

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2131

By: Steele of the House

and

Anderson of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to corrections; amending 21 O.S.
12 2001, Sections 61.1, 61.2, 61.3, 61.4 and 61.5, which
13 relate to sentences served by defendants; providing
14 for more than one sentence to be served concurrently
15 under certain circumstances; providing for more than
16 one sentence to run consecutively when specified;
17 authorizing Governor to order certain sentencing
18 under certain circumstances; authorizing the court to
19 order certain sentencing under certain circumstances;
20 authorizing the court to determine if certain terms
21 of sentencing are satisfied; amending 22 O.S. 2001,
22 Section 976, which relates to concurrent sentences;
23 requiring certain sentences to be served
24 concurrently; amending 22 O.S. 2001, Sections 988.2,
as amended by Section 1, Chapter 251, O.S.L. 2004,
988.9, as amended by Section 3, Chapter 165, O.S.L.
2002 and 988.18, as amended by Section 6, Chapter
165, O.S.L. 2002 (22 O.S. Supp. 2010, Sections 988.2,
988.9 and 988.18), which relate to the Oklahoma
Community Sentencing Act; modifying definition of
eligible offender; modifying supervision fee
requirement; making certain offenders eligible for
state-funded community punishments; providing minimum
qualifications for pardon and parole board members;
amending 57 O.S. 2001, Section 332.16, which relates
to time limitations for acting on paroles; clarifying

1 time limitations; deeming parole recommendation
2 granted if action not taken within certain time
3 period; providing an exception; requiring review and
4 parole recommendation for certain crimes; amending 57
5 O.S. 2001, Section 510.9, as last amended by Section
6 2, Chapter 507, O.S.L. 2004 (57 O.S. Supp. 2010,
7 Section 510.9), which relates to the Oklahoma
8 Corrections Act of 1967; modifying eligibility
9 requirements for the Electronic Monitoring Program;
10 providing for codification; and providing an
11 effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 61.1, is
amended to read as follows:

Section 61.1 When any person is convicted of two (2) or more
crimes in the same proceeding or court or in different proceedings
or courts, and the judgment and sentence for each conviction arrives
at a state penal institution on different dates, the sentence which
is first received at the institution shall commence and ~~be followed~~
~~by~~ those sentences which are subsequently received at the
institution, ~~in the order in which they are received by the~~
~~institution,~~ shall be served concurrently regardless of the order in
which the judgments and sentences were rendered by the respective
courts, unless a judgment and sentence provides that it is to run
~~concurrently~~ consecutively with another judgment and sentence. This

1 section shall not affect the credits allowed under Section 138 of
2 Title 57 of the Oklahoma Statutes.

3 SECTION 2. AMENDATORY 21 O.S. 2001, Section 61.2, is
4 amended to read as follows:

5 Section 61.2 When a defendant is sentenced in an Oklahoma state
6 court and is also under sentence from a federal court or another
7 state's court, the court may direct that custody of the defendant be
8 relinquished to the federal or another state's authorities and that
9 such Oklahoma state court sentences as are imposed ~~may~~ run
10 concurrently with the federal or another state's sentence imposed,
11 unless the court orders a judgment and sentence to run consecutively
12 with the other jurisdiction.

13 SECTION 3. AMENDATORY 21 O.S. 2001, Section 61.3, is
14 amended to read as follows:

15 Section 61.3 When a defendant is on parole from a sentence
16 rendered by an Oklahoma state court and is also under sentence from
17 a federal court or another state's court, the Governor may revoke
18 the defendant's parole and direct that custody of the defendant be
19 relinquished to the federal or another state's authorities and that
20 such parole revocation ~~may~~ shall run concurrently with the federal
21 or another state's sentence which has been imposed, unless the
22 Governor orders the parole revocation to be served consecutively
23 with the other jurisdiction. ~~The Governor may also order that a~~ A

1 parole revocation shall run concurrently with any other sentence
2 rendered by an Oklahoma state court, unless the Governor orders the
3 parole revocation to be served consecutively.

