

1 ENGROSSED SENATE
2 BILL NO. 933

By: Young of the Senate

3 and

4 Kannady of the House

5
6 An Act relating to community sentencing; amending 22
7 O.S. 2011, Sections 988.9, 988.10 and 988.14, which
8 relate to fees and costs, resource-limited systems
and creation of a state agency; clarifying language;
and providing an effective date.

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

12 SECTION 1. AMENDATORY 22 O.S. 2011, Section 988.9, is
13 amended to read as follows:

14 Section 988.9. A. Any offender sentenced to a community
15 sentence pursuant to the Oklahoma Community Sentencing Act which
16 requires supervision shall be required to pay a supervision fee.
17 The supervising agency shall establish the fee amount, not to exceed
18 Forty Dollars (\$40.00) per month, based upon the offender's ability
19 to pay. In hardship cases the supervising agency may expressly
20 waive all or part of the fee. No supervising agency participating
21 in a local community sentencing system shall deny any offender
22 supervision services for the sole reason that the offender is
23 indigent. Fees collected for supervision services performed by the
24 Department of Corrections shall be paid directly to the Department

1 to be deposited in the Department of Corrections Revolving Fund.
2 Supervision services performed by ~~agencies~~ contracted providers
3 other than the Department shall be paid directly to that ~~agency~~
4 contracted provider.

5 B. In addition to any supervision fee, ~~offenders scoring in a~~
6 ~~range other than the low range of the Level of Services Inventory~~
7 ~~(LSI) and~~ eligible offenders participating in a local community
8 sentencing system under a court-ordered community punishment shall
9 be required to pay an administrative fee to support the local system
10 which shall not exceed Twenty Dollars (\$20.00) per month to be set
11 by the court. Administrative fees when collected shall be deposited
12 with the Community Sentencing Division within the Department of
13 Corrections and credited to the local community sentencing system
14 for support and expansion of the local community corrections system.
15 In the event the court fails to order the amount of the
16 administrative fee, the fee shall be Twenty Dollars (\$20.00) per
17 month.

18 C. In addition to any supervision fee and administrative fee
19 authorized by this section, the court shall assess court costs, and
20 may assess program reimbursement costs, restitution, and fines to be
21 paid by the offender. With the exception of supervision fees, other
22 fees, costs, fines, restitution, or monetary obligations ordered to
23 be paid by the offender shall not cease with the termination of
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1 active supervision and such obligations shall continue until fully
2 paid and may be collected in the same manner as court costs.

3 SECTION 2. AMENDATORY 22 O.S. 2011, Section 988.10, is
4 amended to read as follows:

5 Section 988.10. A. It is the responsibility of the planning
6 council, the sentencing judge, and the local administrator to ensure
7 that the expenditure of funds within the local community sentencing
8 system is appropriately made only for eligible offenders within the
9 range of services offered to the court. It is further the
10 responsibility of the local system, the prosecutor, the defense
11 attorney, and sentencing court to keep an awareness of the local
12 correctional resources and to utilize those resources in the most
13 efficient manner when punishing eligible offenders with community
14 punishments.

15 B. The sentencing judge when imposing any punishment pursuant
16 to the provisions of the Oklahoma Community Sentencing Act shall
17 consider the most cost-effective treatment specifically targeted for
18 the offender's needs as determined by the Level of Services
19 Inventory (LSI) report or assessment instrument.

20 C. The statewide system and each local system is required to
21 monitor sentencing practices and eligibility requirements,
22 prioritize expenditures, and operate within available resources for
23 eligible offenders.

1 D. The Community Sentencing Division within the Department of
2 Corrections shall not fund any community sentencing system beyond
3 the accepted budget amounts in any fiscal year.

4 SECTION 3. AMENDATORY 22 O.S. 2011, Section 988.14, is
5 amended to read as follows:

6 Section 988.14. A. There is hereby created within the
7 Department of Corrections the "Community Sentencing Division". The
8 purpose of the Division shall be to implement and administer the
9 Oklahoma Community Sentencing Act and any provisions of law relating
10 to the operation and management of a statewide community sentencing
11 system.

12 B. The Community Sentencing Division shall employ an executive
13 management staff consisting of a deputy director and such other
14 employees as authorized by the Legislature and subject to
15 appropriations, who shall be unclassified state employees. In
16 addition to the executive management staff, there shall be an
17 appropriate number of local community sentencing system
18 administrators as authorized by the Legislature and subject to
19 appropriations, who shall be unclassified state employees of the
20 Division. The deputy director of the Division shall report directly
21 to the Director of the Department of Corrections or designee. The
22 Legislature shall provide the Department of Corrections sufficient
23 funds for administrative support to the Division, and the Division
24 shall have a separate legislative appropriation for the

1 implementation and operation of the statewide community sentencing
2 system pursuant to the provisions of the Oklahoma Community
3 Sentencing Act. The Director of the Department of Corrections or
4 designee shall hire and set the salary of the executive management
5 staff. The deputy director of the Division shall hire the local
6 administrators.

7 SECTION 4. This act shall become effective November 1, 2019.

8 Passed the Senate the 25th day of February, 2019.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2019.

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Presiding Officer of the House
of Representatives

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