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February 19, 2019

By: Young of the Senate

and

Kannady of the House

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

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

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

Section 988.9. A. Any offender sentenced to a community sentence pursuant to the Oklahoma Community Sentencing Act which requires supervision shall be required to pay a supervision fee. The supervising agency shall establish the fee amount, not to exceed Forty Dollars (\$40.00) per month, based upon the offender's ability to pay. In hardship cases the supervising agency may expressly waive all or part of the fee. No supervising agency participating in a local community sentencing system shall deny any offender supervision services for the sole reason that the offender is

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

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

20 C. In addition to any supervision fee and administrative fee
21 authorized by this section, the court shall assess court costs, and
22 may assess program reimbursement costs, restitution, and fines to be
23 paid by the offender. With the exception of supervision fees, other
24 fees, costs, fines, restitution, or monetary obligations ordered to

1 be paid by the offender shall not cease with the termination of
2 active supervision and such obligations shall continue until fully
3 paid and may be collected in the same manner as court costs.

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

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

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

21 C. The statewide system and each local system is required to
22 monitor sentencing practices and eligibility requirements,
23 prioritize expenditures, and operate within available resources for
24 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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
9 February 19, 2019 - DO PASS
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