

1 **SENATE FLOOR VERSION**

2 February 21, 2011

3 As Amended

4 SENATE BILL NO. 783

5 By: Brecheen of the Senate

6 and

7 Faught of the House

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

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

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

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

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

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

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

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

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

17 6. To assess the feasibility and cost savings of providing
18 services similar to those offered to drug court participants to
19 parolees, persons sentenced to probation and persons released early
20 from incarceration;

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

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

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

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

12 1. Three members of the Senate appointed by the President Pro
13 Tempore of the Senate, who shall not all be members of the same
14 political party, one of whom shall be the chair of the Senate
15 Judiciary Committee;

16 2. Three members of the House of Representatives appointed by
17 the Speaker of the House of Representatives, who shall not all be
18 members of the same political party, one of whom shall be the chair
19 of the House Judiciary Committee;

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

22 4. **A district attorney with a drug court program, a probation**
23 **supervision program and a community sentencing program in his or her**
24 **jurisdiction;**

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

4 6. The Administrative Director of the Courts;

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

10 8. Three persons with experience in administration of drug
11 court programs, one of whom shall have also had experience with
12 probation or parole, one of whom shall have worked with a combined
13 drug court and community sentencing program and one of whom shall
14 have worked in a drug court program with a recidivism rate lower
15 than the state average;

16 9. The Commissioner of the Department of Mental Health and
17 Substance Abuse Services; and

18 10. The Director of the Office of Juvenile Affairs.

19 C. Appointments to the task force shall be made by August 31,
20 2011. The first meeting of the task force shall be called by the
21 Governor and shall be held not later than September 30, 2011, at
22 which meeting a chair shall be elected by a majority of the members
23 of the task force. Subsequent meetings of the task force shall be
24 held at the call of the chair of the task force. Members shall

1 serve at the pleasure of their appointing authorities. A majority
2 of the members of the task force shall constitute a quorum to
3 transact business, but no vacancy shall impair the right of the
4 remaining members to exercise all of the powers of the task force.
5 A vacancy on the task force shall be filled by the original
6 appointing authority. Staff support for the task force shall be
7 provided by the Department of Corrections, the Senate, and the House
8 of Representatives.

9 D. Members of the task force shall receive no compensation for
10 serving on the task force, but shall receive travel reimbursement as
11 follows:

12 1. State employees who are members of the task force shall be
13 reimbursed for travel expenses incurred in the performance of their
14 duties by their respective agencies in accordance with the State
15 Travel Reimbursement Act;

16 2. All other task force members shall be reimbursed by the
17 appointing authority for travel expenses incurred in the performance
18 of their duties in accordance with the State Travel Reimbursement
19 Act; and

20 3. Legislative members shall be reimbursed in accordance with
21 Section 456 of Title 74 of the Oklahoma Statutes.

22 E. Not later than November 30, 2012, the task force shall
23 submit a report of findings and recommendations to the Governor, the
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1 President Pro Tempore of the Senate, and the Speaker of the House of
2 Representatives.

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

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-15-11 - DO
8 PASS, As Amended and Coauthored.

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