

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3848 \_\_\_\_\_  
Of the printed Bill

Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Meloyde Blancett

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3848

By: Blancett

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to state government; creating the  
9 Pretrial Data Collection Act; defining terms;  
10 requiring certain entities to collect specific data;  
11 requiring certain entities to report the data  
12 collected to the Office of Management and Enterprise  
13 Services; specifying types of data to be collected;  
14 providing for publication of datasets; requiring  
15 certain public format; specifying submission dates;  
16 providing for certain publication date; authorizing  
17 county commissioner to bring an action for  
18 noncompliance; providing for codification; and  
19 providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 81.2 of Title 74, unless there  
23 is created a duplication in numbering, reads as follows:

24 A. This act shall be known and may be cited as the "Pretrial  
Data Collection Act".

B. As used in this act:

1. "Annual felony caseload" means the yearly caseload of felony  
cases for each full-time district attorney and assistant district

1 attorney or public defender and assistant public defender, or  
2 indigent defense contracting attorney for cases assigned to the  
3 criminal division. The term does not include the appellate caseload  
4 of a public defender, assistant public defender, or indigent defense  
5 contracting attorney. Cases reported pursuant to this term shall be  
6 associated with a case number and each case number shall only be  
7 reported once regardless of the number of attorney assignments that  
8 occur during the course of litigation;

9 2. "Annual misdemeanor caseload" means the yearly caseload of  
10 misdemeanor cases for each full-time district attorney and assistant  
11 district attorney or public defender and assistant public defender,  
12 or indigent defense contracting attorney for cases assigned to the  
13 criminal division. The term does not include the appellate caseload  
14 of a public defender, assistant public defender or indigent defense  
15 contracting attorney. Cases reported pursuant to this term shall be  
16 associated with a case number and each case number shall only be  
17 reported once regardless of the number of attorney assignments that  
18 occur during the course of litigation;

19 3. "Attorney assignment date" means the day, month, and year, a  
20 court-appointed attorney is assigned to the case or, if privately  
21 retained, the day, month, and year, an attorney files a notice of  
22 appearance with the clerk of the court;

23 4. "Attorney withdrawal date" means the day, month, and year,  
24 the court removes court-appointed counsel from a case or, if

1 privately retained, the day, month, and year, a motion to withdraw  
2 is granted by the court;

3 5. "Average cost for jail stay" means the average daily cost to  
4 house an inmate including, but not limited to, average medical care  
5 costs, daily stay fee, extra food, and transportation;

6 6. "Bail" means a monetary amount for or condition of pretrial  
7 release from custody. The purpose of the bail is to ensure the  
8 return of the accused at subsequent proceedings;

9 7. "Case number" means the identification number assigned by  
10 the clerk of court to a criminal case;

11 8. "Case status" means whether a case is open, inactive,  
12 closed, or reopened due to a violation of probation or community  
13 supervision;

14 9. "Charge description" means the statement of the conduct that  
15 is alleged to have been violated, the associated statutory section  
16 establishing such conduct as criminal, and the misdemeanor or felony  
17 classification that is provided for in the statutory section alleged  
18 to have been violated;

19 10. "Charge modifier" means an aggravating circumstance of an  
20 alleged crime that enhances or reclassifies a charge to a more  
21 serious misdemeanor or felony offense;

22 11. "Cited offense" means the alleged offense for which an  
23 arrest occurred, including the state or municipal code under which  
24 the offense is alleged;

1       12. "Criminal charge against" means information related to the  
2 formal charges filed against a defendant, including charge  
3 description, as defined in this section, code section, jurisdiction,  
4 and charge modifier, as defined in this section, if applicable;

5       13. "Date of arrest" means the day, month, and year in which  
6 the arrest occurred;

7       14. "Date of entrance" means the day, month, and year of  
8 entrance into a county jail or detention facility;

9       15. "Demographic information" means identifying information  
10 including name, age, race or ethnicity, gender, Zip Code of primary  
11 residence, and homelessness status;

12       16. "Disposition" means a final judgment, adjudication  
13 withheld, dismissal, or nolle prosequi for the case;

14       17. "Domestic abuse flag" means an indication that a charge  
15 involves domestic abuse, as such term is defined in subsection C of  
16 Section 644 of Title 21 of the Oklahoma Statutes;

17       18. "Gang affiliation flag" means an indication that a  
18 defendant is involved in or associated with a criminal street gang,  
19 as such term is defined in subsection F of Section 856 of Title 21  
20 of the Oklahoma Statutes;

21       19. "Habitual offender flag" means an indication that the  
22 defendant is a repeat offender pursuant to the provisions of Section  
23 51.1 of Title 21 of the Oklahoma Statutes;

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1       20. "Inventory search" means a search performed in accordance  
2 with department policy on a person or a vehicle incident to lawful  
3 arrest;

