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March 2, 2017

SENATE BILL NO. 793

By: Treat of the Senate

and

O'Donnell of the House

An Act relating to criminal justice reform; creating the Corrections and Criminal Justice Oversight Task Force; providing for membership; providing for naming of chair; providing for meetings of task force; providing for quorum; providing for certain travel reimbursement; providing for functions of the task force; requiring annual report; providing for clerical support; directing the Department of Corrections to collect certain information; directing reporting requirements; directing supervision providers to collect certain information; directing certain reporting requirements; directing the Administrative Office of the Courts to collect certain information; directing certain reporting requirements; directing the Department of Mental Health to collect certain information; directing reporting requirements; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000 of Title 57, unless there is created a duplication in numbering, reads as follows:

1 A. There is hereby established a committee to be known as the
2 Corrections and Criminal Justice Oversight Task Force, hereinafter
3 called the Oversight Task Force, which shall exercise the powers and
4 fulfill the duties described in this section.

5 B. The Oversight Task Force shall be composed of the following
6 members:

7 1. Two (2) members appointed by the Governor;

8 2. The Director of the Department of Corrections, or a
9 designee;

10 3. The Attorney General, or a designee;

11 4. The Commissioner of Mental Health and Substance Abuse
12 Services, or a designee;

13 5. One (1) district court judge appointed by The Presiding
14 Judge of the Court of Criminal Appeals;

15 6. The Speaker of the House of Representatives shall appoint
16 two (2) members;

17 7. One (1) member from the Pardon and Parole Board appointed by
18 the governor;

19 8. One (1) member representing the victims' community appointed
20 by the attorney general;

21 9. The Executive Director of the Oklahoma Sheriffs'
22 Association, or his designee;

23 10. The President of the District Attorneys Council, or his
24 designee;

1 11. One (1) person employed by a public defender's office
2 appointed by the governor;

3 12. The Executive Director of the Oklahoma Indigent Defense
4 System, or a designee;

5 13. One (1) member of a city or state Chamber of Commerce
6 appointed by the governor;

7 14. One (1) member of the advocacy community that serves
8 returning citizens appointed by the governor; and

9 15. One (1) advocate who specializes on women reentry
10 programming appointed by the governor.

11 C. The chair shall be appointed by the governor on or before
12 July 15, 2017. The chair shall convene the first meeting of the
13 Task Force on or before January 1, 2018. The members of the Task
14 Force shall elect any other officers during the first meeting and
15 upon a vacancy in any office. Thereafter, the task force shall meet
16 as often as necessary, but at least biannually and at the call of
17 the chair or by a majority of the members.

18 D. A quorum consists of seven (7) members.

19 E. Task Force members employed by the state shall be reimbursed
20 for travel expenses related to their service on the Task Force by
21 their respective agencies pursuant to the provisions of the State
22 Travel Reimbursement Act. Legislative members of the Task Force
23 shall be reimbursed for their necessary travel expenses incurred in
24 the performance of their duties in accordance with Section 456 of

1 Title 74 of the Oklahoma Statutes. Remaining Task Force members
2 shall be reimbursed travel expenses related to their service on the
3 Task Force by their appointing authorities pursuant to the
4 provisions of the State Travel Reimbursement Act.

5 F. The Oversight Task Force shall:

6 1. Track implementation and assess outcomes from the
7 recommendations in the Oklahoma Justice Reform Task Force report of
8 January 2017;

9 2. Prepare and submit an annual report no later than the first
10 day of the second full week of each regular session of the
11 Legislature on outcomes and performance measures to the Legislature,
12 Governor and Presiding Judge of the Court of Criminal Appeals. The
13 report shall include recommendations for improvements,
14 recommendations on transfers of funding based on the success or
15 failure of implementation of the recommendations, and a summary of
16 savings. The report may also present additional recommendations to
17 the Legislature on future legislation and policy options to enhance
18 public safety and control corrections costs; and

19 3. Request, review and receive data and reports on performance
20 outcome measures described under Sections 2, 3, 4 and 5 of this act.

