

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1720

By: Brecheen of the Senate

and

Hickman of the House

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10 COMMITTEE SUBSTITUTE

11 [offender supervision - requiring probation
12 supervision to meet certain minimum standards -
13 establishing guidelines for supervising agencies -
14 codification - effective date]

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

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

20 Section 991d. A. 1. When the court orders supervision by the
21 Department of Corrections, or the district attorney requires the
22 Department to supervise any person pursuant to a deferred
23 prosecution agreement, the person shall be required to pay a
24 supervision fee of Forty Dollars (\$40.00) per month during the

1 supervision period, unless the fee would impose an unnecessary
2 hardship on the person. In hardship cases, the Department shall
3 expressly waive all or part of the fee. The court shall make
4 payment of the fee a condition of the sentence which shall be
5 imposed whether the supervision is incident to the suspending of
6 execution of a sentence, incident to the suspending of imposition of
7 a sentence, or incident to the deferral of proceedings after a
8 verdict or plea of guilty. The Department shall determine methods
9 for payment of supervision fee, and may charge a reasonable user fee
10 for collection of supervision fees electronically. The Department
11 is required to report to the sentencing court any failure of the
12 person to pay supervision fees and to report immediately if the
13 person violates any condition of the sentence.

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

22 3. If restitution is ordered by the court in conjunction with
23 supervision, the supervision fee will be paid in addition to the
24 restitution ordered. In addition to the restitution payment and

1 supervision fee, a reasonable user fee may be charged by the
2 Department of Corrections to cover the expenses of administration of
3 the restitution, except no user fee shall be collected by the
4 Department when restitution payment is collected and disbursed to
5 the victim by the office of the district attorney as provided in
6 Section 991f of this title or Section 991f-1.1 of this title.

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

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

18 D. Except as provided in subsection A and this subsection, all
19 fees collected pursuant to this section shall be deposited in the
20 Department of Corrections Revolving Fund created pursuant to Section
21 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
22 ending June 30, 1996, fifty percent (50%) of all collections
23 received from offenders placed on supervision after July 1, 1995,
24 shall be transferred to the credit of the General Revenue Fund of

1 the State Treasury until such time as total transfers equal Three
2 Million Three Hundred Thousand Dollars (\$3,300,000.00).

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

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

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

12 1. Conduct an intake and orientation for the offender. The
13 intake shall consist of the personal information of the offender and
14 shall include, but not be limited to, name, address, phone numbers,
15 employment and employment history, family information and criminal
16 history. The supervising agency shall also provide an orientation
17 to the offender. The orientation shall explain rules and
18 conditions, reporting instructions, consequences for violations of
19 the rules and conditions, and expectations of the offender subject
20 to probation supervision;

21 2. Conduct within ninety (90) days of receiving an offender on
22 probation supervision an approved substance abuse assessment and
23 evaluation and criminal risk needs assessment; provided, however, a
24 substance abuse assessment and evaluation and criminal risk needs

1 assessment shall not be required if the offender has been previously
2 assessed within one (1) year prior to the date of sentencing. All
3 assessments and evaluations shall be administered and scored by
4 assessment personnel certified by the Department of Mental Health
5 and Substance Abuse Services. A criminal risk needs assessment
6 shall identify offender risk and needs directly impacting the
7 likelihood of criminal behavior. The person conducting the criminal
8 risk needs assessment may use prior drug test results, criminal
9 history records of the offender and a personal interview of the
10 offender to ensure accurate information;

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

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

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

- 4 a. increased reporting requirements,
- 5 b. increased substance abuse testing,
- 6 c. increased counseling or substance abuse meetings,
- 7 d. short-term period of incarceration in jail,
- 8 e. additional community service hours,
- 9 f. electronic monitoring or installation of an ignition
10 interlock device, and
- 11 g. revocation or acceleration of the suspended or
12 deferred sentence;

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

20 6. Provide progress and violation reports to the court as
21 needed.

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

1 1. Individualized treatment plans based upon the results of the
2 substance abuse assessment and evaluation and criminal risk needs
3 assessment. The individualized treatment plan may include
4 additional reporting requirements and additional counseling and
5 substance abuse meeting requirements. The treatment plan shall
6 assist the offender with successful progress toward completion of
7 probation supervision;

8 2. Periodic substance abuse testing to ensure the compliance
9 and sobriety of the offender. The testing shall be available from a
10 laboratory approved by the Board of Tests for Alcohol and Drug
11 Influence and shall include testing for alcohol, intoxicating
12 substances, controlled dangerous substances or synthetic controlled
13 substances as defined in Section 2-101 of Title 63 of the Oklahoma
14 Statutes; and

15 3. Home visitation.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/10/2014 -
19 DO PASS, As Amended.
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