4. To reentry court following completion of a treatment program
in a correctional setting. Upon completion of the treatment program
the Department shall notify the appropriate reentry court program
that the offender is a candidate for reentry court. Upon acceptance
of the offender the Department shall transfer the person to the
jurisdiction of the court as provided by rule. The offender shall
continue to serve the sentence under the jurisdiction of the reentry
court until released or until the entire sentence has been served.

B. As used in this section:

1. "Substance abuse treatment program" means a residential or
outpatient program certified by the Department of Mental Health and
Substance Abuse Services and selected by the Department of
Corrections to provide substance abuse treatment for the inmate;

2. "Electronic monitoring" means monitoring of the inmate
within a specified location or locations in a community setting by
means of an electronic bracelet or other device; and

3. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater.

SECTION 6. This act shall become effective November 1, 2001.

48-1-1607

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