HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1293 By: Sherrer

AS INTRODUCED

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

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

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

Sentencing Division within the Department of Corrections and any other services or punishments subsequently added and funded during a plan year. The options may not be utilized for offenders not meeting the eligibility criteria of programs and score requirements for the Level of Services Inventory (LSI) or other approved assessment. Each local system shall strive to have available to the court all of the following services for eligible offenders:

1. Community service with or without compensation to the offender;

2. Substance abuse treatment and availability for periodic drug testing of offenders following treatment;

3. Varying levels of supervision by the Department of Corrections probation officers or another qualified supervision source;

4. Education and literacy provided by the State Department of Education, the county library system, the local school board, or another qualified source;

5. Employment opportunities and job skills training provided by the Oklahoma Department of Career and Technology Education or another qualified source;

6. Enforced collections provided by the local court clerk, or another state agency; and

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7. The availability of county jail or another restrictive housing facility for limited disciplinary sanctions.

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

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

D. If the driving privileges of the offender have been suspended, revoked, canceled or denied by the Department of Public Safety and if the court determines that no other means of transportation for the offender is available, the court may enter a written order requiring the Department of Public Safety to stay any and all such actions against the Class D driving privileges of the offender; provided, the stay shall not be construed to grant driving privileges to an offender who has not been issued a driver license by the Department or whose Oklahoma driver license has expired, in which case the offender shall be required to apply for and be found

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eligible for a driver license, pass all examinations, if applicable, and pay all statutory driver license issuance or renewal fees. The offender shall provide proof of insurance to the court prior to the court ordering a stay of any driver license suspension, revocation, cancellation or denial. When the court enters a stay against an order by the Department of Public Safety suspending or revoking the driving privileges of an offender, the time period specified in the order by the Department for the suspension or revocation shall continue to run during the stay.

E. The court may enter a written order directing the Department of Public Safety to restore the Class D driving privileges of any offender who has successfully completed all terms and conditions of a community punishment; provided, the suspension, revocation, cancellation or denial is not related to any drug- or alcohol-related offense other than the one for which the offender is serving in community punishment and the offender has paid all reinstatement fees and has met all conditions for reinstatement of driving privileges as required by the Department of Public Safety. Further, the order shall not be construed to grant driving privileges to an offender who has not been issued a driver license by the Department or whose Oklahoma driver license has expired, in which case the offender shall be required to apply for and be found eligible for a driver license, pass all examinations, if applicable, pay all

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statutory driver license issuance or renewal fees and any outstanding fines, fees or court-ordered restitution. The offender shall provide proof of insurance to the court prior to the court ordering a restoration of the Class D driving privileges pursuant to this subsection.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-212.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Upon receipt of a written order issued by a court that the Class D driving privileges of an offender who has successfully completed a community sentencing program shall be restored, the Department of Public Safety shall designate in the records of the Department that all driver license revocation, suspension, cancellation or denial periods shall be considered satisfied; provided, the revocation, suspension, cancellation or denial of the driver license is not related to any drug- or alcohol-related offense other than the offense for which the offender is serving in community sentencing and the offender has paid all reinstatement fees and has met all conditions for reinstatement of driving privileges as required by the Department of Public Safety. Further, the Department may decline to waive the periods of revocation, suspension, cancellation or denial if the Department finds that the offender has committed an offense subsequent to successful

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completion of the community sentencing program that would require revocation, suspension, cancellation or denial of said driver license.

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

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

SECTION 3. This act shall become effective November 1, 2013.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/06/2013 - DO PASS.

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