

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1258

By: Eddins

AS INTRODUCED

An Act relating to criminal procedure; providing mandatory judicial review of all nonviolent offenders; defining term; authorizing the promulgation of rules; providing for codification; and declaring an emergency.

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 991a-21 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Prior to imposition of sentence of any defendant convicted of a nonviolent offense, the court shall consider all known alternatives to incarceration in a penal institution including, but not limited to, deferred sentence, suspended sentence, drug court as provided in the Oklahoma Drug Court Act, and community sentences as provided in the Oklahoma Community Sentencing Act. As used in this section, "nonviolent offense" is defined as provided for in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes.

B. Any offender received by the Oklahoma Department of Corrections to serve a term of incarceration under sentence of a nonviolent offense, who has not previously been convicted of two or more felonies and has never been convicted of an offense listed in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes, shall be considered by the Oklahoma Department of Corrections for assignment to a community supervision program. Prior to consideration of an offender for assignment to a community supervision program, the Oklahoma Department of Corrections shall

notify the sentencing court of the offenders' apparent qualification for the alternative program provided for in subsection A of this section. If the court does not notify the Oklahoma Department of Corrections within sixty (60) days that the offender does not qualify, the inmate may be assigned to a community supervision program.

C. 1. Upon receipt of the offender, the Oklahoma Department of Corrections shall administer a Level of Services Inventory, as provided in Section 988.17 of Title 22 of the Oklahoma Statutes, or other approved assessment designed to identify deficiencies and needs and to predict risk, to determine if the offender is an appropriate placement for a community supervision program.

2. Offenders subject to this section shall:

- a. receive and lose earned credit as provided under Section 138 of Title 57 of the Oklahoma Statutes, and
- b. be eligible for parole consideration as determined by policy of the Oklahoma Pardon and Parole Board.

D. All defendants convicted subsequent to the effective date of this section are subject to the provisions of this section.

E. The Oklahoma Department of Corrections shall adopt rules governing implementation of this section within sixty (60) days from the effective date of this section.

SECTION 2. 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.

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