

CS for EHB 1690

1 THE STATE SENATE
2 Tuesday, April 3, 2001

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 1690

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1690 - By: ASKINS
7 of the House and WILKERSON of the Senate.

8 [criminal justice - Oklahoma Sentencing Commission -
9 Criminal Justice Resource Center - Oklahoma Criminal Justice
10 Resource Center Revolving Fund - repealing Criminal Justice
11 System Task Force - effective date -
12 emergency]

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

14 SECTION 1. AMENDATORY Section 2, Chapter 355, O.S.L.
15 1994, as amended by Section 35, Chapter 133, O.S.L. 1997 (22 O.S.
16 Supp. 2000, Section 1502), is amended to read as follows:

17 Section 1502. A. The Commission shall consist of ~~eleven (11)~~
18 fifteen (15) members as follows:

19 1. The Chief Justice of the Oklahoma Supreme Court shall
20 appoint a sitting Justice of the Oklahoma Supreme Court who shall
21 serve an initial term of four (4) years;

22 2. The Director of the Administrative Office of the Courts
23 shall appoint an indigent defender, who shall serve an initial term
24 of three (3) years;

25 3. One member, to be appointed by the Governor, who shall serve
26 an initial term of one (1) year;

1 4. Two members of the House of Representatives, one of whom
2 shall be a Republican and one of whom shall be a Democrat, to be
3 appointed by the Speaker of the House of Representatives each of
4 whom shall serve an initial term of two (2) years;

5 5. Two members of the Senate, one of whom shall be a Republican
6 and one of whom shall be a Democrat, to be appointed by the
7 President Pro Tempore of the Senate each of whom shall serve an
8 initial term of two (2) years;

9 6. A district attorney appointed by the District Attorneys
10 Council who shall serve an initial term of five (5) years; provided,
11 any person appointed pursuant to this paragraph who is no longer
12 serving as a district attorney shall not continue to serve on the
13 Commission; ~~and~~

14 7. The Attorney General, the first assistant Attorney General,
15 or the chief of the criminal division of the Office of Attorney
16 General;

17 8. The Director of State Finance or the director of the budget
18 division of the Office of State Finance; ~~and~~

19 9. A defense attorney appointed by the Oklahoma Bar
20 Association, who shall serve an initial term of five (5) years;

21 10. A judge of the district court appointed by the assembly of
22 presiding judges, who shall serve an initial term of three (3)
23 years; provided, any person appointed pursuant to this paragraph who

1 is no longer serving as a district judge shall not continue to serve
2 on the Commission;

3 11. A crime victim or representative of crime victims appointed
4 by the other twelve members of the Commission from a list of five
5 persons submitted to the Commission by the Victim's Compensation
6 Board, who shall serve an initial term of four (4) years;

7 12. The director of the Oklahoma Indigent Defense System or a
8 designee; and

9 13. The director of the Oklahoma State Bureau of Investigation
10 or a designee.

11 B. All members of the Commission shall be voting members.

12 SECTION 2. AMENDATORY Section 8, Chapter 355, O.S.L.
13 1994, as last amended by Section 22, Chapter 333, O.S.L. 1997 (22
14 O.S. Supp. 2000, Section 1508), is amended to read as follows:

15 Section 1508. A. The Oklahoma Sentencing Commission shall
16 serve as an advisory board to the Oklahoma Criminal Justice Resource
17 Center.

18 B. The Oklahoma Sentencing Commission may establish
19 subcommittees or advisory committees composed of Commission members
20 or others to accomplish duties imposed by this section.

21 ~~B.~~ C. It is the legislative intent that the Commission attach
22 priority to accomplish the ~~following primary duties:~~

1 ~~1. The promulgation of adjusted matrices, as necessary,~~
2 ~~pursuant to Section 13 of Title 21 of the Oklahoma Statutes; and~~

3 ~~2. The formulation of proposals and recommendations as~~
4 ~~described in Section 1512 of this title.~~

5 ~~C. D.~~ In addition, the Commission may make recommendations to
6 the Legislature for the recodification of the Penal Code of the
7 State of Oklahoma. ~~In furtherance of this objective, the Commission~~
8 ~~shall study the issue of recodification of the Penal Code and shall~~
9 ~~issue a report of recommendations to the Legislature by February 1,~~
10 ~~1998. The report shall include recommendations on recodification~~
11 ~~and changes in placement of crimes within sentencing schedules.~~

12 ~~D. E.~~ The Commission shall have the continuing duty to monitor
13 and review the criminal justice and corrections systems in this
14 state to ensure that sentencing remains uniform and consistent, and
15 that the goals and policies established by the state are being
16 implemented by sentencing practices, and it shall recommend methods
17 by which this ongoing work may be accomplished and by which the
18 correctional population simulation model shall continue to be used
19 by the state.

