

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 11, 2017

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 793

By: Treat, Sharp and Pittman of the Senate and O'Donnell and Cleveland of the House


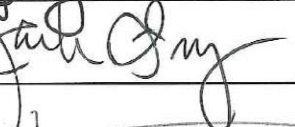
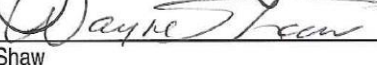
Title: Criminal justice reform; creating the Corrections and Criminal Justice Oversight Task Force.
Effective date.




together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:


Treat

Fry

Shaw


Jech

Floyd

Matthews

Thompson

HOUSE CONFEREES:

Conference Committee on Public Safety

Senate Action _____ Date _____ House Action _____ Date _____

epc *cd*

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 793

By: Treat, Sharp and Pittman of
the Senate

and

O'Donnell and Cleveland of
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal justice reform; creating the Corrections and Criminal Justice Oversight Task Force; providing for membership; providing for the appointment of a chair; providing meeting requirements; providing for quorum; providing for certain travel reimbursement; stating functions of the Oversight Task Force; requiring annual report; providing for clerical support; directing the Department of Corrections, probation supervision providers, Administrative Office of the Courts and the Department of Mental Health and Substance Abuse Services to collect certain information; directing the Department of Corrections, probation supervision providers, Administrative Office of the Courts and the Department of Mental Health and Substance Abuse Services to report collected information to the Oversight Task Force; providing for codification; providing an effective date; and declaring an emergency.

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

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

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

8 B. The Oversight Task Force shall be composed of the following
9 members:

10 1. Two members appointed by the Governor;

11 2. The Director of the Department of Corrections or a designee;

12 3. The Attorney General or a designee;

13 4. The Commissioner of Mental Health and Substance Abuse
14 Services or a designee;

15 5. One district court judge appointed by the Presiding Judge of
16 the Court of Criminal Appeals;

17 6. One member appointed by the Speaker of the Oklahoma House of
18 Representatives;

19 7. One member appointed by the President Pro Tempore of the
20 Oklahoma State Senate;

21 8. One member from the Pardon and Parole Board appointed by the
22 Governor;

23 9. One member representing the victims' community appointed by
24 the Attorney General;

1 10. The Executive Director of the Oklahoma Sheriffs'
2 Association or a designee;

3 11. The Executive Coordinator of the District Attorneys Council
4 or a designee;

5 12. One person employed by a public defender's office appointed
6 by the Governor;

7 13. The Executive Director of the Oklahoma Indigent Defense
8 System or a designee;

9 14. One member of a city or state chamber of commerce appointed
10 by the Governor;

11 15. One member of the advocacy community that serves returning
12 citizens appointed by the Governor; and

13 16. One advocate who specializes in women reentry programming
14 appointed by the Governor.

15 C. The chair of the Oversight Task Force shall be appointed by
16 the Governor on or before July 15, 2017. The chair shall convene
17 the first meeting of the Oversight Task Force on or before January
18 1, 2018. The members of the Oversight Task Force shall elect any
19 other officers during the first meeting and upon a vacancy in any
20 office. Thereafter, the Oversight Task Force shall meet as often as
21 necessary but at least biannually and at the call of the chair or by
22 a majority of the members.

23 D. A quorum consists of nine members.
24

1 E. Oversight Task Force members employed by the state shall be
2 reimbursed for travel expenses related to their service on the
3 Oversight Task Force by their respective agencies pursuant to the
4 provisions of the State Travel Reimbursement Act. Legislative
5 members of the Oversight Task Force shall be reimbursed for their
6 necessary travel expenses incurred in the performance of their
7 duties in accordance with Section 456 of Title 74 of the Oklahoma
8 Statutes. Remaining Oversight Task Force members shall be
9 reimbursed travel expenses related to their service on the Oversight
10 Task Force by their appointing authorities pursuant to the
11 provisions of the State Travel Reimbursement Act.

