

SB 1174

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THE STATE SENATE
Wednesday, February 18, 2004

Senate Bill No. 1174

As Amended

SENATE BILL NO. 1174 - By: ROZELL of the Senate and TYLER of the House.

[community sentencing - definitions - LSI range eligibility - effective date - emergency]

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

SECTION 1. AMENDATORY 22 O.S. 2001, 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;

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;

3. "Continuum of sanctions" means a variety of coercive measures and treatment options ranked by degrees of public safety,

1 punitive effect, and cost benefit which are available to the
2 sentencing judge as punishment for criminal conduct;

3 4. "Community sentencing system planning council" or "planning
4 council" means a group of citizens and elected officials specified
5 by law or appointed by the Chief Judge of the Judicial District
6 which plans the local community sentencing system and with the
7 assistance of the Community Sentencing Division of the Department of
8 Corrections locates treatment providers and resources to support the
9 local community sentencing system;

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

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

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

22 8. "Eligible offender" means a felony offender who has been
23 convicted of or who has entered a plea other than not guilty to a

1 felony offense and who upon completion of a Level of Services
2 Inventory or another assessment instrument has been found to be in
3 the moderate range and who is not otherwise prohibited by law;
4 provided, however, that no person who has been convicted of or who
5 has entered a plea other than not guilty to an offense enumerated in
6 subsection 5 of Section 571 of Title 57 of the Oklahoma Statutes, as
7 an exception to the definition of "nonviolent offense" shall be
8 eligible for a community sentence or community punishment unless the
9 district attorney or an assistant district attorney for the district
10 in which the offender's conviction was obtained consents thereto.
11 ~~This consent~~ The district attorney may consent to eligibility for an
12 offender who has a mental illness or a developmental disability or a
13 co-occurring mental illness and substance abuse disorder and who
14 scores outside the moderate range on the LSI or another assessment
15 instrument if the offender is not otherwise prohibited by law. Any
16 consent by a district attorney shall be made a part of the record of
17 the case. Provided, further, that no person who has been convicted
18 of or who has entered a plea other than not guilty to a felony
19 enumerated in Section ~~30~~ 13.1 of ~~this act~~ Title 21 of the Oklahoma
20 Statutes shall be eligible for a community sentence or community
21 punishment; and

22 9. "Statewide community sentencing system" means a network of
23 all counties through their respective local community sentencing

1 systems serving the state judicial system and offering support
2 services to each other through reciprocal and interlocal agreements
3 and interagency cooperation.

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

10 SECTION 2. This act shall become effective July 1, 2004.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-04 - DO
16 PASS, As Amended and Coauthored.