21 G. The Oversight Task Force shall use clerical and professional
22 employees of the Department of Corrections for its staff and may
23 employ or retain other professional staff, upon the determination of
24 the necessity for other staff. The Task Force may employ

1 consultants to assist in the evaluations and the implementation of
2 the recommendations of the Oklahoma Justice Reform Task Force report
3 of January 2017. The Task Force is encouraged to apply for and may
4 expend grants, gifts or federal funds it receives from other sources
5 to carry out its duties and responsibilities.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1001 of Title 57, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Department of Corrections shall collect the following
10 information:

11 1. The total number of individuals admitted to prison, by
12 admission type;

13 2. The total number of individuals admitted to prison, by
14 offense type;

15 3. The total number of individuals admitted to prison for a new
16 prison sentence for an offense listed under subsection D of this
17 section;

18 4. The total number of individuals admitted to prison for a
19 probation revocation for an offense listed under subsection D of
20 this section;

21 5. The total number of individuals admitted to prison by risk
22 assessment score or category;

23 6. The average sentence length for new prison sentences by
24 offense type;

1 7. The average sentence length for new prison sentences by
2 offense type and prior criminal history;

3 8. The average sentence length for individuals admitted to
4 prison for a new prison sentence for an offense listed under
5 subsection D of this section;

6 9. The average sentence length for individuals admitted to
7 prison for a probation revocation for an offense listed under
8 subsection D of this section;

9 10. The total number of parole hearings held;

10 11. The total number of individuals eligible for administrative
11 parole pursuant to Section 332.7 of Title 57 of the Oklahoma
12 Statutes who receive a hearing due to:

13 a. failure to comply with the case plan,

14 b. request for a hearing from a victim of the District
15 Attorney on behalf of the victim, or

16 c. Class X or Class X and Class A rule violation within
17 four (4) months of the parole eligibility date;

18 12. The total number and percentage of individuals released to
19 parole by parole type;

20 13. The average time between parole eligibility date and date
21 of release;

22 14. The number of individuals eligible for geriatric parole;

23 15. The number of individuals recommended to the governor for
24 geriatric parole;

- 1 16. The number of individuals released on geriatric parole;
- 2 17. The number of individuals released on geriatric parole who
- 3 return to the Department of Corrections;
- 4 18. The number of individuals released on geriatric parole who
- 5 successfully complete parole;
- 6 19. The average age of individuals released on geriatric
- 7 parole;
- 8 20. The average length of time served in prison by individuals
- 9 released on geriatric parole before release;
- 10 21. The percent of individuals released on geriatric parole who
- 11 are considered medically frail;
- 12 22. The recidivism rate for offenders released from prison by
- 13 risk level;
- 14 23. The average percentage of prison sentences served in prison
- 15 for a new prison sentence by offense type;
- 16 24. The average length of stay in prison for new prisoners by
- 17 offense type;
- 18 25. The average length of stay in prison for individuals
- 19 revoked on probation by offense type;
- 20 26. The average length of stay in prison for individuals
- 21 revoked on parole by offense type;
- 22 27. The average length of stay in prison by admission type;
- 23 28. The total prison population by offense;
- 24 29. The total prison population by type of admission to prison;

1 30. The average length of time before parole eligibility date
2 for individuals participating in programs;

3 31. The total number of individuals supervised on parole
4 supervision on the first day of every quarter;

5 32. The total number of individuals placed on parole
6 supervision;

7 33. The total number of parole supervision discharges by
8 discharge type;

9 34. The average length of time individuals spent on parole
10 supervision by outcome;

11 35. The number of individuals placed on parole supervision by
12 risk assessment score;

13 36. The total number of individuals on parole supervision at
14 each supervision level by risk assessment score;

15 37. The average length of sentence deduction by parole
16 supervision level;

17 38. The total number of parolees who earned:

18 a. no credit,

19 b. credits on supervision time, and

20 c. credits off of sentence;

21 39. The total number of sanctions issued to parolees;

22 40. The percentage of parolees receiving one or more sanction;

23 41. The total number of:

24 a. applications for revocation of parole, and

1 b. short-term incarceration sanctions imposed on
2 parolees;

3 42. The average length of incarceration for a:

4 a. revocation of parole, and

5 b. short-term incarceration sanctions imposed on
6 parolees;

7 43. The most common parole violations by offense type;

8 44. The percentage of parole violations involving domestic
9 violation that lead to specialized supervision and/or case
10 management;

11 45. The total number of individuals released on electronic
12 monitoring by risk level;

13 46. The average length of sentence left to serve for
14 individuals released on electronic monitoring;

15 47. The number of individuals released on electronic monitoring
16 who successfully complete parole or discharge sentence;

17 48. The total number of individuals released on electronic
18 monitoring who are arrested;

19 49. The total number of individuals released on electronic
20 monitoring who return to the Department;