4 SECTION 4. AMENDATORY 21 O.S. 2001, Section 61.4, is
5 amended to read as follows:

6 Section 61.4 When a defendant has received a suspended sentence
7 from an Oklahoma state court and is also under sentence from a
8 federal court or another state's court, the court may revoke the
9 suspended sentence and direct that custody of the defendant be
10 relinquished to the federal or another state's authorities and ~~that~~
11 ~~the~~ such sentence ~~may~~ shall run concurrently with the federal or
12 other state's sentence which has been imposed, unless the court
13 orders a revocation to run consecutively with the other
14 jurisdiction.

15 SECTION 5. AMENDATORY 21 O.S. 2001, Section 61.5, is
16 amended to read as follows:

17 Section 61.5 Provided, that, after a defendant has been
18 transferred to another jurisdiction pursuant to the provisions of
19 this act, if any sentence remains to be served in the State of
20 Oklahoma, such defendant shall be returned by the sentencing court
21 to the State of Oklahoma to complete ~~his~~ the sentence, unless the
22 court at the time of sentencing determines that the service of the
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1 Oklahoma state court sentence is to be satisfied by service of the
2 sentence in another jurisdiction.

3 SECTION 6. AMENDATORY 22 O.S. 2001, Section 976, is
4 amended to read as follows:

5 Section 976. If the defendant has been convicted of two or more
6 offenses, before judgment on either, the judgment ~~may~~ shall be that
7 the imprisonment ~~upon any one may commence at the expiration of the~~
8 ~~imprisonment upon any other~~ of the offenses shall run concurrently.

9 Provided, that the sentencing judge shall, at all times, have the
10 discretion to enter a sentence ~~concurrent~~ consecutive with any other
11 sentence.

12 SECTION 7. AMENDATORY 22 O.S. 2001, Section 988.2, as
13 amended by Section 1, Chapter 251, O.S.L. 2004 (22 O.S. Supp. 2010,
14 Section 988.2), is amended to read as follows:

15 Section 988.2 A. For purposes of the Oklahoma Community
16 Sentencing Act:

17 1. "Local community sentencing system" means a partnership
18 between the state and one or more county governments which uses
19 public and private entities to deliver services to the sentencing
20 court for punishment of eligible felony offenders under the
21 authority of a community sentence;

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1 2. "Community sentence" or "community punishment" means a
2 punishment imposed by the court as a condition of a deferred or
3 suspended sentence for an eligible offender;

4 3. "Continuum of sanctions" means a variety of coercive
5 measures and treatment options ranked by degrees of public safety,
6 punitive effect, and cost benefit which are available to the
7 sentencing judge as punishment for criminal conduct;

8 4. "Community sentencing system planning council" or "planning
9 council" means a group of citizens and elected officials specified
10 by law or appointed by the Chief Judge of the Judicial District
11 which plans the local community sentencing system and with the
12 assistance of the Community Sentencing Division of the Department of
13 Corrections locates treatment providers and resources to support the
14 local community sentencing system;

15 5. "Incentive" means a court-ordered reduction in the terms or
16 conditions of a community sentence which is given for exceptional
17 performance or progress by the offender;

18 6. "Disciplinary sanction" means a court-ordered punishment in
19 response to a technical or noncompliance violation of a community
20 sentence which increases in intensity or duration with each
21 successive violation;

22 7. "Division" means the Community Sentencing Division within
23 the Department of Corrections which is the state administration
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1 agency for the Oklahoma Community Sentencing Act, the statewide
2 community sentencing system, and all local community sentencing
3 systems;