20 ~~E. After the adoption of the Oklahoma Truth in Sentencing Act,~~
21 ~~the~~ F. The Commission shall review all proposed legislation which
22 creates a new criminal offense, ~~changes the classification of an~~
23 ~~offense, or changes the range of~~ or increases the punishment for a

1 ~~particular classification,~~ an existing criminal offense and shall
2 make recommendations to the Legislature.

3 ~~1. In the case of a new criminal offense, the Commission shall~~
4 ~~review the proposed classification for the crime, based upon the~~
5 ~~considerations and principles set out in Section 1510 of this title.~~
6 ~~If the proposal does not assign the offense to a classification, it~~
7 ~~shall be the duty of the Commission to recommend the proper~~
8 ~~classification placement.~~

9 ~~2. In the case of proposed changes in the classification of an~~
10 ~~offense or changes in the range of punishment for a classification,~~
11 ~~the Commission shall determine whether such a proposed change is~~
12 ~~consistent with the considerations and principles set out in Section~~
13 ~~1510 of this title.~~

14 F. G. The Oklahoma Criminal Justice Resource Center under the
15 direction of the Oklahoma Sentencing Commission shall ~~meet~~ prepare a
16 report within ~~ten (10)~~ twenty (20) days after the last day for
17 filing bills in the Legislature ~~for the purpose of reviewing~~
18 containing a review of bills as described in this subsection. The
19 ~~Commission shall~~ Oklahoma Criminal Justice Resource Center may
20 include in its report on a bill an impact analysis based ~~on~~ upon an
21 application of the correctional population simulation model to the
22 provisions of the bill. The bill analysis report shall be delivered

1 to the chair of the legislative committee to which the bill is
2 assigned.

3 SECTION 3. AMENDATORY Section 9, Chapter 355, O.S.L.
4 1994 (22 O.S. Supp. 2000, Section 1509), is amended to read as
5 follows:

6 Section 1509. A. The Commission shall have the secondary duty
7 of collecting, developing, and maintaining statistical data relating
8 to sentencing and corrections so that the primary duties of the
9 Commission will be formulated using data that is valid, accurate,
10 and relevant to the state. The Oklahoma Sentencing Commission and
11 the Department of Corrections shall work together to collect
12 offender profile data and offense data. The data collection shall
13 include all information provided on the offender profile data form
14 and the offense data form developed by the Oklahoma Sentencing
15 Commission and assessments of randomly selected offenders who
16 receive probation and nonviolent offenders incarcerated on a third
17 or fourth conviction. A report of the findings based upon the data
18 collected by the Oklahoma Sentencing Commission and the Department
19 of Corrections shall be presented to the Legislature by February 1
20 of the year following the fiscal year for which the data was
21 collected. All state agencies and courts shall provide data as it
22 is requested by the Commission. All meetings of the Commission
23 shall be open to the public and the information presented to the

1 Commission shall be available to any state agency or member of the
2 Legislature.

3 B. The Commission shall have the authority to apply for,
4 accept, and use any gifts, grants, or financial or other aid, in any
5 form, from the federal government or any agency or instrumentality
6 thereof, or from the state or from any other source including
7 private associations, foundations, or corporations to accomplish any
8 of the duties set out in this act.

9 SECTION 4. AMENDATORY Section 33, Chapter 133, O.S.L.
10 1997 (22 O.S. Supp. 2000, Section 1516), is amended to read as
11 follows:

12 Section 1516. A. The Oklahoma Sentencing Commission,
13 established by Section 1501 of ~~Title 22 of the Oklahoma Statutes~~
14 this title shall monitor, review, ~~and analyze the implementation of~~
15 ~~the Oklahoma Truth in Sentencing Act,~~ and provide fiscal impact
16 statements and reports to the Legislature concerning ~~the continued~~
17 ~~implementation of the Oklahoma Truth in Sentencing Act~~ the criminal
18 law of the State of Oklahoma. The Commission is vested with
19 authority to collect data and reports from governmental entities and
20 courts within the State of Oklahoma relating to all matters
21 concerning the charging, pleading, sentencing, and release of
22 persons charged, convicted, or placed on probation for criminal
23 offenses within this state. Governmental entities and courts shall

1 respond promptly to all reasonable requests of the Commission for
2 data required to meet this directive. ~~The Commission shall publish~~
3 ~~an annual report reflecting the implementation of the Oklahoma Truth~~
4 ~~in Sentencing Act.~~ The Oklahoma Criminal Justice Resource Center
5 under the direction of the Oklahoma Sentencing Commission shall
6 prepare a ~~fiscal~~ an impact statement on ~~any changes to schedules or~~
7 ~~penalties of~~ proposed legislation which impacts the criminal
8 ~~sentencing proposed in legislation~~ law of the State of Oklahoma.

9 B. The Oklahoma Sentencing Commission shall review each bill or
10 joint resolution which impacts the Oklahoma criminal justice system
11 introduced in the Oklahoma Legislature. The Commission shall
12 prepare a ~~fiscal~~ an impact statement, as established by joint
13 legislative rules. The Commission shall direct other state entities
14 including, but not limited to, the Department of Corrections, the
15 Oklahoma District Attorneys Council, the Office of the Oklahoma
16 Attorney General, the Oklahoma State Bureau of Investigation, the
17 Administrative Office of the Oklahoma Courts, the Oklahoma Court of
18 Criminal Appeals, the Oklahoma Indigent Defense System, and county
19 indigent defenders, to provide assistance and information in the
20 preparation of the fiscal impact statement. The entities ~~directed~~
21 ~~by the Commission~~ and courts shall provide the information described
22 in this subsection to the Commission within the time set by the

1 requesting agency. The ~~fiscal~~ impact statement shall include, but
2 ~~is shall not be~~ limited to~~;~~

3 ~~1. A~~ a report on the fiscal impact the proposal will have on
4 ~~facility, maintenance, personnel, and other relevant costs;~~

5 ~~2. Information~~ the criminal justice system, information
6 obtained from the Department of Corrections, including ~~but not~~
7 ~~limited to:~~

8 ~~a.~~ a projection of offender population ~~and costs related~~
9 ~~to the population, and~~

10 ~~b.~~ ~~a projection of staffing for the Department of~~
11 ~~Corrections and costs related to the staff;~~ and

12 ~~3. Any~~ any other information relevant to the ~~fiscal~~ impact of
13 the proposed legislation ~~will have on the Oklahoma criminal justice~~
14 ~~system.~~

15 C. A copy of the ~~fiscal~~ impact statement shall be attached to
16 each copy of a bill or joint resolution reviewed by any committee of
17 either house of the Legislature and to each copy of a bill or joint
18 resolution that impacts the criminal justice system that is reviewed
19 by the entire membership of either house of the Oklahoma
20 Legislature.

21 SECTION 5. AMENDATORY 57 O.S. 1991, Section 508.2, as
22 last amended by Section 6, Chapter 276, O.S.L. 1998 (57 O.S. Supp.
23 2000, Section 508.2), is amended to read as follows:

1 Section 508.2 A. Effective July 1, 1998, there is hereby
2 transferred from the Department of Public Safety to the Legislative
3 Service Bureau the Oklahoma Criminal Justice Resource Center which
4 shall consist of the entity recognized by the Bureau of Justice
5 Statistics as the Statistical Analysis Center, a prevention and
6 intervention unit, a resource development unit, and an
7 administrative support unit.

8 B. Effective July 1, 1998, all unexpended funds, property,
9 records, personnel, and outstanding financial obligations and
10 encumbrances of the Oklahoma Criminal Justice Resource Center are
11 hereby transferred to the Legislative Service Bureau. All
12 transferred personnel shall retain their employment position and
13 status as unclassified or classified employees. The Director of
14 State Finance is hereby directed to coordinate the transfer of
15 funds, allotments, purchase orders, and outstanding financial
16 obligations, or encumbrances, provided for by the provisions of this
17 subsection.

