

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3135

                              By: Kendrix

7                               AS INTRODUCED

8           An Act relating to criminal procedure; amending 22  
9           O.S. 2021, Section 988.2, which relates to the  
10          Oklahoma Community Sentencing Act; modifying eligible  
11          offender definition; and providing an effective date.

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

14           SECTION 1.       AMENDATORY       22 O.S. 2021, Section 988.2, is  
15   amended to read as follows:

16           Section 988.2   A.   For purposes of the Oklahoma Community  
17   Sentencing Act:

18           1.   "Local community sentencing system" means the use of public  
19   and private entities to deliver services to the sentencing court for  
20   punishment of eligible felony offenders under the authority of a  
21   community sentence;

22           2.   "Community sentence" or "community punishment" means a  
23   punishment imposed by the court as a condition of a deferred or  
24   suspended sentence for an eligible offender;

1        3. "Continuum of sanctions" means a variety of coercive  
2 measures ranked by degrees of public safety, punitive effect, and  
3 cost benefit which are available to the sentencing judge as  
4 punishment for criminal conduct;

5        4. "Community sentencing system planning council" or "planning  
6 council" means a group of citizens and elected officials specified  
7 by law or appointed by the Chief Judge of the Judicial District  
8 which plans the local community sentencing system and with the  
9 assistance of the Community Sentencing Division of the Department of  
10 Corrections locates treatment providers and resources to support the  
11 local community sentencing system;

12       5. "Incentive" means a court-ordered reduction in the terms or  
13 conditions of a community sentence which is given for exceptional  
14 performance or progress by the offender;

15       6. "Disciplinary sanction" means a court-ordered punishment in  
16 response to a technical or noncompliance violation of a community  
17 sentence which increases in intensity or duration with each  
18 successive violation;

19       7. "Division" means the Community Sentencing Division within  
20 the Department of Corrections which is the state administration  
21 agency for the Oklahoma Community Sentencing Act, the statewide  
22 community sentencing system, and all local community sentencing  
23 systems;

1        8. "Eligible offender" means ~~a felony~~ an offender who has been  
2 convicted of or who has entered a plea other than not guilty to a  
3 ~~felony offense~~ crime and who upon completion of a risk and needs  
4 assessment has been found to be in a range other than the low range  
5 and who is not otherwise prohibited by law, or is a person who has  
6 had an assessment authorized by Section 3-704 of Title 43A of the  
7 Oklahoma Statutes and the assessment recommends community  
8 sentencing. Provided, however, that no person who has been  
9 convicted of or who has entered a plea other than not guilty to an  
10 offense enumerated in paragraph 2 of Section 571 of Title 57 of the  
11 Oklahoma Statutes, as an exception to the definition of "nonviolent  
12 offense", shall be eligible for a community sentence or community  
13 punishment unless the district attorney or an assistant district  
14 attorney for the district in which the offender's conviction was  
15 obtained consents thereto. The district attorney may consent to  
16 eligibility for an offender who has a mental illness or a  
17 developmental disability or a co-occurring mental illness and  
18 substance abuse disorder and who scores in the low range on the risk  
19 and needs assessment authorized by Section 3-704 of Title 43A of the  
20 Oklahoma Statutes or another assessment instrument if the offender  
21 is not otherwise prohibited by law. Any consent by a district  
22 attorney shall be made a part of the record of the case; and

23        9. "Statewide community sentencing system" means a network of  
24 all counties through their respective local community sentencing

1 systems serving the state judicial system and offering support  
2 services to each other through reciprocal and interlocal agreements  
3 and interagency cooperation.

4 B. For the purposes of the Oklahoma Community Sentencing Act,  
5 if a judicial district does not have a Chief Judge or if a judicial  
6 district has more than one Chief Judge, the duties of the Chief  
7 Judge provided for in the Oklahoma Community Sentencing Act shall be  
8 performed by the Presiding Judge of the Judicial Administrative  
9 District.

10 SECTION 2. This act shall become effective November 1, 2022.

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12 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
13 dated 02/17/2022 - DO PASS.  
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