

CS for EHB 3037

1 THE STATE SENATE
2 Tuesday, April 11, 2006

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 3037

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 3037 - By:
7 CARGILL, NANCE, ARMES, BANZ, BINGMAN, DANK, DORMAN, ELLIS, JETT,
8 KERN, LIEBMANN, PETERSON (Pam), SULLIVAN, THOMPSON and WESSELHOFT of
9 the House and JOHNSON (Constance) of the Senate.

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

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

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

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

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

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

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

3 a. two members shall be a member of the Oklahoma House of
4 Representatives,

5 b. one member shall be a representative of a faith-based
6 organization involved with the reintegration of
7 inmates,

8 c. one member shall be a district attorney, or a
9 designee, and

10 d. one member shall represent the public at large;

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

13 a. two members shall be a member of the Oklahoma State
14 Senate,

15 b. one member shall be a person who has been previously
16 convicted of a criminal offense in Oklahoma,

17 c. one member shall be a representative from a nonprofit
18 entity involved with the reintegration of inmates, and

19 d. one member shall represent the public at large;

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

22 5 The Director of the Department of Corrections, or a designee,
23 who shall be a nonvoting member;

- 1 6. The Executive Director of the Office of Juvenile Affairs, or
2 a designee, who shall be a nonvoting member;
- 3 7. The Attorney General, or a designee, who shall be a
4 nonvoting member;
- 5 8. The Commissioner of the State Department of Health, or a
6 designee, who shall be a nonvoting member;
- 7 9. The Director of the Department of Human Services, or a
8 designee, who shall be a nonvoting member;
- 9 10. The Commissioner of the Department of Mental Health and
10 Substance Abuse Services, or a designee, who shall be a nonvoting
11 member;
- 12 11. The Director of the Department of Rehabilitation Services,
13 or a designee, who shall be a nonvoting member;
- 14 12. The Director of the Oklahoma Department of Career and
15 Technology Education, or a designee, who shall be a nonvoting
16 member;
- 17 13. The Presiding Judge of the Oklahoma Court of Criminal
18 Appeals, or a designee, who shall be a nonvoting member;
- 19 14. The Executive Coordinator of the District Attorneys
20 Council, or a designee, who shall be a nonvoting member;
- 21 15. The Executive Director of the Oklahoma Indigent Defense
22 System, or a designee, who shall be a nonvoting member;

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

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

5 B. A Representative appointed by the Speaker of the Oklahoma
6 House of Representatives and a Senator appointed by the President
7 Pro Tempore of the State Senate shall serve as cochairs and shall be
8 appointed by July 1, 2006. The cochairs shall convene the first
9 meeting of the task force on or before August 1, 2006. The members
10 of the task force shall elect any other officers during the first
11 meeting and upon a vacancy in any such office. The task force shall
12 meet at least monthly at the call of the cochairs. A quorum shall
13 be a majority of the voting members of the task force. The cochairs
14 may designate subcommittees of two or more members to carry out the
15 work of the task force. No quorum shall be required for any
16 subcommittee. All agencies participating in the task force may
17 provide staff assistance at the request of the respective member or
18 cochairs. The Criminal Justice Resource Center and the staffs of
19 the House of Representatives and the Senate shall provide staff
20 assistance to the task force. Task force members employed by the
21 state shall be reimbursed for travel expenses related to their
22 service on the task force by their respective agencies pursuant to
23 the provisions of the State Travel Reimbursement Act. Legislative

1 members of the task force shall be reimbursed for their necessary
2 travel expenses incurred in the performance of their duties in
3 accordance with Section 456 of Title 74 of the Oklahoma Statutes.
4 Remaining task force members shall be reimbursed travel expenses
5 related to their service on the task force by their appointing
6 authorities or agencies pursuant to the provisions of the State
7 Travel Reimbursement Act.

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

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

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

16 3. A study of the philosophy of this state, and its political
17 subdivisions, as evidenced by a review of various laws, rules,
18 policies, and practices of agencies or contractors regarding the
19 services to victims, offenders and their respective families,
20 accountability of offenders, penalties of crime, victims rights, and
21 the relationship and obligations that offenders are required to have
22 or expected have with the state, its political subdivisions,
23 agencies, faith-based or secular organizations, society at large,

1 victims, families, employment, education and technical skills, and
2 the imposition of financial burdens upon victims, families of
3 victims or offenders, the community, and offenders.

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

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

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

20 E. The task force shall recommend changes to the criminal
21 justice system that are fair, equitable and restorative to the
22 victims, the community at large, and the offenders by focusing on
23 and implementing a balanced response to crime. Cost shall be a

1 consideration for every recommendation. The task force shall
2 attempt to improve the criminal justice system within existing
3 resources. Recommendations for improvements may include, but are
4 not limited to:

- 5 1. Identify methods to improve offender accountability;
- 6 2. Enhance victim rights, restitution and recompense;
- 7 3. Balance offender rehabilitation and punishment;
- 8 4. Maintain public safety;
- 9 5. Improve allocation of limited correctional and public safety
10 financial resources;
- 11 6. Increase opportunity for restoration and productivity of
12 offenders within the community;
- 13 7. Identify methods to reduce recidivism;
- 14 8. Improve public education and participation within the
15 various processes of the criminal justice systems;
- 16 9. Identify methods to prevent or deter crime;
- 17 10. Maintain and increase efforts to produce positive social
18 behaviors and characteristics in offenders;
- 19 11. Identify appropriate penalties and responses for criminal
20 offenses;
- 21 12. Identify methods to improve agency, nonprofit, faith-based
22 and secular organization participation in the criminal justice
23 system; and

1 13. Improve family, community, victim and offender
2 relationships.

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

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-5-06 - DO
14 PASS, As Amended and Coauthored.