

1 **SENATE FLOOR VERSION**

2 February 26, 2014

3 **AS AMENDED**

4 SENATE BILL NO. 1720

By: Brecheen of the Senate

and

Hickman of the House

7 **[probation-parole officers - supervision fees -**
8 **minimum standards - supervision agencies -**
9 **codification - effective date]**

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

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

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

1 verdict or plea of guilty. The Department shall determine methods
2 for payment of supervision fee, and may charge a reasonable user fee
3 for collection of supervision fees electronically. The Department
4 is required to report to the sentencing court any failure of the
5 person to pay supervision fees and to report immediately if the
6 person violates any condition of the sentence.

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

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

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

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

12 D. Except as provided in subsection A and this subsection, all
13 fees collected pursuant to this section shall be deposited in the
14 Department of Corrections Revolving Fund created pursuant to Section
15 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
16 ending June 30, 1996, fifty percent (50%) of all collections
17 received from offenders placed on supervision after July 1, 1995,
18 shall be transferred to the credit of the General Revenue Fund of
19 the State Treasury until such time as total transfers equal Three
20 Million Three Hundred Thousand Dollars (\$3,300,000.00).

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

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1 A. Probation supervision, whether conducted by the Department
2 of Corrections, a district attorney or private supervision shall
3 incorporate all minimum supervision standards.

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

6 1. Conduct an intake and orientation. The intake shall consist
7 of the personal information of the offender and shall include, but
8 not be limited to, name, address, phone numbers, employment and
9 employment history, family information and criminal history. The
10 supervising agency shall also provide an orientation to the
11 offender. The orientation shall explain rules and conditions,
12 reporting instructions, consequences for violations and expectations
13 of probations supervision.

14 2. Conduct within ninety (90) days a substance abuse assessment
15 and criminal risk needs assessment. All assessments shall be
16 conducted by qualified trained persons. The assessment shall be
17 determined by the acting agency; provided, however, assessments
18 should met standards approved by the Department of Mental Health And
19 Substance Abuse Services. Criminal needs assessment shall be an
20 instrument to identify offender risk and needs directly impacting
21 the likelihood of criminal behavior. The person conducting the
22 assessment shall use drug tests, criminal history and a personal
23 interview to ensure accurate information.

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1 3. Develop a treatment plan by qualified personnel. The
2 treatment plan shall be based upon identified criminal needs and
3 substance abuse issues. The plan shall include the expected
4 frequency of reporting and visits, types of counseling, substance
5 abuse meeting requirements, payments of fines, cost, restitution,
6 prosecution fees and supervision fees. The plan shall assist the
7 offender with successful progress toward completion of probation
8 supervision.

9 4. Conduct substance abuse testing to ensure the compliance and
10 sobriety of criminal offenders. The testing shall be conducted by a
11 qualified state licensed professional and shall include testing for
12 alcohol, drugs, prescription drugs and specialized testing for the
13 latest synthetic substances.

14 5. Monitor the progress of the offender through probation
15 supervision methods, which shall include, but not be limited to,
16 personal visits, substance abuse testing, employment verification,
17 records check to monitor new arrest, payments of fines, cost,
18 restitution, prosecution fees and supervision fees.

19 6. Provide graduated intermediate sanctions in the event of
20 offender violations, which shall include, but not be limited to,
21 increased reporting, increased substance abuse testing, increased
22 counseling or substance abuse meetings, county jail, community
23 service or electronic monitoring. The supervising agency shall
24 provide written sanction reports to the court to ensure the sanction

1 meets with the court's approval. The supervising agency shall also
2 provide progress and violation reports to the court as needed.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 February 26, 2014 - DO PASS AS AMENDED
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