

BILL SUMMARY
1st Session of the 53rd Legislature

Bill No.:	HB2131
Version:	Proposed Committee Sub
Request Number:	6608
Author:	Speaker Steele
Date:	2/23/2011
Impact:	Significant Future Cost Savings
	DOC

Research Analysis

The measure changes the “default” sentence consideration by the Department of Corrections from “consecutively” to “concurrently” when the Department receives multiple judgment and sentences on an offender and the sentencing court has not specified that the sentences run consecutively. Measure clarifies that court may order a judgment and sentence to run consecutively with other jurisdictions. Allows the Governor to order parole revocations to be served consecutively with other jurisdictions. Allows the court to order suspended sentence revocations to run consecutively with other jurisdictions.

Modifies the definition of “eligible offender” as used in the Oklahoma Community Sentencing Act to include offenders who have been assessed at a range other than the low range and who have been convicted of at least one prior felony offense.

Provides qualifications for eligibility to be appointed as a member of the Pardon and Parole Board. Provides that the Governor shall have 30 calendar days to review parole recommendations for non-violent crimes and upon if no action is taken within the 30 days, the parole shall be deemed granted. Parole recommendations for crimes of violence are exempted from the 30 day requirement and the Governor must grant or deny parole for persons convicted of a violent crime.

Lowers from 180 days to 90 days the time which an offender must be incarcerated before the offender can be considered for electronic monitoring. Provides that an inmate serving a sentence of more than 5 years who has 11 or more months or more left on a sentence or any inmate serving a sentence of 5 years or less whose initial custody assessment requires placement below the maximum security level are not eligible for community placement.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB2131 changes the way sentenced are served when a person is convicted of two or more crimes. Currently, sentences are served consecutively unless a judgment and sentences provides otherwise. HB2131 provides that sentences will be served concurrently unless a judgment and sentences provides that they are to run consecutively. The same applies to parole revocations and suspended sentences. HB2131 has the potential to decrease the number of days an offender with multiple sentences will spend in a DOC facility, therefore, decreasing future costs to the prison system.

HB2131 expands eligibility for community sentencing, which will allow more offenders to qualify for community punishment in lieu of incarceration in a DOC facility. The cost of community sentencing for FY-10 was approximately \$3.50 per day or \$1,280 annually compared to \$56 per day or \$20,000 annually for incarceration. The Community Sentencing Program has an 80% success rate allowing offenders to receive treatment while remaining in the community working and supporting their families. Expansion of the Community Sentencing Program will provide significant future cost savings to DOC.

HB2131 provides for the automatic granting of parole for nonviolent offenses if the Governor takes no action after thirty consecutive calendar days. The Governor would still be required to review and grant or deny parole for violent offenses. Currently, the parole approval rate is only about 11%. According to a 2007 performance audit of DOC, cumulative 10 year savings, if the Governor were removed from review of all parole cases, would be approximately \$40 million. Increasing the parole approval rate will provide significant future cost savings to DOC.

HB2131 authorizes the DOC Director to assign an inmate to the Electronic Monitoring Program (GPS) after 90 days of incarceration. The Current requirement is 180 days of incarceration. The cost of GPS monitoring is \$4.75 per day compared to \$56 per day for incarceration. Currently 80% of offenders assigned to GPS pay for the cost of their monitoring and DOC pays for the other 20%. DOC is currently in the process of determining the number of currently incarcerated offenders that would immediately qualify for the program under the provisions of HB2131.

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Other Considerations

None