

1 ENGROSSED SENATE
2 BILL NO. 904

By: Shaw of the Senate

3 and

4 Cleveland of the House

5
6 An Act relating to criminal procedure; amending 22
7 O.S. 2011, Section 988.18, which relates to
8 assessment and evaluation of defendants; removing
9 certain requirements for participation; and providing
10 an effective date.

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

12 SECTION 1. AMENDATORY 22 O.S. 2011, Section 988.18, is
13 amended to read as follows:

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

19 B. The Level of Services Inventory (LSI), or another assessment
20 and evaluation instrument designed to predict risk to recidivate
21 approved by the Department of Corrections, shall be required to
22 determine eligibility for any offender sentenced pursuant to the
23 Oklahoma Community Sentencing Act. The completed assessment
24 accompanied by a written supervision plan shall be presented to and

1 reviewed by the court prior to determining any punishment for the
2 offense. The purpose of the assessment shall be to identify the
3 extent of the deficiencies and pro-social needs of the defendant,
4 the potential risk to commit additional offenses that threaten
5 public safety, and the appropriateness of various community
6 punishments.

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

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

22 E. The completed LSI, or other approved assessment, shall
23 include a written supervision plan and identify an appropriate
24 community punishment, if any, when the offender is considered

1 eligible for community punishments based upon the completed
2 risk/need score from the LSI assessment of the offender. Unless
3 otherwise prohibited by law, only eligible offenders ~~scoring in a~~
4 ~~range other than the low range on the LSI assessment and having at~~
5 ~~least one prior felony conviction,~~ as defined in Section 988.2 of
6 this title, shall be eligible for any state-funded community
7 punishments.

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

15 SECTION 2. This act shall become effective November 1, 2018.
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1 Passed the Senate the 6th day of March, 2018.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

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8 _____
9 Presiding Officer of the House
10 of Representatives