

BILL SUMMARY
2nd Session of the 53rd Legislature

Bill No.:	HB3052
Version:	PCS
Request Number:	9563
Author:	Speaker Steele
Date:	2/27/2012
Impact:	FY-13 - \$3.67 million FY-14 & Future - \$8 million

Research Analysis

The Committee Substitute for HB 3052 makes numerous modifications to address criminal justice reform in Oklahoma. The measure requires the Department of Corrections to maintain an accounting of the earned credits of those inmates sentenced to an eighty-five percent crime and allows the Director of the Department of Corrections to apply the credits only after the offender has served eighty-five percent of the sentence. Section 2 requires all persons arrested for a felony offense to submit to a risk, mental health and substance abuse assessment and evaluation. Section 3 allows a drug court participant to be sanctioned to serve six months in an intermediate revocation facility for failure to comply with the terms of the drug court agreement. The offender may not serve more than two separate terms of confinement in an intermediate sanction facility. Section 4 extends the opportunity for judicial review of sentence to twenty-four months. The district attorney must approve the review if it occurs beyond twelve months of the initial sentence. Section 5 requires the court to include in every felony sentence of every person sentenced to confinement a term of post-imprisonment supervision of not less than nine months nor more than one year following confinement. Post-imprisonment supervision not applicable to persons sentenced to life, life without parole or persons sentenced to the maximum sentence allowed for conviction of the offense. Section 6 authorizes a one-time referral to a six month term of confinement in an intermediate revocation facility for probationers who incur technical violations of their terms of supervision. A person may be sanctioned to serve additional terms of confinement in an intermediate revocation facility upon the approval of the district attorney. Section 7 states that a person serving a term of confinement in an intermediate revocation facility is not eligible for earned credits. Section 8 provides definition of intermediate revocation facility. Section 9 establishes that a Probation and Parole Officer shall notify the Department of Corrections when a probationer has been charged with committing a felony offense, has been charged with a misdemeanor which reflects a propensity for violence, has been convicted of a misdemeanor, or has escaped from custody and the Department shall issue a warrant for arrest of the probationer and initiate revocation proceedings. Establishes the procedure for the issuance of an arrest warrant for a probationer who has technical violations of the conditions of supervision. Repeated technical violations of the terms of probation may result in a revocation proceeding. Provides that a district attorney can file a petition to revoke a suspended sentence and may refer a probationer to an intermediate revocation facility without a recommendation from the Department of Corrections. Section 10 directs the Department of Corrections to establish intermediate revocation facilities. Section 11 provides graduated punishments for drug penalties in a similar manner as DUI penalties. Section 12 establishes the Justice Reinvestment Grant Program within the Office of the Attorney General to be used to provide funding for initiatives and strategies to combat violent crime. Section 13 requires data analysis to be conducted to issue

a report to the Governor, Speaker of the House and President Pro Tempore of the Senate. Section 14 provides effective date.

Prepared By: Brad Wolgamott

Fiscal Analysis

The primary goal of justice reinvestment policy is to control corrections spending and reinvest the savings in preventative programs that will decrease crime.

Section 2 requires all persons arrested for a felony offense and taken into custody to submit to a mental health and substance abuse risk assessment and evaluation, administered and scored by the Department of Mental Health and Substance Abuse Services (ODMHSAS), to be considered by the court and district attorney to determine sentencing options. ODMHSAS estimates their cost to be \$55 per screening. The annual cost is estimated at \$1 million. The FY-13 cost estimate is \$667,000.

Section 5 requires all felony sentences that include a term of confinement with the Department of Corrections (DOC) to include a term of post-imprisonment supervision of not less than nine months. According to DOC, mandatory post-imprisonment supervision will require additional probation and parole officers beginning in FY-14. The estimated annual cost in increase supervision is \$2 million. DOC will begin to hire additional officers in FY-13 in order have them trained and in the field prior to the release of offenders beginning in FY-14. FY-13 costs are estimated at \$1 million.

Section 12 establishes a Justice Reinvestment Grant Program within the Office of the Attorney General (AG) to award one-time grants to local law enforcement agencies to combat violent crime. The grant program is contingent upon the provision of funding. The estimated annual cost of the grant program if fully funded is \$5 million. The estimated FY-13 cost for the grant program if funded is \$2 million.

Prepared By: Marilyn Anderson

Other Considerations

HB3052 is expected to control the increase in prison growth by increasing substance abuse treatment, reducing violent crime, strengthening supervision, and reducing recidivism. Prison costs will be reduced over time as these reforms are implemented. The utilization of intermediate revocation facilities will provide significant cost savings, which will offset the additional costs associated with treatment, screening, and supervision.