21 50. The total number of individuals released on electronic
22 monitoring who are convicted of a new felony;

1 51. The percentage of parolees whose supervision is revoked for
2 a technical violation who are given credit for time served on
3 supervision prior to the violation;

4 52. The percentage of parolees whose supervision is revoked for
5 a nonviolent offense who are given credit for time served on
6 supervision prior to the violation;

7 53. The number of individuals under DOC supervision or control
8 who owe fines and fees;

9 54. The number of individuals under DOC supervision or control
10 with a payment plan;

11 55. The average length of time between release from Department
12 custody and initial payment due date for fines, fees and other costs
13 due;

14 56. The percentage of discretionary income paid each month by
15 individuals under DOC supervision or control;

16 57. The percentage of total fines and fees paid each month
17 based on discretionary income cap by individuals under DOC
18 supervision or control;

19 58. The percentage of average offender's payment that goes
20 towards:

- 21 a. child support,
- 22 b. court fines, fees and other costs, and
- 23 c. supervision;

1 59. The percentage of individuals under DOC supervision or
2 control whose fines and fees are waived due to successfully
3 completing sentence and complying with supervision conditions;

4 60. The number of supervision extensions due to failure to pay
5 fines and fees;

6 61. The total number of trainings offered;

7 62. The total number of trainings offered on:

8 a. graduated sanctions, and

9 b. sanctions for domestic violence violations;

10 63. The total number of staff who attend training;

11 64. The total number of staff who attending training on:

12 a. graduated sanctions, and

13 b. sanctions for domestic violence violations;

14 65. The percentage of vendors receiving state funding or
15 serving state inmates who have been trained in evidence-based
16 programming and practices; and

17 66. The total number of Pardons and Parole Board members
18 participating in annual evidence-based practices training.

19 B. The Department of Corrections shall report information
20 required in subsection A of this section to the Oversight Task Force
21 by December 31, 2017, or as soon thereafter as practicable, and
22 every year thereafter. The Department of Corrections shall also
23 provide any and all available information to the Oversight Task
24 Force as requested.

1 C. The requirements included under subsection A of this section
2 may be directly reported to the Oversight Council or provided to a
3 technical assistance provider contracted to assist with the analysis
4 and reporting of the data measures.

5 D. The Department of Corrections shall collect information
6 pursuant to subsection A of this section on the following offenses:

7 1. Delivery of merchandise for which bill of lading issued as
8 defined in Section 1416 of Title 21 of the Oklahoma Statutes;

9 2. Burglary in the second degree as defined in Section 1435 of
10 Title 21 of the Oklahoma Statutes;

11 3. Embezzlement as defined in Section 1451 of Title 21 of the
12 Oklahoma Statutes;

13 4. As defined in Section 1532 of Title 21 of the Oklahoma
14 Statutes;

15 5. Obtaining property by trick or deception as defined in
16 section 1541.1 of Title 21 of the Oklahoma Statutes;

17 6. False or bogus checks, drafts or orders as defined in
18 Section 1541.3 of Title 21 of the Oklahoma Statutes;

19 7. Sale, delivery or receipt of forged notes or instruments as
20 defined in Section 1577 of Title 21 of the Oklahoma Statutes;

21 8. Possession of forged notes or instruments as defined in
22 Section 1578 of Title 21 of the Oklahoma Statutes;

23 9. Other forged instruments as defined in Section 1579 of Title
24 21 of the Oklahoma Statutes;

1 10. Publishing counterfeited instruments or coins as true as
2 defined in Section 1592 of Title 21 of the Oklahoma Statutes;
3 11. Larceny of lost property as defined in Section 1702 of
4 Title 21 of the Oklahoma Statutes;
5 12. Grand larceny as defined in Section 1705 of Title 21 of the
6 Oklahoma Statutes;
7 13. Receiving stolen property as defined in Section 1713 of
8 Title 21 of the Oklahoma Statutes;
9 14. Theft of aircraft, automobile, automotive driven vehicle or
10 construction or farm equipment as defined in Section 1720 of Title
11 21 of the Oklahoma Statutes;
12 15. Larceny of merchandise from retailer or wholesaler as
13 defined in Section 1731 of Title 21 of the Oklahoma Statutes;
14 16. Unauthorized use of vehicle or implement of husbandry as
15 defined in Section 4-102 of Title 47 of the Oklahoma Statutes;
16 17. Receiving or disposing of a vehicle or implement of
17 husbandry as defined in Section 4-103 of Title 47 of the Oklahoma
18 Statutes;
19 18. Selling or pledging property to a pawnbroker using false or
20 altered identification or a false declaration of ownership as
21 defined in subsection B(2) of Section 1512 of Title 59 of the
22 Oklahoma Statutes;
23 19. Violations of the Precursor Substances act as defined in
24 Section 2-321 et seq. of Title 63 of the Oklahoma Statutes;

