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As Amended

ENGROSSED HOUSE

By: Steele, Billy, Peterson,  
Tibbs, McDaniel (Jeanie),  
Shelton, Hilliard, Ownbey,  
Sullivan and Walker of the  
House

Anderson of the Senate

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

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

1 which the judgments and sentences were rendered by the respective  
2 courts, unless a judgment and sentence provides that it is to run  
3 ~~concurrently~~ consecutively with another judgment and sentence. This  
4 section shall not affect the credits allowed under Section 138 of  
5 Title 57 of the Oklahoma Statutes.

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

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

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

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

1 Governor orders the parole revocation to be served consecutively  
2 with the other jurisdiction. ~~The Governor may also order that a A~~  
3 parole revocation shall run concurrently with any other sentence  
4 rendered by an Oklahoma state court, unless the Governor orders the  
5 parole revocation to be served consecutively.

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

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

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

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

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;

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

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

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

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

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

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

1        8. "Eligible offender" means a felony offender who has been  
2 convicted of or who has entered a plea other than not guilty to a  
3 felony offense and who upon completion of a Level of Services  
4 Inventory or another assessment instrument has been found to be in  
5 ~~the moderate~~ a range other than the low range, who has been  
6 convicted of at least one prior felony, and who is not otherwise  
7 prohibited by law; provided, however, that no person who has been  
8 convicted of or who has entered a plea other than not guilty to an  
9 offense enumerated in subsection 5 of Section 571 of Title 57 of the  
10 Oklahoma Statutes, as an exception to the definition of "nonviolent  
11 offense" shall be eligible for a community sentence or community  
12 punishment unless the district attorney or an assistant district  
13 attorney for the district in which the offender's conviction was  
14 obtained consents thereto. The district attorney may consent to  
15 eligibility for an offender who has a mental illness or a  
16 developmental disability or a co-occurring mental illness and  
17 substance abuse disorder and who scores ~~outside~~ in the ~~moderate~~ low  
18 range on the LSI or another assessment instrument if the offender is  
19 not otherwise prohibited by law. Any consent by a district attorney  
20 shall be made a part of the record of the case. ~~Provided, further,~~  
21 ~~that no person who has been convicted of or who has entered a plea~~  
22 ~~other than not guilty to a felony enumerated in Section 13.1 of~~  
23 ~~Title 21 of the Oklahoma Statutes shall be eligible for a community~~  
24 ~~sentence or community punishment; and~~

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

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

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

15        Section 988.9 A. Any offender sentenced to a community  
16 sentence pursuant to the Oklahoma Community Sentencing Act which  
17 requires supervision shall be required to pay a supervision fee.  
18 The supervising agency shall establish the fee amount, not to exceed  
19 Forty Dollars (\$40.00) per month, based upon the offender's ability  
20 to pay. In hardship cases the supervising agency may expressly  
21 waive all or part of the fee. No supervising agency participating  
22 in a local community sentencing system shall deny any offender  
23 supervision services for the sole reason that the offender is  
24 indigent. Fees collected for supervision services performed by the

1 Department of Corrections shall be paid directly to the Department  
2 to be deposited in the Department of Corrections Revolving Fund.  
3 Supervision services performed by agencies other than the Department  
4 shall be paid directly to that agency.

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

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



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

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

9       B. The Level of Services Inventory (LSI), or another assessment  
10 and evaluation instrument designed to predict risk to recidivate  
11 approved by the Department of Corrections, shall be required to  
12 determine eligibility for any offender sentenced pursuant to the  
13 Oklahoma Community Sentencing Act. The completed assessment  
14 accompanied by a written supervision plan shall be presented to and  
15 reviewed by the court prior to determining any punishment for the  
16 offense. The purpose of the assessment shall be to identify the  
17 extent of the ~~defendant's~~ deficiencies and pro-social needs of the  
18 defendant, the potential risk to commit additional offenses that  
19 threaten public safety, and the appropriateness of various community  
20 punishments.

