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February 15, 2018

By: Shaw of the Senate

and

Cleveland of the House

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

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

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

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

B. The Level of Services Inventory (LSI), or another assessment and evaluation instrument designed to predict risk to recidivate approved by the Department of Corrections, shall be required to determine eligibility for any offender sentenced pursuant to the

1 Oklahoma Community Sentencing Act. The completed assessment
2 accompanied by a written supervision plan shall be presented to and
3 reviewed by the court prior to determining any punishment for the
4 offense. The purpose of the assessment shall be to identify the
5 extent of the deficiencies and pro-social needs of the defendant,
6 the potential risk to commit additional offenses that threaten
7 public safety, and the appropriateness of various community
8 punishments.

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

20 D. The willful failure or refusal of the defendant to be
21 assessed and evaluated by using the LSI or another approved
22 assessment shall preclude the defendant from eligibility for any
23 community punishment.
24

1 E. The completed LSI, or other approved assessment, shall
2 include a written supervision plan and identify an appropriate
3 community punishment, if any, when the offender is considered
4 eligible for community punishments based upon the completed
5 risk/need score from the LSI assessment of the offender. Unless
6 otherwise prohibited by law, only eligible offenders ~~scoring in a~~
7 ~~range other than the low range on the LSI assessment and having at~~
8 ~~least one prior felony conviction,~~ as defined in Section 988.2 of
9 this title, shall be eligible for any state-funded community
10 punishments.

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

18 SECTION 2. This act shall become effective November 1, 2018.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 February 15, 2018 - DO PASS
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