1 20. Larceny, burglary, or theft of controlled dangerous
2 substances as defined in Section 2-403 of Title 63 of the Oklahoma
3 Statutes;

4 21. Violations of the Uniform Controlled Dangerous Substances
5 Act as defined in Section 2-401 et seq. of Title 63 of the Oklahoma
6 Statutes; and

7 22. Transactions with proceeds derived from an illegal drug
8 activity as defined in Section 2-503.1 of Title 63 of the Oklahoma
9 Statutes

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1002 of Title 57, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Every supervision provider responsible for the supervision
14 of felony probationers pursuant to Section 515a of Title 57 of the
15 Oklahoma Statutes, including the Department of Corrections, district
16 attorneys and private supervision providers shall collect the
17 following information:

18 1. The total number of offenders admitted to community
19 supervision by community supervision type;

20 2. The total number of offenders admitted to community
21 supervision by offense type;

22 3. The total number of offenders admitted to community
23 supervision for the offenses listed under subsection D of this
24 section.

- 1 4. The total number of individuals on supervision on the first
- 2 day of every quarter;
- 3 5. The total number of supervision discharged by discharge
- 4 type;
- 5 6. The average length of time individuals spent on supervision
- 6 by outcome;
- 7 7. The distribution of risk assessment scores;
- 8 8. The total number of individuals at each supervision level by
- 9 risk assessment score;
- 10 9. The average length of sentence deduction by supervision
- 11 level;
- 12 10. The total number of individuals who earned:
- 13 a. no credit,
- 14 b. credits on supervision time, and
- 15 c. credits off of sentence;
- 16 11. The total number of sanctions issued;
- 17 12. The percentage of individuals receiving one or more
- 18 sanction;
- 19 13. The total number of:
- 20 a. applications for revocation, and
- 21 b. short-term incarceration sanctions;
- 22 14. The average length of incarceration for a:
- 23 a. revocation of supervision, and
- 24 b. short-term incarceration sanctions;

1 15. The most common violations by offense type;

2 16. The percentage of violations involving domestic violation
3 that lead to specialized supervision and/or case management;

4 17. The number of supervision extensions due to failure to pay
5 fines and fees;

6 18. The total number of trainings offered;

7 19. The total number of trainings offered on:

8 a. graduated sanctions, and

9 b. sanctions for domestic violence violations;

10 20. The total number of staff who attend training;

11 21. The total number of staff who attending training on:

12 a. graduated sanctions, and

13 b. sanctions for domestic violence violations;

14 22. The percentage of vendors receiving state funding who serve
15 persons convicted of a felony who have been trained in evidence-
16 based programming and practices.

17 B. Every provider shall report information required in
18 subsection A of this section to the Oversight Task Force by December
19 31, 2017, or as soon thereafter as practicable, and every year
20 thereafter. The Department of Corrections shall also provide any
21 and all available information to the Oversight Task Force as
22 requested.

23 C. The requirements included under subsection A of this section
24 may be directly reported to the Oversight Council or provided to a

1 technical assistance provider contracted to assist with the analysis
2 and reporting of the data measures.

3 D. Every provider shall collect information pursuant to
4 Subsection A of this Section on the following offenses:

5 1. Delivery of merchandise for which bill of lading issued as
6 defined in Section 1416 of Title 21 of the Oklahoma Statutes;

7 2. Burglary in the second degree as defined in Section 1435 of
8 Title 21 of the Oklahoma Statutes;

9 3. Embezzlement as defined in Section 1451 of Title 21 of the
10 Oklahoma Statutes;

11 4. as defined in Section 1532 of Title 21 of the Oklahoma
12 Statutes;

13 5. Obtaining property by trick or deception as defined in
14 section 1541.1 of Title 21 of the Oklahoma Statutes;

15 6. False or bogus checks, drafts, or orders as defined in
16 Section 1541.3 of Title 21 of the Oklahoma Statutes;

17 7. Sale, delivery or receipt of forged notes or instruments as
18 defined in Section 1577 of Title 21 of the Oklahoma Statutes;

