

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 933

By: Young

6 AS INTRODUCED

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

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

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

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

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

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

19 C. In addition to any supervision fee and administrative fee  
20 authorized by this section, the court shall assess court costs, and  
21 may assess program reimbursement costs, restitution, and fines to be  
22 paid by the offender. With the exception of supervision fees, other  
23 fees, costs, fines, restitution, or monetary obligations ordered to  
24 be paid by the offender shall not cease with the termination of

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.  
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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.

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