4 8. "Eligible offender" means a felony offender who has been
5 convicted of or who has entered a plea other than not guilty to a
6 felony offense and who upon completion of a Level of Services
7 Inventory or another assessment instrument has been found to be in
8 ~~the moderate~~ a range other than the low range, who has been
9 convicted of at least one prior felony, and who is not otherwise
10 prohibited by law; provided, however, that no person who has been
11 convicted of or who has entered a plea other than not guilty to an
12 offense enumerated in subsection 5 of Section 571 of Title 57 of the
13 Oklahoma Statutes, as an exception to the definition of "nonviolent
14 offense" shall be eligible for a community sentence or community
15 punishment unless the district attorney or an assistant district
16 attorney for the district in which the offender's conviction was
17 obtained consents thereto. The district attorney may consent to
18 eligibility for an offender who has a mental illness or a
19 developmental disability or a co-occurring mental illness and
20 substance abuse disorder and who scores ~~outside~~ in the ~~moderate~~ low
21 range on the LSI or another assessment instrument if the offender is
22 not otherwise prohibited by law. Any consent by a district attorney
23 shall be made a part of the record of the case. ~~Provided, further,~~

~~that no person who has been convicted of or who has entered a plea other than not guilty to a felony enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes shall be eligible for a community sentence or community punishment; and~~

9. "Statewide community sentencing system" means a network of all counties through their respective local community sentencing systems serving the state judicial system and offering support services to each other through reciprocal and interlocal agreements and interagency cooperation.

B. For the purposes of the Oklahoma Community Sentencing Act, if a judicial district does not have a Chief Judge or if a judicial district has more than one Chief Judge, the duties of the Chief Judge provided for in the Oklahoma Community Sentencing Act shall be performed by the Presiding Judge of the Judicial Administrative District.

SECTION 8. AMENDATORY 22 O.S. 2001, Section 988.9, as amended by Section 3, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2010, Section 988.9), is amended to read as follows:

Section 988.9 A. Any offender sentenced to a community sentence pursuant to the Oklahoma Community Sentencing Act which requires supervision shall be required to pay a supervision fee. The supervising agency shall establish the fee amount, not to exceed Forty Dollars (\$40.00) per month, based upon the offender's ability

1 to pay. In hardship cases the supervising agency may expressly
2 waive all or part of the fee. No supervising agency participating
3 in a local community sentencing system shall deny any offender
4 supervision services for the sole reason that the offender is
5 indigent. Fees collected for supervision services performed by the
6 Department of Corrections shall be paid directly to the Department
7 to be deposited in the Department of Corrections Revolving Fund.
8 Supervision services performed by agencies other than the Department
9 shall be paid directly to that agency.

10 B. In addition to any supervision fee, offenders scoring in ~~the~~
11 ~~moderate~~ a range other than the low range of the Level of Services
12 Inventory (LSI) and participating in a local community sentencing
13 system under a court-ordered community punishment shall be required
14 to pay an administrative fee to support the local system which shall
15 not exceed Twenty Dollars (\$20.00) per month to be set by the court.
16 Administrative fees when collected shall be deposited with the
17 Community Sentencing Division within the Department of Corrections
18 and credited to the local community sentencing system for support
19 and expansion of the local community corrections system. In the
20 event the court fails to order the amount of the administrative fee,
21 the fee shall be Twenty Dollars (\$20.00) per month.

22 C. In addition to any supervision fee and administrative fee
23 authorized by this section, the court shall assess court costs, and
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1 may assess program reimbursement costs, restitution, and fines to be
2 paid by the offender. With the exception of supervision fees, other
3 fees, costs, fines, restitution, or monetary obligations ordered to
4 be paid by the offender shall not cease with the termination of
5 active supervision and such obligations shall continue until fully
6 paid and may be collected in the same manner as court costs.

7 SECTION 9. AMENDATORY 22 O.S. 2001, Section 988.18, as
8 amended by Section 6, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2010,
9 Section 988.18), is amended to read as follows:

10 Section 988.18 A. On and after March 1, 2000, for each felony
11 offender considered for any community punishment pursuant to the
12 Oklahoma Community Sentencing Act, the judge shall, prior to
13 sentencing, order an assessment and evaluation of the defendant as
14 required by law.