12 F. The Oversight Task Force shall:

13 1. Track implementation and assess outcomes from the
14 recommendations in the Oklahoma Justice Reform Task Force report of
15 January 2017;

16 2. Prepare and submit an annual report no later than the first
17 day of the second full week of each regular session of the
18 Legislature on outcomes and performance measures to the Legislature,
19 Governor and Presiding Judge of the Court of Criminal Appeals. The
20 report shall include recommendations for improvements,
21 recommendations on transfers of funding based on the success or
22 failure of implementation of the recommendations, and a summary of
23 savings. The report may also present additional recommendations to
24

1 the Legislature on future legislation and policy options to enhance
2 public safety and control Department of Corrections costs; and

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

5 G. The Oversight Task Force shall use clerical and professional
6 employees of the Department of Corrections for its staff and may
7 employ or retain other professional staff, upon the determination of
8 the necessity for other staff. The Oversight Task Force may employ
9 consultants to assist in the evaluations and the implementation of
10 the recommendations of the Oklahoma Justice Reform Task Force report
11 of January 2017. The Oversight Task Force is encouraged to apply
12 for and may expend grants, gifts or federal funds it receives from
13 other sources to carry out its duties and responsibilities.

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

17 A. The Department of Corrections shall, where possible, collect
18 the following information:

19 1. The total number of individuals admitted to prison by
20 admission type;

21 2. The total number of individuals admitted to prison by
22 offense type;

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

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

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

9 6. The average sentence length for new prison sentences by
10 offense type;

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

13 8. The average sentence length for individuals admitted to
14 prison for a new prison sentence for an offense listed under
15 subsection D of this section;

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

19 10. The total number of parole hearings held;

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

23 a. failure to comply with the case plan,
24

1 b. request by the district attorney for a hearing on
2 behalf of the victim, or

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

5 12. The total number and percentage of individuals released to
6 parole by parole type;

7 13. The average time between parole eligibility date and date
8 of release;

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

10 15. The number of individuals recommended to the governor for
11 geriatric parole;

12 16. The number of individuals released on geriatric parole;

13 17. The number of individuals released on geriatric parole who
14 return to the Department of Corrections;

15 18. The number of individuals released on geriatric parole who
16 successfully complete parole;

17 19. The average age of individuals released on geriatric
18 parole;

19 20. The average length of time served in prison by individuals
20 released on geriatric parole before release;

21 21. The percentage of individuals released on geriatric parole
22 who are considered medically frail;

23 22. The recidivism rate for offenders released from prison by
24 risk level;

- 1 23. The average percentage of prison sentences served in prison
2 for a new prison sentence by offense type;
- 3 24. The average length of stay in prison for new prisoners by
4 offense type;
- 5 25. The average length of stay in prison for individuals whose
6 probation was revoked by offense type;
- 7 26. The average length of stay in prison for individuals whose
8 parole was revoked by offense type;
- 9 27. The average length of stay in prison by admission type;
- 10 28. The total prison population by offense;
- 11 29. The total prison population by type of admission to prison;
- 12 30. The average length of time before parole eligibility date
13 for individuals participating in programs;
- 14 31. The total number of individuals supervised on parole
15 supervision on the first day of every quarter;
- 16 32. The total number of individuals placed on parole
17 supervision;
- 18 33. The total number of parole supervision discharges by
19 discharge type;
- 20 34. The average length of time individuals spent on parole
21 supervision by outcome;
- 22 35. The number of individuals placed on parole supervision by
23 risk assessment score;
- 24

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

3 37. The average length of sentence deduction by parole
4 supervision level;

5 38. The total number of parolees who earned:

6 a. no credit,

7 b. credits on supervision time, and

8 c. credits off of sentence;

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

10 40. The percentage of parolees receiving one or more sanctions;

11 41. The total number of:

12 a. applications for revocation of parole, and

13 b. short-term incarceration sanctions imposed on

14 parolees;

15 42. The average length of incarceration for a:

16 a. revocation of parole, and

17 b. short-term incarceration sanctions imposed on

18 parolees;

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

20 44. The percentage of parole violations involving domestic
21 abuse violations that lead to specialized supervision or case
22 management;

23 45. The total number of individuals released on electronic
24 monitoring by risk level;

