

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 783

By: Brecheen and Johnson
(Constance) of the Senate

and

Faught of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to the criminal justice system;
13 creating the Drug Court and Community Sentencing
14 Reform Task Force; specifying duties thereof;
15 providing for membership, appointments, meetings,
16 chair, operations and staff support; requiring
17 certain report; providing for noncodification; and
18 declaring an emergency.

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

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

21 A. There is hereby created until November 30, 2012, the Drug
22 Court and Community Sentencing Reform Task Force. The task force
23 shall have the following duties:

1 1. To review and evaluate the operations, efficiency and
2 outcomes of alternatives to incarceration, including but not limited
3 to, drug courts, community sentencing programs and practices,
4 probation and parole, both for adult and juvenile offenders;

5 2. To evaluate the feasibility of consolidating the programs
6 specified in paragraph 1 of this subsection at the county or
7 judicial district level;

8 3. To determine the cost savings of requiring a single
9 administrator to coordinate the provision of services and the
10 allocation of resources in such programs, including but not limited
11 to a review of Medicaid expenses, the benefits of providing services
12 in-house rather than on a contract basis and the prioritization of
13 mental health and substance abuse treatment tiers;

14 4. To evaluate the cost and feasibility of requiring drug court
15 programs in every judicial district of this state, to be provided in
16 conjunction with existing community sentencing programs;

17 5. To encourage drug courts and community sentencing program
18 administrators to make use of faith-based counseling programs, both
19 to conserve scarce state and local tax dollars and to provide
20 improved counseling and other services to program participants;

21 6. To assess the feasibility and cost savings of providing
22 services similar to those offered to drug court participants to
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1 parolees, persons sentenced to probation and persons released early
2 from incarceration;

3 7. To look into the provision of drug court services in rural
4 areas of this state, particularly with respect to the possibility of
5 utilizing local law enforcement resources in the same way as drug
6 task force agents, thereby creating both flexibility and efficiency
7 in the use of such resources;

8 8. To determine if there are ways to provide drug court
9 services to more participants using existing resources, such as by
10 providing such services with mobile or temporary locations; and

11 9. To make recommendations to the Legislature and the Governor
12 for improvements with respect to alternatives to incarceration, for
13 the purpose of improving the safety and well-being of the citizens
14 of this state at the lowest possible cost.

15 B. The task force shall consist of seventeen (17) members as
16 follows:

17 1. Three members of the Senate appointed by the President Pro
18 Tempore of the Senate, who shall not all be members of the same
19 political party, one of whom shall be the chair of the Senate
20 Judiciary Committee;

21 2. Three members of the House of Representatives appointed by
22 the Speaker of the House of Representatives, who shall not all be
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1 members of the same political party, one of whom shall be the chair
2 of the House Judiciary Committee;

3 3. The Presiding Judge of the Court of Criminal Appeals or
4 designee;

5 4. A district attorney with a drug court program, a probation
6 supervision program and a community sentencing program in his or her
7 jurisdiction;

8 5. One person who is currently employed in the Division of
9 Probation and Parole of the Department of Corrections, to be
10 appointed by the Director of the Department;

11 6. The Administrative Director of the Courts;

12 7. Two district court judges who administer a drug court
13 program pursuant to the provisions of Section 471.1 et seq. of Title
14 22 of the Oklahoma Statutes and who have had experience with
15 community sentencing, to be appointed by the Chief Justice of the
16 Supreme Court;

17 8. One person who shall have experience with probation or
18 parole matters;

19 9. One person who shall have experience with a community
20 sentencing program;

21 10. One person who shall have worked in a drug court program
22 with a recidivism rate lower than the state average;

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1 11. The Commissioner of the Department of Mental Health and
2 Substance Abuse Services; and

3 12. The Director of the Office of Juvenile Affairs.

4 C. Appointments to the task force shall be made by August 31,
5 2011. The first meeting of the task force shall be called by the
6 Governor and shall be held not later than September 30, 2011, at
7 which meeting a chair shall be elected by a majority of the members
8 of the task force. Subsequent meetings of the task force shall be
9 held at the call of the chair of the task force. Members shall
10 serve at the pleasure of their appointing authorities. A majority
11 of the members of the task force shall constitute a quorum to
12 transact business, but no vacancy shall impair the right of the
13 remaining members to exercise all of the powers of the task force.
14 A vacancy on the task force shall be filled by the original
15 appointing authority. Staff support for the task force shall be
16 provided by the Department of Corrections, the Senate, and the House
17 of Representatives.

18 D. Not later than November 30, 2012, the task force shall
19 submit a report of findings and recommendations to the Governor, the
20 President Pro Tempore of the Senate, and the Speaker of the House of
21 Representatives.

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

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4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-07-2011 - DO PASS,
5 As Amended.

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