15 B. The Level of Services Inventory (LSI), or another assessment
16 and evaluation instrument designed to predict risk to recidivate
17 approved by the Department of Corrections, shall be required to
18 determine eligibility for any offender sentenced pursuant to the
19 Oklahoma Community Sentencing Act. The completed assessment
20 accompanied by a written supervision plan shall be presented to and
21 reviewed by the court prior to determining any punishment for the
22 offense. The purpose of the assessment shall be to identify the
23 extent of the ~~defendant's~~ deficiencies and pro-social needs of the

1 defendant, the potential risk to commit additional offenses that
2 threaten public safety, and the appropriateness of various community
3 punishments.

4 C. Upon order of the court, the defendant shall be required to
5 submit to the LSI or other approved assessment which shall be
6 administered and scored by an appropriately trained person pursuant
7 to a service agreement with the local community sentencing system.
8 Any defendant lacking sufficient skills to comprehend or otherwise
9 participate in the assessment and evaluation shall have appropriate
10 assistance. If it is determined that the offender cannot be
11 adequately evaluated using the LSI or another approved assessment,
12 the offender shall be deemed ineligible for any community services
13 pursuant to the Oklahoma Community Sentencing Act, and shall be
14 sentenced as prescribed by law for the offense.

15 D. The willful failure or refusal of the defendant to be
16 assessed and evaluated by using the LSI or another approved
17 assessment shall preclude the defendant from eligibility for any
18 community punishment.

19 E. The completed LSI, or other approved assessment, shall
20 include a written supervision plan and identify an appropriate
21 community punishment, if any, when the offender is considered
22 eligible for community punishments based upon the ~~offender's~~
23 completed risk/need score from the LSI assessment of the offender.

1 ~~Any offender~~ Unless otherwise prohibited by law, only offenders
2 scoring ~~outside the moderate~~ in a range other than the low range on
3 the LSI assessment and having at least one prior felony conviction
4 shall ~~not~~ be eligible for any state-funded community punishments.

5 F. The court is not required to sentence any offender to a
6 community punishment regardless of an eligible score on the LSI.
7 Any felony offender scoring in the low risk/need levels on the LSI
8 may be sentenced to a suspended sentence with minimal, if any,
9 conditions of the sentence to be paid by the offender. If the LSI
10 or another assessment has been conducted, the evaluation report
11 shall accompany the judgment and sentence.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 332.1B of Title 57, unless there
14 is created a duplication in numbering, reads as follows:

15 To be eligible for appointment as a Pardon and Parole Board
16 member, a person shall possess at least one of the following minimum
17 qualifications:

18 1. A bachelor's degree in the social sciences from an
19 accredited college or university and five (5) years of experience in
20 the criminal justice field;

21 2. A master's degree and four (4) years of experience in the
22 criminal justice field; or
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1 3. A juris doctorate and three (3) years of experience in the
2 criminal justice field.

3 SECTION 11. AMENDATORY 57 O.S. 2001, Section 332.16, is
4 amended to read as follows:

5 Section 332.16 A. No recommendation to the Governor for parole
6 shall remain under consideration and in the possession of that
7 office for a time longer than thirty (30) consecutive calendar days.
8 Except as provided for in subsection B of this section, if upon
9 expiration of the thirty-day time period no action is taken by the
10 Governor to grant or deny parole, the recommendation for parole
11 shall be deemed granted.