4       21. "Mental health disorder" means any mental illness, as  
5 defined in paragraph 3 of Section 1-103 of Title 43A of the Oklahoma  
6 Statutes, that was diagnosed by a licensed mental health  
7 professional, as defined in paragraph 11 of Section 1-103 of Title  
8 43A of the Oklahoma Statutes;

9       22. "Offense location" means the county in which the offense is  
10 alleged to have occurred;

11       23. "Operational capacity" means the maximum number of inmates  
12 a county jail or detention facility can hold;

13       24. "Pretrial release violation flag" means an indication that  
14 the defendant has violated the terms of his or her pretrial release;

15       25. "Release date" is defined as the day, month, and year a  
16 defendant is released from a county jail or detention facility; and

17       26. "Term of sentence" means the sentence type and length  
18 imposed by the court including, but not limited to, the total  
19 duration of imprisonment in a county jail or detention facility and  
20 conditions of probation or community control supervision.

21       C. Beginning January 1, 2023, an entity required to collect  
22 data in accordance with this section shall collect the specified  
23 data required of the entity on a monthly basis. Each entity shall  
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1 report the data collected in accordance with this subsection to the  
2 Office of Management and Enterprise Services on a monthly basis:

3 1. Municipal police departments and county sheriff offices  
4 shall collect for each individual arrested, the following  
5 information:

- 6 a. arrest location,
- 7 b. date of arrest,
- 8 c. race and ethnicity of detainee,
- 9 d. age of detainee,
- 10 e. gender of detainee,
- 11 f. Zip Code of detainee,
- 12 g. cited offense, and
- 13 h. inventory performed.

14 2. County jail and county detention facilities shall collect  
15 for each confined person the following information:

- 16 a. date of entrance,
- 17 b. name,
- 18 c. date of birth,
- 19 d. gender,
- 20 e. race and ethnicity,
- 21 f. mental health disorder, if any,
- 22 g. last known Zip Code,
- 23 h. homelessness status,

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- i. any criminal charges against the person by code section and jurisdiction,
- j. term of sentence,
- k. bond amount,
- l. if bond is set, and
- m. release date.

3. Each facility shall collect the following information:

- a. average costs for jail stay per day,
- b. average medical care costs,
- c. daily stay fee and rate,
- d. bill for medical costs,
- e. bill for extra food,
- f. bill for transportation,
- g. operational capacity of the jail facility,
- h. for each confined person, counting only one time and with accompanying demographic information:

(1) number of sentenced people,

(2) number of unsentenced people with a hold and what kind of hold the unsentenced person has including, but not limited to, tribal or federal holds,

(3) number of unsentenced people without a hold, and



- 1 (4) number of unsentenced people admitted for a  
2 probation violation or violation of community  
3 sentencing standards,
- 4 i. for unsentenced confined people, counting only one  
5 time, and with accompanying demographic information:
- 6 (1) number whose most serious charged offense is a  
7 felony, and  
8 (2) number whose most serious charged offense is a  
9 misdemeanor,
- 10 j. number of confined people held solely for a municipal  
11 offense with accompanying demographic information,
- 12 k. average daily population of the jail facility with  
13 accompanying demographic information,
- 14 l. average or median length of stay with accompanying  
15 demographic information:
- 16 (1) number of people who were released within the  
17 prior twelve (12) months whose most serious  
18 offense is a felony, and  
19 (2) number of people who were released within the  
20 prior twelve (12) months whose most serious  
21 offense is a misdemeanor,
- 22 m. number of confined people identified as homeless with  
23 accompanying demographic information, and  
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1 n. number of bookings into the jail facility with  
2 accompanying demographic information.

3 4. District court clerks shall collect the following  
4 information for each criminal case filed:

- 5 a. case number,
- 6 b. date of alleged offense,
- 7 c. county of alleged offense,
- 8 d. date that the criminal prosecution of a defendant is  
9 formally initiated through the filing, with the clerk  
10 of the court, of an information by the district  
11 attorney,
- 12 e. arraignment date,
- 13 f. attorney assignment date,
- 14 g. attorney withdrawal date, if applicable,
- 15 h. case status,
- 16 i. disposition date and kind of disposition,
- 17 j. Zip Code of primary residence,
- 18 k. primary language spoken by the defendant,
- 19 l. indigency finding,
- 20 m. charge description,
- 21 n. statute charged under,
- 22 o. sentence enhancement charged, if any,
- 23 p. drug type for each drug charge, if known,

