

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 966

By: Anderson

4
5 AS INTRODUCED

6 An Act relating to district attorneys; amending 22
7 O.S. 2011, Section 991d, as amended by Section 1,
8 Chapter 414, O.S.L. 2014 (22 O.S. Supp. 2015, Section
9 991d), which relates to supervision fee; requiring
10 contact with offender under certain circumstances;
11 requiring certain report; specifying required
12 contents of certain report; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2011, Section 991d, as
16 amended by Section 1, Chapter 414, O.S.L. 2014 (22 O.S. Supp. 2015,
17 Section 991d), is amended to read as follows:

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

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

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

18 3. If restitution is ordered by the court in conjunction with
19 supervision, the supervision fee will be paid in addition to the
20 restitution ordered. In addition to the restitution payment and
21 supervision fee, a reasonable user fee may be charged by the
22 Department of Corrections to cover the expenses of administration of
23 the restitution, except no user fee shall be collected by the
24 Department when restitution payment is collected and disbursed to

1 the victim by the office of the district attorney as provided in
2 Section 991f of this title or Section 991f-1.1 of this title.

3 4. If the district attorney is collecting a monthly supervision
4 fee, the district attorney shall maintain monthly contact with the
5 offender and shall submit a monthly report to the court which shall
6 contain:

- 7 a. the offender's name,
- 8 b. the offender's case number,
- 9 c. the terms of the sentence imposed by the court on the
10 offender,
- 11 d. the form of contact that the district attorney has had
12 with the offender in the past thirty (30) days,
- 13 e. the status of the offender's attendance or completion
14 of any program that the court has ordered the offender
15 to attend,
- 16 f. the amount of payment that the offender has made for
17 the district attorney's supervision fee in the past
18 thirty (30) days,
- 19 g. the amount of payment that the offender has made for
20 all other court-ordered restitution, fines, costs or
21 assessments in the past thirty (30) days, and
- 22 h. any known violation of the offender's conditions of
23 probation which has occurred in the past thirty (30)
24 days.

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. This act shall become effective November 1, 2016.
22

23 55-2-2207 TEK 2/18/2016 7:15:34 PM
24