

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2253

By: Sherrer

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 988.8, which relates to the
9 Oklahoma Community Sentencing Act; authorizing court
10 to enter certain order regarding driving privileges;
11 providing guidelines for entering order; construing
12 provision; providing exceptions; requiring proof of
13 insurance prior to issuance of certain order;
14 directing the Department of Public Safety to make
15 certain designation in driving records under certain
16 circumstances; providing exceptions; requiring
17 certain electronic notification to the Department of
18 Public Safety; directing the Department of Public
19 Safety to promulgate certain rules; providing for
20 codification; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 988.8, is
amended to read as follows:

Section 988.8 A. A community sentencing system established
pursuant to the provisions of the Oklahoma Community Sentencing Act
shall include those community punishments and programs and services
enumerated and funded in the annual plan submitted to the Community
Sentencing Division within the Department of Corrections and any
other services or punishments subsequently added and funded during a

1 plan year. The options may not be utilized for offenders not
2 meeting the eligibility criteria of programs and score requirements
3 for the Level of Services Inventory (LSI) or other approved
4 assessment. Each local system shall strive to have available to the
5 court all of the following services for eligible offenders:

- 6 1. Community service with or without compensation to the
7 offender;
- 8 2. Substance abuse treatment and availability for periodic drug
9 testing of offenders following treatment;
- 10 3. Varying levels of supervision by the Department of
11 Corrections probation officers or another qualified supervision
12 source;
- 13 4. Education and literacy provided by the State Department of
14 Education, the county library system, the local school board, or
15 another qualified source;
- 16 5. Employment opportunities and job skills training provided by
17 the Oklahoma Department of Career and Technology Education or
18 another qualified source;
- 19 6. Enforced collections provided by the local court clerk, or
20 another state agency; and
- 21 7. The availability of county jail or another restrictive
22 housing facility for limited disciplinary sanctions.

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1 B. The court may order as a community punishment for an
2 eligible offender any condition listed as a condition available for
3 a suspended sentence.

4 C. In all cases in which an offender is sentenced to a
5 community punishment, the offender shall be ordered as part of the
6 terms and conditions of the sentence to pay for the court ordered
7 sanction, based upon ability to pay. Payments may be as provided by
8 court order or pursuant to periodic payment schedules established by
9 the service provider. If the offender does not have the financial
10 ability to pay for the court ordered sanction, payment shall be made
11 from funds budgeted for the local community sentencing system.

12 D. Notwithstanding any other provision of law, if the driving
13 privileges of the offender have been suspended, revoked, canceled or
14 denied by the Department of Public Safety and if the court
15 determines that no other means of transportation for the offender is
16 available, the court may enter a written order requiring the
17 Department of Public Safety to stay any and all such actions against
18 the Class D driving privileges of the offender; provided, the stay
19 shall not be construed to grant driving privileges to an offender
20 who has not been issued a driver license by the Department or whose
21 Oklahoma driver license has expired, in which case the offender
22 shall be required to apply for and be found eligible for a driver
23 license, pass all examinations, if applicable, and pay all statutory
24 driver license issuance or renewal fees. The offender shall provide

1 proof of insurance to the court prior to the court ordering a stay
2 of any driver license suspension, revocation, cancellation, or
3 denial. When the court enters a stay against an order by the
4 Department of Public Safety suspending or revoking the driving
5 privileges of an offender, the time period set in the order by the
6 Department for the suspension or revocation shall continue to run
7 during the stay.

8 E. Notwithstanding any other provision of law, the court may
9 enter a written order directing the Department of Public Safety to
10 restore the Class D driving privileges of any offender who has
11 successfully completed all terms and conditions of a community
12 punishment; provided, the suspension, revocation, cancellation or
13 denial is not related to any drug- or alcohol-related offense other
14 than the one for which the offender is serving in community
15 punishment and the offender has paid all reinstatement fees and has
16 met all conditions for reinstatement of driving privileges as
17 required by the Department of Public Safety. Further, the order
18 shall not be construed to grant driving privileges to an offender
19 who has not been issued a driver license by the Department or whose
20 Oklahoma driver license has expired, in which case the offender
21 shall be required to apply for and be found eligible for a driver
22 license, pass all examinations, if applicable, pay all statutory
23 driver license issuance or renewal fees and any outstanding fines,
24 fees or court-ordered restitution. The offender shall provide proof

1 of insurance to the court prior to the court ordering a restoration
2 of the Class D driving privileges pursuant to this subsection.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6-212.4 of Title 47, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Upon receipt of a written order issued by a court that the
7 Class D driving privileges for an offender who has successfully
8 completed a community sentencing program shall be restored, the
9 Department of Public Safety shall designate in the records of the
10 Department that all driver license revocation, suspension,
11 cancellation or denial periods shall be considered satisfied;
12 provided, the revocation, suspension, cancellation or denial of the
13 driver license is not related to any drug- or alcohol-related
14 offense other than the offense for which the offender is serving in
15 community sentencing and the offender has paid all reinstatement
16 fees and has met all conditions for reinstatement of driving
17 privileges as required by the Department of Public Safety. Further,
18 the Department may decline to waive the periods of revocation,
19 suspension, cancellation or denial if the Department finds that the
20 offender has committed an offense subsequent to successful
21 completion of the community sentencing program that would require
22 revocation, suspension, cancellation or denial of said driver
23 license.

1 B. Electronic notification of the successful completion by a
2 participant of the community sentencing program shall be provided to
3 the Department of Public Safety by the court clerk in the county
4 where the community sentencing program is situated. The electronic
5 notification of successful completion shall be consistent with the
6 provisions of Section 18-101 of Title 47 of the Oklahoma Statutes or
7 by any other method approved by the Department of Public Safety.

8 C. The Department of Public Safety shall promulgate rules
9 necessary to implement and administer the provisions of this
10 section.

11 SECTION 3. This act shall become effective November 1, 2012.

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