- 1 46. The average length of sentence left to serve for
2 individuals released on electronic monitoring;
- 3 47. The number of individuals released on electronic monitoring
4 who successfully complete parole or discharge sentence;
- 5 48. The total number of individuals released on electronic
6 monitoring who are arrested;
- 7 49. The total number of individuals released on electronic
8 monitoring who return to the Department;
- 9 50. The total number of individuals released on electronic
10 monitoring who are convicted of a new felony;
- 11 51. The percentage of parolees whose supervision is revoked for
12 a technical violation who are given credit for time served on
13 supervision prior to the violation;
- 14 52. The percentage of parolees whose supervision is revoked for
15 a nonviolent offense who are given credit for time served on
16 supervision prior to the violation;
- 17 53. The number of individuals under supervision or control of
18 the Department who owe fines and fees;
- 19 54. The number of individuals under supervision or control of
20 the Department with a payment plan;
- 21 55. The average length of time between release from Department
22 custody and initial payment due date for fines, fees and other costs
23 due;
- 24

1 56. The percentage of discretionary income paid each month by
2 individuals under supervision or control of the Department;

3 57. The percentage of total fines and fees paid each month
4 based on discretionary income cap by individuals under supervision
5 or control of the Department;

6 58. The percentage of the average payment of an offender that
7 goes toward:

8 a. child support,

9 b. court fines, fees and other costs, and

10 c. supervision;

11 59. The percentage of individuals under supervision or control
12 of the Department whose fines and fees are waived due to successful
13 completion of a sentence and compliance with supervision conditions;

14 60. The number of supervision extensions due to failure to pay
15 fines and fees;

16 61. The total number of training programs offered;

17 62. The total number of training programs offered on:

18 a. graduated sanctions, and

19 b. sanctions for domestic violence violations;

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

21 64. The total number of staff who attend training on:

22 a. graduated sanctions, and

23 b. sanctions for domestic violence violations;

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

4 66. The total number of Pardon and Parole Board members
5 participating in annual evidence-based practices training.

6 B. The Department of Corrections shall report information
7 required in subsection A of this section to the Corrections and
8 Criminal Justice Oversight Task Force, established in Section 1 of
9 this act, by December 31, 2017, or as soon thereafter as
10 practicable, and every year thereafter. The Department of
11 Corrections shall also provide any and all available information to
12 the Oversight Task Force as requested.

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

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

19 1. Delivery of merchandise for which bill of lading issued as
20 provided in Section 1416 of Title 21 of the Oklahoma Statutes;

21 2. Burglary in the second degree as provided in Section 1435 of
22 Title 21 of the Oklahoma Statutes;

23 3. Embezzlement as provided in Section 1451 of Title 21 of the
24 Oklahoma Statutes;

- 1 4. False personation as provided in Section 1532 of Title 21 of
2 the Oklahoma Statutes;
- 3 5. Obtaining property by trick or deception as provided in
4 section 1541.1 of Title 21 of the Oklahoma Statutes;
- 5 6. False or bogus checks, drafts or orders as provided in
6 Section 1541.3 of Title 21 of the Oklahoma Statutes;
- 7 7. Sells, exchanges or delivers forged notes or instruments as
8 provided in Section 1577 of Title 21 of the Oklahoma Statutes;
- 9 8. Possession of forged notes or instruments as provided in
10 Section 1578 of Title 21 of the Oklahoma Statutes;
- 11 9. Possession of other forged instruments as provided in
12 Section 1579 of Title 21 of the Oklahoma Statutes;
- 13 10. Utters or publishes counterfeited instruments or coins as
14 true as provided in Section 1592 of Title 21 of the Oklahoma
15 Statutes;
- 16 11. Larceny of lost property as provided in Section 1702 of
17 Title 21 of the Oklahoma Statutes;
- 18 12. Grand larceny as provided in Section 1705 of Title 21 of
19 the Oklahoma Statutes;
- 20 13. Receiving stolen property as provided in Section 1713 of
21 Title 21 of the Oklahoma Statutes;
- 22 14. Theft of aircraft, automobile, automotive driven vehicle or
23 construction or farm equipment as provided in Section 1720 of Title
24 21 of the Oklahoma Statutes;

