

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3135

By: Kendrix

AS INTRODUCED

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

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

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

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

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

2. "Community sentence" or "community punishment" means a punishment imposed by the court as a condition of a deferred or 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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