

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1984

By: Corn

AS INTRODUCED

An Act relating to corrections; limiting certain court orders to general services; prohibiting the court from ordering any specific program or service; directing offenders be assigned to most appropriate programs and services by the Department; requiring programs and services be prioritized based on resources and offender risk and needs; providing programs and services use least restrictive and least costly to meet offender needs; directing the Administrative Director of the Courts to develop certain form for use by sentencing judge; construing certain authority for sentencing; making certain court orders unenforceable against the Department; 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 991-1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Beginning on and after the effective date of this act, when sentencing any offender to the custody to the Department of Corrections or to any term of probation or community sentencing administered, offered or supervised by the Department of Corrections, the court shall only be authorized to order treatment, services and conditions of a sentence in the judgment and sentence in general terms. The court is prohibited from ordering specific programs or specific services within the Department or any state agency or designating a specific service provider in the judgment and sentence, except when a specific program is clearly defined by

separate statute with direct sentencing authority into such program and the offender clearly meets the eligibility criteria.

B. Every offender incarcerated in the custody of the Department or subject to probation supervision or community sentencing shall be assigned programs and services that are determined by the Department to be most appropriate for the criminogenic needs of the offender based upon the offender's assessment and evaluation or LSIR score. All treatment plans and every program and service shall be utilized based upon priority of resources and compatibility with the offender's assessed risk and needs and shall be assigned based on the least restrictive and least costly program or service that will address the criminogenic needs of the offender while still protecting the public.

C. The Administrative Director of the Courts shall develop a judicial recommendation form that each sentencing judge may complete to recommend a specific accommodation which shall include the reasons why a specific program, service or provider is desired. The completed recommendation form shall not be deemed part of the judgment and sentence, but shall accompany the judgment and sentence when transmitted by the sheriff to the Department.

D. Nothing in this section shall prohibit the sentencing judge from ordering any provision defined in Section 991a of Title 22 of the Oklahoma Statutes or another provision of law; provided, the offender meets every eligibility provision and assessment criteria for such program and the program is available for direct sentencing at the time of entry of the judgment and sentence.

E. On and after the effective date of this act, any court order for a specific program, service or provider not specifically authorized for direct sentencing shall be unenforceable against the Department.

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.

50-2-3006

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