

An Act

ENROLLED SENATE
BILL NO. 1720

By: Brecheen of the Senate

and

Hickman of the House

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 991d, which relates to supervision fees; clarifying purpose of certain fee; requiring minimum supervision standards for felony probation supervision; establishing supervision requirements for supervising agencies; authorizing the implementation of additional supervision requirements; providing for codification; and providing an effective date.

SUBJECT: Offender supervision

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 991d, is amended to read as follows:

Section 991d. A. 1. When the court orders supervision by the Department of Corrections, or the district attorney requires the Department to supervise any person pursuant to a deferred prosecution agreement, the person shall be required to pay a supervision fee of Forty Dollars (\$40.00) per month during the supervision period, unless the fee would impose an unnecessary hardship on the person. In hardship cases, the Department shall expressly waive all or part of the fee. The court shall make payment of the fee a condition of the sentence which shall be imposed whether the supervision is incident to the suspending of

execution of a sentence, incident to the suspending of imposition of a sentence, or incident to the deferral of proceedings after a verdict or plea of guilty. The Department shall determine methods for payment of supervision fee, and may charge a reasonable user fee for collection of supervision fees electronically. The Department is required to report to the sentencing court any failure of the person to pay supervision fees and to report immediately if the person violates any condition of the sentence.

2. When the court imposes a suspended or deferred sentence for any offense and does not order supervision by the Department of Corrections, the offender shall be required to pay to the district attorney a supervision fee of Forty Dollars (\$40.00) per month as a fee to compensate the district attorney for the actual act of supervising the offender during the applicable period of supervision. In hardship cases, the district attorney shall expressly waive all or part of the fee.

3. If restitution is ordered by the court in conjunction with supervision, the supervision fee will be paid in addition to the restitution ordered. In addition to the restitution payment and supervision fee, a reasonable user fee may be charged by the Department of Corrections to cover the expenses of administration of the restitution, except no user fee shall be collected by the Department when restitution payment is collected and disbursed to the victim by the office of the district attorney as provided in Section 991f of this title or Section 991f-1.1 of this title.

B. The Pardon and Parole Board shall require a supervision fee to be paid by the parolee as a condition of parole which shall be paid to the Department of Corrections. The Department shall determine the amount of the fee as provided for other persons under supervision by the Department.

C. Upon acceptance of an offender by the Department of Corrections whose probation or parole supervision was transferred to Oklahoma through the Interstate Compact Agreement, or upon the assignment of an inmate to any community placement, a fee shall be required to be paid by the offender to the Department of Corrections as provided for other persons under supervision of the Department.

D. Except as provided in subsection A and this subsection, all fees collected pursuant to this section shall be deposited in the Department of Corrections Revolving Fund created pursuant to Section 557 of Title 57 of the Oklahoma Statutes. For the fiscal year ending June 30, 1996, fifty percent (50%) of all collections received from offenders placed on supervision after July 1, 1995, shall be transferred to the credit of the General Revenue Fund of the State Treasury until such time as total transfers equal Three Million Three Hundred Thousand Dollars (\$3,300,000.00).

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 515a of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Felony probation supervision, whether conducted by the Department of Corrections, a district attorney or private supervision provider shall incorporate all minimum supervision standards provided for in subsection B of this section.

B. Upon receiving an offender on probation supervision, the supervising agency shall:

1. Conduct an intake and orientation for the offender. The offender shall present to the principal office of the supervising agency within three (3) business days of sentencing or within three (3) business days of release from confinement if any term of incarceration is ordered, for the purpose of intake and orientation to probation supervision. The intake shall consist of the personal information of the offender and shall include, but not be limited to, name, address, phone numbers, employment and employment history, family information and criminal history. The supervising agency shall also provide an orientation to the offender. The orientation shall explain rules and conditions, reporting instructions, consequences for violations of the rules and conditions, and expectations of the offender subject to probation supervision;

2. Require the offender to complete within ninety (90) days of intake and orientation, an approved substance abuse assessment and evaluation, if deemed appropriate by the court; provided, however, a substance abuse assessment and evaluation shall not be required if the offender has been previously assessed within one (1) year prior to the date of sentencing, unless ordered by the court. Substance

abuse assessments and evaluations ordered by the court shall be administered and scored by assessment personnel certified by the Department of Mental Health and Substance Abuse Services;

3. Monitor the compliance or noncompliance of the offender with all monetary obligations and probation requirements ordered by the court which may include, but not be limited to, the following:

- a. substance abuse testing,
- b. employment or education verification,
- c. criminal history background checks,
- d. verification of the payment of fines, costs, assessments, restitution, prosecution fees and supervision fees,
- e. verification of attendance and completion of community service requirements, or
- f. verification of attendance and completion of counseling or treatment programs;

4. Provide sanctions in the event the offender violates the rules and conditions of probation supervision which may include, but not be limited to, the following:

- a. increased reporting requirements,
- b. increased substance abuse testing,
- c. increased counseling or substance abuse meetings,
- d. short-term period of incarceration in jail,
- e. additional community service hours,
- f. electronic monitoring or installation of an ignition interlock device, or

- g. revocation or acceleration of the suspended or deferred sentence; and

5. Provide a written sanction report to the court and offender specifying the violation, sanction and plan to correct the noncompliant behavior of the offender. When recommending a short-term period of incarceration in jail, additional community service hours, electronic monitoring or installation of an ignition interlock device, the supervising agency shall obtain court approval prior to implementing the sanction.

C. The supervising agency shall have the authority to implement additional supervision requirements including, but not limited to, the following:

1. Individualized treatment plans based upon the results of any substance abuse assessment and evaluation. The individualized treatment plan may include additional reporting requirements and additional counseling and substance abuse meeting requirements. The treatment plan shall be developed to assist the offender with successful progress toward completion of probation supervision;

2. Random substance abuse testing to ensure the compliance and sobriety of the offender; and

3. Progress reports as requested by the court.

SECTION 3. This act shall become effective November 1, 2014.

Passed the Senate the 21st day of May, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____