19 8. Possession of forged notes or instruments as defined in
20 Section 1578 of Title 21 of the Oklahoma Statutes;

21 9. Other forged instruments as defined in Section 1579 of Title
22 21 of the Oklahoma Statutes;

23 10. Publishing counterfeited instruments or coins as true as
24 defined in Section 1592 of Title 21 of the Oklahoma Statutes;

- 1 11. Larceny of lost property as defined in Section 1702 of
2 Title 21 of the Oklahoma Statutes;
- 3 12. Grand larceny as defined in Section 1705 of Title 21 of the
4 Oklahoma Statutes;
- 5 13. Receiving stolen property as defined in Section 1713 of
6 Title 21 of the Oklahoma Statutes;
- 7 14. Theft of aircraft, automobile, automotive driven vehicle,
8 or construction or farm equipment as defined in Section 1720 of
9 Title 21 of the Oklahoma Statutes;
- 10 15. Larceny of merchandise from retailer or wholesaler as
11 defined in Section 1731 of Title 21 of the Oklahoma Statutes;
- 12 16. Unauthorized use of vehicle or implement of husbandry as
13 defined in Section 4-102 of Title 47 of the Oklahoma Statutes;
- 14 17. Receiving or disposing of a vehicle or implement of
15 husbandry as defined in Section 4-103 of Title 47 of the Oklahoma
16 Statutes;
- 17 18. Selling or pledging property to a pawnbroker using false or
18 altered identification or a false declaration of ownership as
19 defined in subsection B(2) of Section 1512 of Title 59 of the
20 Oklahoma Statutes;
- 21 19. Violations of the Precursor Substances act as defined in
22 Section 2-321 et seq. of Title 63 of the Oklahoma Statutes;
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1 20. Larceny, burglary or theft of controlled dangerous
2 substances as defined in Section 2-403 of Title 63 of the Oklahoma
3 Statutes;

4 21. Violations of the Uniform Controlled Dangerous Substances
5 Act as defined in Section 2-401 et seq. of Title 63 of the Oklahoma
6 Statutes;

7 22. Transactions with proceeds derived from an illegal drug
8 activity as defined in Section 2-503.1 of Title 63 of the Oklahoma
9 Statutes.

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1003 of Title 57, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The Administrative Office of the Courts shall collect the
14 following information:

15 1. The total number of felony cases resulting in the following
16 sentence:

- 17 a. deferred sentence,
- 18 b. suspended sentence,
- 19 c. incarceration sentence, and
- 20 d. split sentence;

21 3. The total number of felony cases resulting in each type of
22 sentence by felony offense;

23 4. The average sentence length by revocation application by
24 violation type;

1 5. The total number of applications to revoke by violation
2 type;

3 6. The total number of offenders revoked to serve the full
4 sentence for a technical violation of probation; and

5 7. The percentage of vendors receiving state funding or
6 supervising felony probationers who have been trained in evidence-
7 based programming and practices.

8 B. The Administrative Office of the Courts shall report the
9 information required in subsection A of this section to the
10 Oversight Task Force by December 31, 2017, or as soon thereafter as
11 practicable, and every year thereafter. The Administrative Office
12 of the Courts shall also provide any and all available information
13 to the Oversight Task Force as requested.

14 C. The requirements included under subsection A of this section
15 may be directly reported to the Oversight Council or provided to a
16 technical assistance provider contracted to assist with the analysis
17 and reporting of the data measures.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1004 of Title 57, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Department of Mental Health and Substance Abuse Services
22 shall collect the following information:
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1 1. The number and percentage of individuals admitted to a
2 specialty court program administered a risk and needs assessment by
3 county and court type;

4 2. The distribution of risk assessment scores for specialty
5 court participants by county and court type; and

6 3. The number and percentage of individuals who successfully
7 complete a specialty court program by county and court type.

8 B. The Department of Mental Health and Substance Abuse Services
9 shall report information required in subsection A of this section to
10 the Oversight Task Force by December 31, 2017, or as soon thereafter
11 as practicable, and every year thereafter. The Department of Mental
12 Health and Substance Abuse Services shall also provide any and all
13 available information to the Oversight Task Force as requested.

14 C. The requirements included under subsection A of this section
15 may be directly reported to the Oversight Council or provided to a
16 technical assistance provider contracted to assist with the analysis
17 and reporting of the data measures.

18 SECTION 6. This act shall become effective July 1, 2017.

19 SECTION 7. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 March 2, 2017 - DO PASS