

BILL SUMMARY
1st Session of the 56th Legislature

Bill No.:	SB689
Version:	ENGR
Request Number:	
Author:	Rep. O'Donnell
Date:	4/12/2017
Impact:	Supreme Court: significant fiscal impact, TBD
DOC:	impact in progress

Research Analysis

SB 689 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 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 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 limits deferred prosecution agreements to 4 years and community supervision to 18 months. 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.

Prepared By: Brad Wolgamott

Fiscal Analysis

The ENGR version of SB 689 is estimated to have a significant fiscal impact on the Supreme Court for its new duties in the bill (as much as in the millions of dollars). The Court is currently analyzing the impact.

This would also have a possible impact on DOC but the agency is still in the process of calculating the specifics. More information is forthcoming.

Prepared By: Kristina King

Other Considerations

None.