21       C. Upon order of the court, the defendant shall be required to  
22 submit to the LSI or other approved assessment which shall be  
23 administered and scored by an appropriately trained person pursuant  
24 to a service agreement with the local community sentencing system.

1 Any defendant lacking sufficient skills to comprehend or otherwise  
2 participate in the assessment and evaluation shall have appropriate  
3 assistance. If it is determined that the offender cannot be  
4 adequately evaluated using the LSI or another approved assessment,  
5 the offender shall be deemed ineligible for any community services  
6 pursuant to the Oklahoma Community Sentencing Act, and shall be  
7 sentenced as prescribed by law for the offense.

8 D. The willful failure or refusal of the defendant to be  
9 assessed and evaluated by using the LSI or another approved  
10 assessment shall preclude the defendant from eligibility for any  
11 community punishment.

12 E. The completed LSI, or other approved assessment, shall  
13 include a written supervision plan and identify an appropriate  
14 community punishment, if any, when the offender is considered  
15 eligible for community punishments based upon the ~~offender's~~  
16 completed risk/need score from the LSI assessment of the offender.  
17 ~~Any offender~~ Unless otherwise prohibited by law, only offenders  
18 scoring outside the moderate in a range other than the low range on  
19 the LSI assessment and having at least one prior felony conviction  
20 shall ~~not~~ be eligible for any state-funded community punishments.

21 F. The court is not required to sentence any offender to a  
22 community punishment regardless of an eligible score on the LSI.  
23 Any felony offender scoring in the low risk/need levels on the LSI  
24 may be sentenced to a suspended sentence with minimal, if any,

1 conditions of the sentence to be paid by the offender. If the LSI  
2 or another assessment has been conducted, the evaluation report  
3 shall accompany the judgment and sentence.

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

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

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

13 2. A master's degree and four (4) years of experience in the  
14 criminal justice field; or

15 3. A juris doctorate and three (3) years of experience in the  
16 criminal justice field.

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

19 Section 332.16 A. No recommendation to the Governor for parole  
20 shall remain under consideration and in the possession of that  
21 office for a time longer than thirty (30) consecutive calendar days.  
22 Except as provided for in subsection B of this section, if upon  
23 expiration of the thirty-day time period no action is taken by the  
24

1 Governor to grant or deny parole, the recommendation for parole  
2 shall be deemed granted.

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

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

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

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

15 4. Shooting with intent to kill as provided in Section 652 of  
16 Title 21 of the Oklahoma Statutes;

17 5. Assault with intent to kill as provided in Section 653 of  
18 Title 21 of the Oklahoma Statutes;

19 6. Assault with intent to commit a felony as provided in  
20 Section 681 of Title 21 of the Oklahoma Statutes;

21 7. Assaults while masked or disguised as provided in Section  
22 1303 of Title 21 of the Oklahoma Statutes;

23 8. Murder in the first degree as provided in Section 701.7 of  
24 Title 21 of the Oklahoma Statutes;

1        9. Murder in the second degree as provided in Section 701.8 of  
2 Title 21 of the Oklahoma Statutes;

3        10. Manslaughter in the first degree as provided in Sections  
4 711, 712 and 714 of Title 21 of the Oklahoma Statutes;

5        11. Manslaughter in the second degree as provided in Sections  
6 716 and 717 of Title 21 of the Oklahoma Statutes;

7        12. Kidnapping as provided in Section 741 of Title 21 of the  
8 Oklahoma Statutes;

9        13. Burglary in the first degree as provided in Section 1431 of  
10 Title 21 of the Oklahoma Statutes;

11        14. Burglary with explosives as provided in Section 1441 of  
12 Title 21 of the Oklahoma Statutes;

13        15. Kidnapping for extortion as provided in Section 745 of  
14 Title 21 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

9        25. Rape in the first degree as provided in Sections 1111 and  
10 1114 of Title 21 of the Oklahoma Statutes;

