ENGROSSED SENATE
CONCURRENT
RESOLUTION NO. 61

By: Wilkerson of the Senate

and

Dunegan of the House

A Concurrent Resolution directing the Oklahoma Sentencing Commission and the Oklahoma Criminal Justice Resource Center to identify certain persons having certain criminal sentences; directing the Oklahoma Sentencing Commission to make certain recommendations to the Legislature for certain persons; and directing distribution.

WHEREAS, the habitual offender statute, bogus check offenses and other nonviolent offenses of this state have been recently amended; and

WHEREAS, some persons may be incarcerated for a felony offense that under current law is a misdemeanor offense for which incarceration in the Oklahoma State Penitentiary or enhancement as a habitual offender is not appropriate; and

WHEREAS, the Oklahoma Sentencing Commission has a duty to monitor and review the criminal justice system and corrections systems in this state to ensure that sentencing remains uniform and consistent.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION OF THE 48TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Oklahoma Criminal Justice Resource Center under the direction of the Oklahoma Sentencing Commission should work with and assist the courts and the Department of Corrections in identifying persons serving a sentence of incarceration or probation who:

1. Have been convicted and sentenced for a nonviolent offense that under current law would be considered a misdemeanor offense and not subject to incarceration in a state prison facility;

2. Have been convicted and incarcerated for any offense that under current law would not qualify such person as a habitual felony offender for purposes of a sentence enhancement and imprisonment in a state prison facility; and

3. Have been convicted and sentenced to a term of probation for a nonviolent offense that under current law would be considered a misdemeanor offense and not subject to the standard rules and conditions of probation for a felony offense.

THAT the Department of Corrections and the courts should assist and cooperate with the Criminal Justice Resource Center and the Sentencing Commission in identifying persons sentenced for offenses that under current law are misdemeanors or offenses not qualifying for habitual offender enhancements under current law.

THAT the Oklahoma Sentencing Commission should recommend necessary changes in law to the Legislature to assure appropriate custody and placement, punishment, earned credits, parole review authority or resentencing for such offenders.

THAT a copy of this resolution be distributed to the Chair of the Oklahoma Sentencing Commission, the Director of the Oklahoma Criminal Justice Resource Center, the Director of the Department of Corrections, and the Administrative Director of the Courts.

Adopted by the Senate the 3rd day of April, 2002.

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Presiding Officer of the Senate

Adopted by the House of Representatives the ____ day of _____, 2002.

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Presiding Officer of the House
of Representatives