12 B. The Governor shall be required to review each parole
13 recommendation and shall grant or deny parole for persons convicted
14 of the following crimes:

15 1. Assault, battery, or assault and battery with a dangerous or
16 deadly weapon as provided in Sections 645 and 652 of Title 21 of the
17 Oklahoma Statutes;

18 2. Aggravated assault and battery on a police officer, sheriff,
19 highway patrolman, or any other officer of the law as provided in
20 Sections 650, 650.2, 650.5, 650.6 and 650.7 of Title 21 of the
21 Oklahoma Statutes;

22 3. Poisoning with intent to kill as provided in Section 651 of
23 Title 21 of the Oklahoma Statutes;

- 1 4. Shooting with intent to kill as provided in Section 652 of
2 Title 21 of the Oklahoma Statutes;
- 3 5. Assault with intent to kill as provided in Section 653 of
4 Title 21 of the Oklahoma Statutes;
- 5 6. Assault with intent to commit a felony as provided in
6 Section 681 of Title 21 of the Oklahoma Statutes;
- 7 7. Assaults while masked or disguised as provided in Section
8 1303 of Title 21 of the Oklahoma Statutes;
- 9 8. Murder in the first degree as provided in Section 701.7 of
10 Title 21 of the Oklahoma Statutes;
- 11 9. Murder in the second degree as provided in Section 701.8 of
12 Title 21 of the Oklahoma Statutes;
- 13 10. Manslaughter in the first degree as provided in Sections
14 711, 712 and 714 of Title 21 of the Oklahoma Statutes;
- 15 11. Manslaughter in the second degree as provided in Sections
16 716 and 717 of Title 21 of the Oklahoma Statutes;
- 17 12. Kidnapping as provided in Section 741 of Title 21 of the
18 Oklahoma Statutes;
- 19 13. Burglary in the first degree as provided in Section 1431 of
20 Title 21 of the Oklahoma Statutes;
- 21 14. Burglary with explosives as provided in Section 1441 of
22 Title 21 of the Oklahoma Statutes;
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1 15. Kidnapping for extortion as provided in Section 745 of
2 Title 21 of the Oklahoma Statutes;

3 16. Maiming as provided in Section 751 of Title 21 of the
4 Oklahoma Statutes;

5 17. Robbery as provided in Section 791 of Title 21 of the
6 Oklahoma Statutes;

7 18. Robbery in the first degree as provided in Section 797 of
8 Title 21 of the Oklahoma Statutes;

9 19. Robbery in the second degree as provided in Section 797 of
10 Title 21 of the Oklahoma Statutes;

11 20. Robbery by two or more persons as provided in Section 800
12 of Title 21 of the Oklahoma Statutes;

13 21. Robbery with dangerous weapon or imitation firearm as
14 provided in Section 801 of Title 21 of the Oklahoma Statutes;

15 22. Child abuse as provided in Section 843.5 of Title 21 of the
16 Oklahoma Statutes;

17 23. Wiring any equipment, vehicle or structure with explosives
18 as provided in Section 849 of Title 21 of the Oklahoma Statutes;

19 24. Forcible sodomy as provided in Section 888 of Title 21 of
20 the Oklahoma Statutes;

21 25. Rape in the first degree as provided in Sections 1111 and
22 1114 of Title 21 of the Oklahoma Statutes;

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1 26. Rape in the second degree as provided in Sections 1111 and
2 1114 of Title 21 of the Oklahoma Statutes;

3 27. Rape by instrumentation as provided in Section 1111.1 of
4 Title 21 of the Oklahoma Statutes;

5 28. Lewd or indecent proposition or lewd or indecent act with a
6 child as provided in Section 1123 of Title 21 of the Oklahoma
7 Statutes;

8 29. Use of a firearm or offensive weapon to commit or attempt
9 to commit a felony as provided in Section 1287 of Title 21 of the
10 Oklahoma Statutes;

11 30. Pointing firearms as provided in Section 1289.16 of Title
12 21 of the Oklahoma Statutes;

13 31. Rioting as provided in Sections 1311 and 1321.8 of Title 21
14 of the Oklahoma Statutes;

15 32. Inciting to riot as provided in Section 1320.2 of Title 21
16 of the Oklahoma Statutes;

17 33. Arson in the first degree as provided in Section 1401 of
18 Title 21 of the Oklahoma Statutes;

19 34. Injuring or burning public buildings as provided in Section
20 349 of Title 21 of the Oklahoma Statutes;

