

**BILL SUMMARY**  
1<sup>st</sup> Session of the 56<sup>th</sup> Legislature

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| <b>Bill No.:</b>       | <b>HB 2289</b>  |
| <b>Version:</b>        | <b>INT</b>  |
| <b>Request Number:</b> | <b>5747</b>   |
| <b>Author:</b>         | <b>Rep. O'Donnell</b>   |
| <b>Date:</b>           | <b>2/15/2017</b>  |
| <b>Impact:</b>         | <b>Admin of the Courts: negative fiscal impact;<br/>Department of Corrections (DOC): in process</b> |

**Research Analysis**

HB 2289 makes numerous changes regarding the sentencing of offenders. The measure allows offenders sentenced to life without parole for a non-violent offense to be eligible for a sentence modification after serving at least 10 years. The measure requires the Supreme Court, rather than the Court of Criminal Appeals to implement payment plans of fines, costs, fees and assessments by indigents. The measure requires the court to waive outstanding fines, court costs and fees if the offender has been admitted and is enrolled in an Oklahoma institution of higher education, technology center or workforce training program. The bill requires the Supreme Court, based upon availability of funds to establish a pilot financial obligation payment program. The bill provides that any departure from the mandatory minimum sentence not reduce the sentence to less than 25% of the mandatory term. The measure removes the LSI as the only risk and needs assessment tool. The bill provides that the results of the risk and needs assessment only be used to determine the appropriate sentence that does not include incarceration. The measure provides that a community sentence not require active services for more than 2 years, but may continue beyond 2 years for court ordered restitution payments. The measure requires persons sentenced for assault and battery to receive an assessment for batterers. The measure provides that persons sentenced for domestic abuse may be required to participate in an intervention program for batterers certified by the Office of the Attorney General. The measure increases the sentencing options available to the court for persons sentenced on subsequent convictions. The bill requires the court to ensure that supervision providers use sanctions and incentives to respond to probationer behavior. The bill provides that all persons on probation supervision, except persons sentenced to an 85% crime are eligible to earn discharge credits that reduce the period of supervision and the term of sentence. The measure allows any person ordered to pay a fine, court cost, fee or assessment to request a hearing to establish a payment plan. The plan is to be determined by assessing discretionary income. The payments established in the plan must be no more than 10% of the discretionary income of the person. The measure provides that for technical violations of probation, an application to revoke is limited to a technical violation that has occurred within sixty days. The bill requires the Department of Corrections to develop a matrix of sanctions and incentives to respond to offender behavior. A probation officer may recommend revocation based upon the severity of the violation or if the graduated use of sanctions has not stopped the noncompliant behavior. The bill provides that nonpayment of fines may not serve as a basis for revocation, unless there is willful nonpayment by the offender. The measure prohibits the acceleration of a deferred sentence unless a petition has been filed setting forth the ground for acceleration and a hearing takes place. The measure limits district attorney supervision to 2 years and provides that supervision fees may not be collected after the 2 year period. The measure removes drug manufacturing and drug trafficking from the Delayed Sentencing Program for Young Adults. The measure modifies the amount of time a person may be subject to the Delayed Sentencing Program for Young Adults. The measure requires that the record of persons who successfully complete The Delayed Sentencing

Program for Young Adults be expunged. The measure provides that the Department of Corrections may use a violation response and intermediate sanction process to address technical violations.

Prepared By: Marcia Goff

### **Fiscal Analysis**

HB 2287, as introduced, will have a fiscal impact. The Courts are unable to determine an exact negative impact due to the large amount of unknown variables in the bill. DOC is currently in the process of calculating an impact.

Prepared By: Kristina King

### **Other Considerations**

None.