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- 1 q. qualification for flag designation, and kind of  
2 designation including, but not limited to, domestic  
3 violence, gang affiliation, sex offender, habitual  
4 offender, and pretrial release violation,
- 5 r. decision and date of all bail bond and pretrial  
6 determinations,
- 7 s. pretrial release determination at first appearance,  
8 including monetary and nonmonetary conditions,
- 9 t. modification of bail bond conditions,
- 10 u. cash bail or bond payment, including whether defendant  
11 utilized a bond agent to post a surety bond,
- 12 v. date defendant is released on bail, bond, or pretrial  
13 release,
- 14 w. bail or bond revocation due to new offense, failure to  
15 appear, or a violation of bail or bond terms,
- 16 x. date of any court appearance and the type of  
17 proceeding scheduled for each date reported,
- 18 y. date of any failure to appear in court,
- 19 z. judicial transfer date, if applicable,
- 20 aa. trial date if jury trial held,
- 21 bb. date the defendant files a notice to participate in  
22 discovery,
- 23 cc. speedy trial motion and hearing dates, if applicable,
- 24 dd. dismissal motion and hearing dates, if applicable,

- 1 ee. whether the defense attorney was retained, is a public  
2 defender, or an attorney with the Oklahoma Indigent  
3 Defense System,
- 4 ff. date that a court enters a sentence against a  
5 defendant,
- 6 gg. whether or not a plea was entered,
- 7 hh. total amount of court fees imposed by the court at  
8 disposition of the case,
- 9 ii. outstanding balance of the court fees of the defendant  
10 imposed by the court at disposition of the case,
- 11 jj. total amount of court fines imposed by the court at  
12 disposition of the case,
- 13 kk. outstanding balance of the court fines of the  
14 defendant imposed by the court at disposition of the  
15 case,
- 16 ll. restitution amount ordered, including the amount  
17 collected by the court and the amount paid to the  
18 victim, if applicable,
- 19 mm. number of continuances, and
- 20 nn. number of judges or magistrates, or their equivalents,  
21 hearing cases in circuit or county criminal divisions  
22 of the circuit court.
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1           5. From each office of the district attorney in the twenty-  
2 seven (27) prosecutorial districts of Oklahoma, the following  
3 information shall be collected:

- 4           a. number of full-time prosecutors,
- 5           b. number of part-time prosecutors,
- 6           c. race, ethnicity, and gender of prosecutors,
- 7           d. annual felony caseload,
- 8           e. annual misdemeanor caseload,
- 9           f. number of cases in which an information was not filed,
- 10          g. number of cases declined, and
- 11          h. for individual cases:
  - 12           (1) whether the defendant was offered to participate
  - 13                 in a diversion program,
  - 14           (2) name of diversion program, if offered,
  - 15           (3) whether the defendant accepted or declined the
  - 16                 diversion program,
  - 17           (4) diversion program outcome,
  - 18           (5) pretrial release recommendation of the
  - 19                 prosecutor,
  - 20           (6) bail amount recommendation of the prosecutor by
  - 21                 misdemeanor and felony charge types, and
  - 22           (7) plea offers by the prosecutor, if any, and
  - 23                 modifications.

1           6. From the Office of the Tulsa County Public Defender, the  
2 Office of the Oklahoma County Public Defender, and each office or  
3 contractor of the Oklahoma Indigent Defense System:

- 4           a. number of full-time public defenders,
- 5           b. number of part-time public defenders,
- 6           c. number of contract attorneys representing indigent  
7           defendants for the office,
- 8           d. annual felony caseload, and
- 9           e. annual misdemeanor caseload.

10           D. The Office of Management and Enterprise Services shall  
11 publish datasets in its possession in a modern, open, electronic  
12 format that is machine-readable and readily accessible by the public  
13 on the website of the agency. The published data shall be  
14 searchable, at a minimum, by each data element, county, circuit, and  
15 unique identifier. Agencies that employ five hundred (500) or more  
16 employees shall submit data to the Office by July 1, 2023. Agencies  
17 that employ more than one hundred (100) but less than five hundred  
18 (500) employees shall submit data to the Office by December 31,  
19 2023. Agencies with more than zero (0) and less than one hundred  
20 (100) employees shall submit data to the Office by July 1, 2024.  
21 Beginning January 1, 2023, the Office shall begin publishing the  
22 data received in the same modern, open, electronic format that is  
23 machine-readable and readily accessible to the public on the website  
24 of the Office.

1 E. Upon a determination by the Office of Management and  
2 Enterprise Services of noncompliance, any member of any board of  
3 county commissioners may bring an action in a district court having  
4 jurisdiction over the county from which the county commissioner  
5 serves to force compliance. If any entity covered under the  
6 provisions of this act encompasses more than one county, upon a  
7 determination by the Office of noncompliance, a county commissioner  
8 serving from any of the encompassed counties may bring such action  
9 against the entity.

10 SECTION 2. This act shall become effective November 1, 2022.

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12 58-2-10298 GRS 01/31/22

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