11        26. Rape in the second degree as provided in Sections 1111 and  
12 1114 of Title 21 of the Oklahoma Statutes;

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

15        28. Lewd or indecent proposition or lewd or indecent act with a  
16 child as provided in Section 1123 of Title 21 of the Oklahoma  
17 Statutes;

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

21        30. Pointing firearms as provided in Section 1289.16 of Title  
22 21 of the Oklahoma Statutes;

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

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

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

5        34. Injuring or burning public buildings as provided in Section  
6 349 of Title 21 of the Oklahoma Statutes;

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

9        36. Criminal syndicalism as provided in Section 1261 of Title  
10 21 of the Oklahoma Statutes;

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

13        38. Obtaining signature by extortion as provided in Section  
14 1485 of Title 21 of the Oklahoma Statutes;

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

18        40. Mistreatment of a mental patient as provided in Section  
19 843.1 of Title 21 of the Oklahoma Statutes;

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

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

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

7        SECTION 12.        AMENDATORY        57 O.S. 2001, Section 510.9, as  
8 last amended by Section 2, Chapter 507, O.S.L. 2004 (57 O.S. Supp.  
9 2010, Section 510.9), is amended to read as follows:

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

16        B. After an inmate has been processed and received through ~~the~~  
17 ~~Lexington~~ a Department Assessment and Reception Center, has been  
18 incarcerated ~~in a secure facility~~ for a minimum of ~~one hundred~~  
19 ~~eighty (180)~~ ninety (90) days, and has met the criteria established  
20 in subsection C of Section 521 of this title, the Director of the  
21 Department of Corrections may assign the inmate, if eligible, to the  
22 Electronic Monitoring Program. Nothing shall prohibit the Director  
23 from assigning an inmate to the Electronic Monitoring Program while  
24 assigned to the accredited halfway house or transitional living



1 facility. The following inmates, youthful offenders, and juveniles  
2 shall not be eligible for assignment to the program:

3 1. Any inmate ~~who has eleven (11) months or more left on their~~  
4 serving a sentence of more than five (5) years who has eleven (11)  
5 months or more left on the sentence or any inmate serving a sentence  
6 of five (5) years or less whose initial custody assessment requires  
7 placement above the minimum security level;

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

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

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

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

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

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

1        8. Inmates requiring educational, medical or other services or  
2 programs not available in a community setting as determined by the  
3 Department;

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

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

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

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

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

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

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

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

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

4 1. The inmate discharges the term of the sentence;

5 2. The inmate is removed from the Electronic Monitoring Program  
6 for violation of any rule or condition of the program and reassigned  
7 to imprisonment in a correctional facility; or

8 3. The inmate is paroled by the Governor pursuant to Section  
9 332.7 of this title.

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

16 E. The Electronic Monitoring Program shall require active  
17 supervision of the inmate in a community setting by a correctional  
18 officer or other employee of the Department of Corrections with  
19 monitoring by a global positioning device approved by the Department  
20 under such rules and conditions as may be established by the  
21 Department. If an inmate violates any rule or condition of the  
22 program, the Department may take necessary disciplinary action  
23 consistent with the rules established pursuant to this section,  
24 including reassignment to a higher level of security or removing the

1 inmate from the program with reassignment to imprisonment in a  
2 correctional facility. Any inmate who escapes from the Electronic  
3 Monitoring Program shall be subject to the provisions of Section 443  
4 of Title 21 of the Oklahoma Statutes.

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

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

22 H. An inmate assigned to the Electronic Monitoring Program may  
23 be required to pay the Department of Corrections for all or part of  
24 any monitoring equipment or fee, substance abuse treatment program

1 or follow-up treatment expense, supervision cost, or other costs  
2 while assigned to the program. The Department shall determine  
3 whether the inmate has the ability to pay all or part of such fee or  
4 costs.

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-11 - DO  
14 PASS, As Amended and Coauthored.

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