21 35. Sabotage as provided in Sections 1262, 1265.4 and 1265.5 of
22 Title 21 of the Oklahoma Statutes;

1 36. Criminal syndicalism as provided in Section 1261 of Title
2 21 of the Oklahoma Statutes;

3 37. Extortion as provided in Sections 1481 and 1486 of Title 21
4 of the Oklahoma Statutes;

5 38. Obtaining signature by extortion as provided in Section
6 1485 of Title 21 of the Oklahoma Statutes;

7 39. Seizure of a bus, discharging firearm or hurling missile at
8 bus as provided in Section 1903 of Title 21 of the Oklahoma
9 Statutes;

10 40. Mistreatment of a mental patient as provided in Section
11 843.1 of Title 21 of the Oklahoma Statutes;

12 41. Using a vehicle to facilitate the discharge of a weapon as
13 provided in Section 652 of Title 21 of the Oklahoma Statutes; or

14 42. Aggravated drug trafficking as provided in Section 2-415 of
15 Title 63 of the Oklahoma Statutes.

16 C. When the Pardon and Parole Board makes a recommendation for
17 a compassionate parole pursuant to subsection B of Section 332.18 of
18 this title, the Board shall forward all relevant documentation to
19 the Governor within four (4) business days of the parole review of
20 the inmate. Upon receipt, the Governor shall have four (4) business
21 days to grant or deny the compassionate parole.

SECTION 12. AMENDATORY 57 O.S. 2001, Section 510.9, as last amended by Section 2, Chapter 507, O.S.L. 2004 (57 O.S. Supp. 2010, Section 510.9), is amended to read as follows:

Section 510.9 A. There is hereby created the Electronic Monitoring Program for inmates in the custody of the Department of Corrections who are sentenced for a nonviolent offense as defined by Section 571 of this title. The Department is authorized to use an electronic monitoring global positioning device to satisfy its custody duties and responsibilities.

B. After an inmate has been processed and received through ~~the Lexington~~ a Department Assessment and Reception Center, has been incarcerated ~~in a secure facility~~ for a minimum of ~~one hundred eighty (180)~~ ninety (90) days, and has met the criteria established in subsection C of Section 521 of this title, the Director of the Department of Corrections may assign the inmate, if eligible, to the Electronic Monitoring Program. Nothing shall prohibit the Director from assigning an inmate to the Electronic Monitoring Program while assigned to the accredited halfway house or transitional living facility. The following inmates, youthful offenders, and juveniles shall not be eligible for assignment to the program:

1. Any inmate ~~who has eleven (11) months or more left on their~~ serving a sentence of more than five (5) years who has eleven (11) months or more left on the sentence or any inmate serving a sentence

1 of five (5) years or less whose initial custody assessment requires
2 placement above the minimum security level;

3 2. Inmates convicted of a violent offense within the previous
4 ten (10) years;

5 3. Inmates convicted of any violation of the provisions of the
6 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
7 of the Oklahoma Statutes;

8 4. Inmates denied parole within the previous twelve (12) months
9 pursuant to Section 332.7 of this title;

10 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
11 the Oklahoma Statutes who are not receptive to substance abuse
12 treatment and follow-up treatment;

13 6. Inmates removed from the Electronic Monitoring Program or
14 any other alternative to incarceration authorized by law for
15 violation of any rule or condition of the program and reassigned to
16 imprisonment in a correctional facility;

17 7. Inmates deemed by the Department to be a security risk or
18 threat to the public;

19 8. Inmates requiring educational, medical or other services or
20 programs not available in a community setting as determined by the
21 Department;

22 9. Inmates convicted of any violation of subsection C of
23 Section 644 of Title 21 of the Oklahoma Statutes or who have an
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1 active protection order that was issued under the Protection from
2 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
3 Oklahoma Statutes;

4 10. Inmates who have outstanding felony warrants or detainers
5 from another jurisdiction;

