

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 3037

By: Cargill, Nance, Armes,
Banz, Bingman, Dank,
Dorman, Ellis, Jett, Kern,
Liebmann, Peterson (Pam),
Sullivan, Thompson and
Wesselhoft of the House

and

Fisher of the Senate

An Act relating to prisons and reformatories;
providing short title; creating Reentry Policy
Council; providing for appointment of members;
providing duties; creating the Restorative Justice
Interagency Task Force; providing for membership;
providing for appointment of chair and vice-chair;
providing for travel reimbursement; stating duties;
creating the Reintegration of Inmates Revolving Fund;
stating purpose of fund; creating the Restorative
Justice Revolving Fund; stating purpose of fund;
providing for the development of rules and policies;
providing for codification; providing for
noncodification; and providing an effective date.

AUTHOR: Remove Fisher as Senate Author and substitute
Johnson (Constance) as Senate Author

AMENDMENT NO. 1. Page 1, strike the title, enacting clause
and entire bill and insert

"[criminal justice - creating the Restorative Justice
Task Force - study - report by certain date -
nondiscriminatory policy - noncodification -
emergency]

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

SECTION 1. SECTION 1. NEW LAW A new section of law
not to be codified in the Oklahoma Statutes reads as follows:

There is hereby created the Restorative Justice Task Force to be
composed of seventeen (17) voting members and thirteen (13)
nonvoting members as follows:

1. Five members who shall be voting members shall be appointed by the Governor as follows:

- a. one member shall be a law enforcement officer,
- b. one member shall be a corrections official,
- c. one member shall be a crime victim, and
- d. two members shall represent the public at large;

2. Five members who shall be voting members shall be appointed by the Speaker of the Oklahoma House of Representatives as follows:

- a. two members shall be a member of the Oklahoma House of Representatives,
- b. one member shall be a representative of a faith-based organization involved with the reintegration of inmates,
- c. one member shall be a district attorney, or a designee, and
- d. one member shall represent the public at large;

3. Five members who shall be voting members shall be appointed by the President Pro Tempore of the State Senate as follows:

- a. two members shall be a member of the Oklahoma State Senate,
- b. one member shall be a person who has been previously convicted of a criminal offense in Oklahoma,
- c. one member shall be a representative from a nonprofit entity involved with the reintegration of inmates, and
- d. one member shall represent the public at large;

4. Two members who shall be voting members shall be the public defenders of Oklahoma County and Tulsa County;

5. The Director of the Department of Corrections, or a designee, who shall be a nonvoting member;

6. The Executive Director of the Office of Juvenile Affairs, or a designee, who shall be a nonvoting member;

7. The Attorney General, or a designee, who shall be a nonvoting member;

8. The Commissioner of the State Department of Health, or a designee, who shall be a nonvoting member;

9. The Director of the Department of Human Services, or a designee, who shall be a nonvoting member;

10. The Commissioner of the Department of Mental Health and Substance Abuse Services, or a designee, who shall be a nonvoting member;

11. The Director of the Department of Rehabilitation Services, or a designee, who shall be a nonvoting member;

12. The Director of the Oklahoma Department of Career and Technology Education, or a designee, who shall be a nonvoting member;

13. The Presiding Judge of the Oklahoma Court of Criminal Appeals, or a designee, who shall be a nonvoting member;

14. The Executive Coordinator of the District Attorneys Council, or a designee, who shall be a nonvoting member;

15. The Executive Director of the Oklahoma Indigent Defense System, or a designee, who shall be a nonvoting member;

16. The Director of the Criminal Justice Resource Center, or a designee, who shall be a nonvoting member; and

17. The chair of the Pardon and Parole Board, or a designee, who shall be a nonvoting member.

B. A Representative appointed by the Speaker of the Oklahoma House of Representatives and a Senator appointed by the President Pro Tempore of the State Senate shall serve as cochairs and shall be appointed by July 1, 2006. The cochairs shall convene the first meeting of the task force on or before August 1, 2006. The members of the task force shall elect any other officers during the first meeting and upon a vacancy in any such office. The task force shall meet at least monthly at the call of the cochairs. A quorum shall

be a majority of the voting members of the task force. The cochair may designate subcommittees of two or more members to carry out the work of the task force. No quorum shall be required for any subcommittee. All agencies participating in the task force may provide staff assistance at the request of the respective member or cochair. The Criminal Justice Resource Center and the staffs of the House of Representatives and the Senate shall provide staff assistance to the task force. Task force members employed by the state shall be reimbursed for travel expenses related to their service on the task force by their respective agencies pursuant to the provisions of the State Travel Reimbursement Act. Legislative members of the task force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes. Remaining task force members shall be reimbursed travel expenses related to their service on the task force by their appointing authorities or agencies pursuant to the provisions of the State Travel Reimbursement Act.

C. The task force shall study the criminal justice system comparing restorative and retributive philosophies, policies and practices which may include, but shall not be limited to:

1. A study of the authority and practices of the prosecutorial, defense and judicial systems;

2. The authority, policies, and practices of the correctional and jail systems in relation to institutions, services, programs, and reentry efforts; and

3. A study of the philosophy of this state, and its political subdivisions, as evidenced by a review of various laws, rules, policies, and practices of agencies or contractors regarding the services to victims, offenders and their respective families, accountability of offenders, penalties of crime, victims rights, and the relationship and obligations that offenders are required to have

or expected to have with the state, its political subdivisions, agencies, faith-based or secular organizations, society at large, victims, families, employment, education and technical skills, and the imposition of financial burdens upon victims, families of victims or offenders, the community, and offenders.

D. The task force, after studying the various aspects of the criminal justice system, shall make recommendations for improvements to the various components of the criminal justice systems so the criminal justice system becomes a more balanced and restorative justice system in both philosophy and practice. The task force recommendations shall be in a written report submitted to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives on or before February 1, 2007. The recommendations may include, but shall not be limited to:

1. Modifications to laws, rules, policies or processes; and
2. Improvements to services, programs, policies, and practices of agencies and contractors.

Every task force recommendation shall ensure the state and local criminal justice systems hold the criminal offender accountable for the crime both to the victims and the state while preserving public safety.

E. The task force shall recommend changes to the criminal justice system that are fair, equitable and restorative to the victims, the community at large, and the offenders by focusing on and implementing a balanced response to crime. Cost shall be a consideration for every recommendation. The task force shall attempt to improve the criminal justice system within existing resources. Recommendations for improvements may include, but are not limited to:

1. Identify methods to improve offender accountability;
2. Enhance victim rights, restitution and recompense;
3. Balance offender rehabilitation and punishment;

4. Maintain public safety;
5. Improve allocation of limited correctional and public safety financial resources;
6. Increase opportunity for restoration and productivity of offenders within the community;
7. Identify methods to reduce recidivism;
8. Improve public education and participation within the various processes of the criminal justice systems;
9. Identify methods to prevent or deter crime;
10. Maintain and increase efforts to produce positive social behaviors and characteristics in offenders;
11. Identify appropriate penalties and responses for criminal offenses;
12. Identify methods to improve agency, nonprofit, faith-based and secular organization participation in the criminal justice system; and
13. Improve family, community, victim and offender relationships.

F. The task force shall ensure that every agency and contractor receiving any funds from any appropriation, gift, grant or contract with the federal government, this state, or its political subdivisions, for any service to offenders or victims complies with a nondiscriminatory policy on religion, national origin, age, race or gender in hiring or provisions of services.

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."

Passed the Senate the 24th day of April, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives