

BILL SUMMARY
2nd Session of the 56th Legislature

Bill No.:	SB 689
Version:	CCR2
Request Number:	3546
Author:	Rep. O'Donnell
Date:	3/29/2018
Impact:	DOC: cost savings
State agencies who receive revenue from fines: \$0	

Research Analysis

The 2nd Conference Committee Substitute for SB 689 provides that the court imposing the sentence may modify the sentence of any offender sentenced to life without parole for an offense other than a violent crime, who has served at least ten (10) years of the sentence in the custody of the Department of Corrections upon a finding that the best interests of the public will not be jeopardized. The measure provides that if the court departs from a minimum mandatory sentence, the departure may not reduce the sentence to less than 25% of the mandatory term. The measure allows for the use of specialized supervision for repeat offenders, offenders with convictions for sex crimes, offenders with convictions for domestic violence and offenders with diagnosed mental health needs. The measure requires persons sentenced for domestic violence to receive an assessment for batterers. The measure provides that a person convicted of a violent crime or for a fourth or subsequent conviction for any felony crime may not have their sentence suspended. The measure requires persons convicted of misdemeanor offenses relating to the unlawful carry of a firearm, illegal transport of a firearm, or discharging of a firearm are to submit to DNA testing for inclusion in the CODIS database. The measure provides that when a sentence has been suspended by the court after conviction of a person for any crime, the suspended sentence of the person may not be revoked in whole for a technical violation unless a petition setting forth the grounds for such revocation is filed by the district attorney. The measure provides that absent a finding of willful nonpayment by the offender, the failure of an offender to pay fines and costs may not serve as a basis for revocation, excluding restitution. The measure provides that prosecutions may not be deferred beyond 7 years. The measure provides that deferred judgment may not be accelerated for a technical violation unless a petition has been filed by the district attorney.

Prepared By: Brad Wolgamott

Fiscal Analysis

SB 689 could reduce the length of several offenders' sentences and could reduce the overall number of offenders who are re-incarcerated as well. This would generate a cost savings to DOC. The overall impact is contingent upon how many individuals are sentenced to shorter lengths compared to the present. Currently it costs, on average, \$58.70/day or \$21,425.50/year to incarcerate one individual in DOC custody.

The measure leaves in language that an offender can be revoked/re-incarcerated for willful non-payment of fines. This would not affect the court funding structure nor the agencies that rely on these funds for operations.

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Other Considerations

None.

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