6 11. Inmates convicted of a sex offense who, upon release from
7 incarceration, would be required by law to register pursuant to the
8 Sex Offender Registration Act;

9 12. Inmates convicted of racketeering activity as defined in
10 Section 1402 of Title 22 of the Oklahoma Statutes;

11 13. Inmates convicted pursuant to subsection F of Section 2-401
12 of Title 63 of the Oklahoma Statutes;

13 14. Inmates convicted pursuant to Section 650 of Title 21 of
14 the Oklahoma Statutes;

15 15. Inmates who have escaped from a penal or correctional
16 institution within the previous ten (10) years; or

17 16. Inmates who currently have active misconduct actions on
18 file with the Department of Corrections.

19 C. Every eligible inmate assigned to the Electronic Monitoring
20 Program shall remain in such program until one of the following
21 conditions has been met:

22 1. The inmate discharges the term of the sentence;
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1 2. The inmate is removed from the Electronic Monitoring Program
2 for violation of any rule or condition of the program and reassigned
3 to imprisonment in a correctional facility; or

4 3. The inmate is paroled by the Governor pursuant to Section
5 332.7 of this title.

6 D. After an inmate has been assigned to the Electronic
7 Monitoring Program, denial of parole pursuant to Section 332.7 of
8 this title, shall not be cause for removal from the program,
9 provided the inmate has not violated the rules or conditions of the
10 program. The inmate may remain assigned to the program, if
11 otherwise eligible, until the completion of the sentence.

12 E. The Electronic Monitoring Program shall require active
13 supervision of the inmate in a community setting by a correctional
14 officer or other employee of the Department of Corrections with
15 monitoring by a global positioning device approved by the Department
16 under such rules and conditions as may be established by the
17 Department. If an inmate violates any rule or condition of the
18 program, the Department may take necessary disciplinary action
19 consistent with the rules established pursuant to this section,
20 including reassignment to a higher level of security or removing the
21 inmate from the program with reassignment to imprisonment in a
22 correctional facility. Any inmate who escapes from the Electronic
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1 Monitoring Program shall be subject to the provisions of Section 443
2 of Title 21 of the Oklahoma Statutes.

3 F. Upon an inmate assigned to the Electronic Monitoring Program
4 becoming eligible for parole consideration, pursuant to Section
5 332.7 of this title, the Department of Corrections shall deliver the
6 inmate, in person, to a correctional facility for interview,
7 together with any Department records necessary for the Pardon and
8 Parole Board's investigation. Inmates assigned to the Electronic
9 Monitoring Program shall not be allowed to waive consideration or
10 recommendation for parole.

11 G. Prior to placement of any eligible inmate assigned to the
12 Electronic Monitoring Program being placed in a community setting,
13 the Department of Corrections shall deliver a written notification
14 to the sheriff and district attorney of the county, and the chief
15 law enforcement officer of any incorporated city or town in which
16 the inmate is to be monitored and supervised under the program. The
17 district attorney shall disseminate such information to victims of
18 the crime for which the inmate is serving sentence, if any, when the
19 victims are known to live in the same city, town or county.

20 H. An inmate assigned to the Electronic Monitoring Program may
21 be required to pay the Department of Corrections for all or part of
22 any monitoring equipment or fee, substance abuse treatment program
23 or follow-up treatment expense, supervision cost, or other costs

1 while assigned to the program. The Department shall determine
2 whether the inmate has the ability to pay all or part of such fee or
3 costs.

4 I. The Department of Corrections shall promulgate and adopt
5 rules and procedures necessary to implement the Electronic
6 Monitoring Program, including but not limited to methods of
7 monitoring and supervision, disciplinary action, reassignment to
8 higher and lower security levels, removal from the program, and
9 costs of monitoring and supervision to be paid by the inmate, if
10 any.

11 SECTION 13. This act shall become effective November 1, 2011.

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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-24-2011 -
14 DO PASS, As Amended and Coauthored.