1 15. Larceny of merchandise from retailer or wholesaler as
2 provided in Section 1731 of Title 21 of the Oklahoma Statutes;

3 16. Unauthorized use of vehicle or implement of husbandry as
4 provided in Section 4-102 of Title 47 of the Oklahoma Statutes;

5 17. Receiving or disposing of a vehicle or implement of
6 husbandry as provided in Section 4-103 of Title 47 of the Oklahoma
7 Statutes;

8 18. Selling or pledging property to a pawnbroker using false or
9 altered identification or a false declaration of ownership as
10 provided in paragraph 2 of subsection C of Section 1512 of Title 59
11 of the Oklahoma Statutes;

12 19. Violations of the Precursor Substances Act as provided in
13 Section 2-321 et seq. of Title 63 of the Oklahoma Statutes;

14 20. Larceny, burglary or theft of controlled dangerous
15 substances as provided in Section 2-403 of Title 63 of the Oklahoma
16 Statutes;

17 21. Violations of the Uniform Controlled Dangerous Substances
18 Act as provided in Section 2-401 et seq. of Title 63 of the Oklahoma
19 Statutes; and

20 22. Transactions with proceeds derived from an illegal drug
21 activity as provided in Section 2-503.1 of Title 63 of the Oklahoma
22 Statutes.

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

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

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

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

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

4. The total number of individuals on community supervision on the first day of every quarter;

5. The total number of individuals on community supervision discharged by discharge type;

6. The average length of time individuals spent on community supervision by outcome;

7. The distribution of risk assessment scores;

8. The total number of individuals at each supervision level by risk assessment score;

- 1 9. The average length of sentence deduction by supervision
- 2 level;
- 3 10. The total number of individuals who earned:
- 4 a. no credit,
- 5 b. credits on supervision time, and
- 6 c. credits off of sentence;
- 7 11. The total number of sanctions issued;
- 8 12. The percentage of individuals receiving one or more
- 9 sanctions;
- 10 13. The total number of:
- 11 a. applications for revocation, and
- 12 b. short-term incarceration sanctions;
- 13 14. The average length of incarceration for a:
- 14 a. revocation of supervision, and
- 15 b. short-term incarceration sanctions;
- 16 15. The most common violations by offense type;
- 17 16. The percentage of violations involving domestic abuse
- 18 violations that lead to specialized supervision or case management;
- 19 17. The number of supervision extensions due to failure to pay
- 20 fines and fees;
- 21 18. The total number of trainings offered;
- 22 19. The total number of trainings offered on:
- 23 a. graduated sanctions, and
- 24 b. sanctions for domestic violence violations;

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

2 21. The total number of staff who attend training on:

3 a. graduated sanctions, and

4 b. sanctions for domestic violence violations;

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

8 B. Every provider shall report information required in
9 subsection A of this section to the Corrections and Criminal Justice
10 Oversight Task Force, established in Section 1 of this act, by
11 December 31, 2017, or as soon thereafter as practicable and every
12 year thereafter. The Department of Corrections shall also provide
13 any and all available information to the Oversight Task Force as
14 requested.

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

19 D. Every provider shall collect information pursuant to
20 subsection A of this section on the following offenses:

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

23 2. Burglary in the second degree as provided in Section 1435 of
24 Title 21 of the Oklahoma Statutes;

