

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2616

By: Ingmire

AS INTRODUCED

An Act relating to community corrections; transferring probation and parole officers from the Department of Corrections to the District Attorneys Council; providing for the transfer of all powers and duties; requiring Director of State Finance to coordinate transfer; providing for adequate staffing; requiring certain agreement related to transfer; amending 22 O.S. 2001, Section 988.9, as amended by Section 3, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2005, Section 988.9), which relates to Oklahoma Community Sentencing Act; providing name changes; providing for codification; and providing an effective date.

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 215.41 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Effective November 1, 2006, all probation and parole officers within the Department of Corrections and all of the powers, duties and responsibilities of the probation and parole officers within the Department of Corrections are hereby transferred to the District Attorneys Council, together with all unexpended funds, property, records, and any outstanding financial obligations or encumbrances, exclusively or principally pertaining to those functions performed by probation and parole officers.

B. The Director of State Finance is hereby directed to coordinate the transfer of funds, allotments, purchase orders, outstanding financial obligations or encumbrances provided for in this section.

C. Upon the transfer of the probation and parole officers within the Department of Corrections, the Executive Coordinator of the District Attorneys Council shall provide for the adequate staffing of the agency to ensure the transfer may be effectuated with minimum interruption of its work heretofore carried on and within the mission of the agency. The transfer or division of resources provided herein, to be effected by an agreement between the Deputy Director of Community Corrections/Probation and Parole Division of the Department of Corrections and the Executive Coordinator of the District Attorneys Council, shall not operate to prevent completion of any unconsummated legal contracts with corporations, individual parties, and other government units and other legal contracts previously entered into by the Community Corrections/Probation and Parole Division of the Department of Corrections.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 988.9, as amended by Section 3, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2005, Section 988.9), is amended to read as follows:

Section 988.9 A. Any offender sentenced to a community sentence pursuant to the Oklahoma Community Sentencing Act which requires supervision shall be required to pay a supervision fee. The supervising agency shall establish the fee amount, not to exceed Forty Dollars (\$40.00) per month, based upon the offender's ability to pay. In hardship cases the supervising agency may expressly waive all or part of the fee. No supervising agency participating in a local community sentencing system shall deny any offender supervision services for the sole reason that the offender is indigent. Fees collected for supervision services performed by the ~~Department of Corrections~~ Probation and Parole Division of the District Attorneys Council shall be paid directly to the ~~Department of Corrections~~ District Attorneys Council to be deposited in the ~~Department of Corrections~~ District Attorneys Council Revolving Fund. Supervision

services performed by agencies other than the ~~Department~~ Probation and Parole Division of the District Attorneys Council shall be paid directly to that agency.

B. In addition to any supervision fee, offenders scoring in the moderate range of the Level of Services Inventory (LSI) and participating in a local community sentencing system under a court-ordered community punishment shall be required to pay an administrative fee to support the local system which shall not exceed Twenty Dollars (\$20.00) per month to be set by the court. Administrative fees when collected shall be deposited with the Community Sentencing Division within the Department of Corrections and credited to the local community sentencing system for support and expansion of the local community corrections system. In the event the court fails to order the amount of the administrative fee, the fee shall be Twenty Dollars (\$20.00) per month.

C. In addition to any supervision fee and administrative fee authorized by this section, the court shall assess court costs, and may assess program reimbursement costs, restitution, and fines to be paid by the offender. With the exception of supervision fees, other fees, costs, fines, restitution, or monetary obligations ordered to be paid by the offender shall not cease with the termination of active supervision and such obligations shall continue until fully paid and may be collected in the same manner as court costs.

SECTION 3. This act shall become effective November 1, 2006.

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