18 C. The duties of the Oklahoma Criminal Justice Resource Center
19 shall be to:

- 20 1. Provide a clearinghouse for criminal justice information;
- 21 2. Provide a central contact point for federal, state, and
22 local criminal justice agencies;

- 1 3. Provide technical assistance for all criminal justice
2 agencies of this state;
- 3 4. Provide consultation for criminal justice agencies of this
4 state in preparing reports, gaining funding, or preparing
5 information;
- 6 5. Obtain information from criminal justice agencies in this
7 state for analyses of criminal justice issues;
- 8 6. Collect and analyze criminal justice data;
- 9 7. Produce reports for state and local criminal justice
10 agencies;
- 11 8. Facilitate information networking between criminal justice
12 agencies;
- 13 9. Attend meetings concerning criminal justice issues;
- 14 10. Represent this state at national meetings including, but
15 not limited to, meetings or conferences of criminal justice
16 statistics associations of other states;
- 17 11. Provide administrative support to the Oklahoma Sentencing
18 Commission;
- 19 12. Assist in developing resources for the criminal justice
20 system;
- 21 13. Address pertinent issues related to prevention and
22 intervention programs;

1 14. Provide assistance to the State Crime Stoppers Association;
2 and

3 15. Maintain support and provide assistance to the Oklahoma
4 Council on Violence Prevention.

5 D. The Legislative Service Bureau shall provide office space,
6 equipment, and other administrative support required by the Oklahoma
7 Criminal Justice Resource Center.

8 E. The Oklahoma Criminal Justice Resource Center shall have a
9 director and other necessary staff. The Oklahoma Sentencing
10 Commission shall hire and set the ~~salaries~~ salary of the director
11 ~~and any other staff.~~ The Director of the Oklahoma Criminal Justice
12 Resource Center, subject to ~~appropriation~~ the approval of the
13 Oklahoma Sentencing Commission, shall hire and set salaries for
14 employees within limits set by the Legislature as may be necessary
15 to complete the statutory functions of the Oklahoma Criminal Justice
16 Resource Center.

17 SECTION 6. AMENDATORY Section 25, Chapter 333, O.S.L.
18 1997 (57 O.S. Supp. 2000, Section 508.2b), is amended to read as
19 follows:

20 Section 508.2b There is hereby created in the State Treasury a
21 revolving fund for the Oklahoma Criminal Justice Resource Center
22 within the ~~Department of Public Safety~~ Legislative Service Bureau to
23 be designated the "Oklahoma Criminal Justice Resource Center

1 Revolving Fund". The fund shall be a continuing fund, not subject
2 to fiscal year limitations, and shall consist of all funds
3 appropriated to the ~~Department of Public Safety~~ Legislative Service
4 Bureau for the Oklahoma Criminal Justice Resource Center by the
5 Legislature, grants, gifts, ~~request~~ bequests and any other lawful
6 ~~money~~ monies received for the benefit of the Oklahoma Criminal
7 Justice Resource Center. All monies accruing to the credit of said
8 fund are hereby appropriated and may be budgeted and expended by the
9 Director of the Oklahoma Criminal Justice Resource Center for the
10 operation of the Oklahoma Criminal Justice Resource Center or other
11 purposes authorized by law. Expenditures from said fund shall be
12 for the general operating expenses of the Oklahoma Criminal Justice
13 Resource Center or other purposes authorized by law.

14 SECTION 7. REPEALER Sections 10 and 11, Chapter 355,
15 O.S.L. 1994 (22 O.S. Supp. 2000, Sections 1510 and 1511), are hereby
16 repealed.

17 SECTION 8. REPEALER Section 2, Chapter 254, O.S.L. 1997,
18 as amended by Section 24, Chapter 333, O.S.L. 1997 (57 O.S. Supp.
19 2000, Section 508.2a), is hereby repealed.

20 SECTION 9. This act shall become effective July 1, 2001.

21 SECTION 10. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-28-01 - DO
4 PASS, As Amended.