- 1 3. Embezzlement as provided in Section 1451 of Title 21 of the
2 Oklahoma Statutes;
- 3 4. False personation as provided in Section 1532 of Title 21 of
4 the Oklahoma Statutes;
- 5 5. Obtaining property by trick or deception as provided in
6 Section 1541.1 of Title 21 of the Oklahoma Statutes;
- 7 6. False or bogus checks, drafts, or orders as provided in
8 Section 1541.3 of Title 21 of the Oklahoma Statutes;
- 9 7. Sells, exchanges or delivers forged notes or instruments as
10 provided in Section 1577 of Title 21 of the Oklahoma Statutes;
- 11 8. Possession of forged notes or instruments as provided in
12 Section 1578 of Title 21 of the Oklahoma Statutes;
- 13 9. Possession of other forged instruments as provided in
14 Section 1579 of Title 21 of the Oklahoma Statutes;
- 15 10. Utters or publishes counterfeited instruments or coins as
16 true as provided in Section 1592 of Title 21 of the Oklahoma
17 Statutes;
- 18 11. Larceny of lost property as provided in Section 1702 of
19 Title 21 of the Oklahoma Statutes;
- 20 12. Grand larceny as provided in Section 1705 of Title 21 of
21 the Oklahoma Statutes;
- 22 13. Receiving stolen property as provided in Section 1713 of
23 Title 21 of the Oklahoma Statutes;
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1 14. Theft of aircraft, automobile, automotive driven vehicle,
2 or construction or farm equipment as provided in Section 1720 of
3 Title 21 of the Oklahoma Statutes;

4 15. Larceny of merchandise from retailer or wholesaler as
5 provided in Section 1731 of Title 21 of the Oklahoma Statutes;

6 16. Unauthorized use of vehicle or implement of husbandry as
7 provided in Section 4-102 of Title 47 of the Oklahoma Statutes;

8 17. Receiving or disposing of a vehicle or implement of
9 husbandry as provided in Section 4-103 of Title 47 of the Oklahoma
10 Statutes;

11 18. Selling or pledging property to a pawnbroker using false or
12 altered identification or a false declaration of ownership as
13 provided in paragraph 2 of subsection C of Section 1512 of Title 59
14 of the Oklahoma Statutes;

15 19. Violations of the Precursor Substances Act as provided in
16 Section 2-321 et seq. of Title 63 of the Oklahoma Statutes;

17 20. Larceny, burglary or theft of controlled dangerous
18 substances as provided in Section 2-403 of Title 63 of the Oklahoma
19 Statutes;

20 21. Violations of the Uniform Controlled Dangerous Substances
21 Act as provided in Section 2-401 et seq. of Title 63 of the Oklahoma
22 Statutes; and
23
24

1 22. Transactions with proceeds derived from an illegal drug
2 activity as provided in Section 2-503.1 of Title 63 of the Oklahoma
3 Statutes.

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

7 A. The Administrative Office of the Courts shall collect the
8 following information upon completion of the case management system:

9 1. The total number of felony cases resulting in the following
10 sentence:

- 11 a. deferred sentence,
- 12 b. suspended sentence,
- 13 c. incarceration sentence, and
- 14 d. split sentence;

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

17 4. The average sentence length by revocation application by
18 violation type;

19 5. The total number of applications to revoke by violation
20 type;

21 6. The total number of offenders whose probation was revoked to
22 serve the full sentence for a technical violation of probation; and
23
24

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

4 B. The Administrative Office of the Courts shall report the
5 information required in subsection A of this section to the
6 Corrections and Criminal Justice Oversight Task Force, established
7 in Section 1 of this act, by December 31, 2017, or as soon
8 thereafter as practicable, and every year thereafter. The
9 Administrative Office of the Courts shall also provide any and all
10 available information to the Oversight Task Force as requested.

11 C. The requirements included under subsection A of this section
12 may be directly reported to the Oversight Task Force or provided to
13 a technical assistance provider contracted to assist with the
14 analysis and reporting of the data measures.

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

18 A. The Department of Mental Health and Substance Abuse Services
19 shall collect the following information:

20 1. The number and percentage of individuals admitted to a
21 specialty court program and administered a risk and needs assessment
22 by county and court type;

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

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

3 B. The Department of Mental Health and Substance Abuse Services
4 shall report information required in subsection A of this section to
5 the Corrections and Criminal Justice Oversight Task Force,
6 established in Section 1 of this act, by December 31, 2017, or as
7 soon thereafter as practicable and every year thereafter. The
8 Department of Mental Health and Substance Abuse Services shall also
9 provide any and all available information to the Oversight Task
10 Force as requested.

11 C. The requirements included under subsection A of this section
12 may be directly reported to the Oversight Task Force or provided to
13 a technical assistance provider contracted to assist with the
14 analysis and reporting of the data measures.

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

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

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