

1 ENGROSSED SENATE
2 BILL NO. 1724

By: Howard of the Senate

3 and

4 Hill of the House

5
6 An Act relating to community sentencing; amending 22
7 O.S. 2021, Section 988.20, which relates to
8 disciplinary sanctions or incentives; authorizing
9 court to order stay for revocation of driving
10 privileges under certain circumstances; requiring
11 application for driver license for certain offenders;
12 requiring time period for revocation to run
13 concurrently with stay; requiring court to make
14 certain determination; updating statutory language;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 22 O.S. 2021, Section 988.20, is
18 amended to read as follows:

19 Section 988.20. A. Upon proper motion to the court to modify a
20 community sentence as provided in Section 988.19 of this title, the
21 ~~judge~~ court shall have authority to impose disciplinary sanctions or
22 incentives. An order for a disciplinary sanction shall not modify
23 the terms of the original sentence and shall be imposed only to gain
24 compliance with the terms of the court-ordered community punishment.
The court may order any community punishment available and funded in
the jurisdiction that is deemed appropriate by the ~~judge~~ court for
the circumstance including, but not limited to, a term of

1 imprisonment specified in Section 991b of this title per motion for
2 modification in either:

- 3 1. The county jail;
- 4 2. A residential treatment facility;
- 5 3. A restrictive housing facility; or
- 6 4. A halfway house.

7 When the offender is to be confined, the sheriff shall, upon order
8 of the court, deliver the offender to the designated place of
9 confinement, provided the place of confinement has an agreement for
10 confinement services with the local community sentencing system or
11 is the county jail. The sheriff shall be reimbursed by the local
12 community sentencing system for transporting offenders pursuant to
13 this subsection. The offender shall be given day-for-day credit for
14 any terms of incarceration served in the county jail or other
15 restrictive facility when the sentence is modified.

16 B. The court may, through a standing court order, provide for
17 specific sanctions and incentives which may be utilized by the local
18 administrator upon notification to the court.

19 C. When a motion for modification has been filed pursuant to
20 Section 988.19 of this title, the court shall have authority to
21 offer incentives to offenders to encourage proper conduct in the
22 community and for compliance with the community punishments. The
23 court shall use its discretion in ordering appropriate incentives.
24 Incentives shall be considered a reduction and modification to the

1 community punishment and may be ordered after the motion to modify
2 has been heard.

3 D. Notwithstanding any other provision of law, if the driving
4 privileges of the offender have been suspended, revoked, canceled,
5 or denied by Service Oklahoma for any reason other than a conviction
6 for reckless driving or driving under the influence pursuant to
7 Section 11-901, 11-902, or 11.906.4 of Title 47 of the Oklahoma
8 Statutes, and if the court determines that no other means of
9 transportation for the offender participating in the community
10 sentencing program is available, the court may enter a written order
11 requiring Service Oklahoma to stay any and all such actions against
12 the Class D driving privileges of the offender. Such stay shall not
13 be construed to grant driving privileges to an offender who has not
14 been issued a driver license by Service Oklahoma or whose Oklahoma
15 driver license has expired, in which case the offender shall be
16 required to apply for and be found eligible for a driver license,
17 pass all examinations, if applicable, and pay all statutory driver
18 license issuance or renewal fees. The offender shall provide proof
19 of insurance to the court prior to an order for a stay of any driver
20 license suspension, revocation, cancellation, or denial. When a
21 court enters a stay against an order by Service Oklahoma suspending
22 or revoking the driving privileges of an offender who is
23 participating in the community sentencing program, the time period
24 set in the order by Service Oklahoma for the suspension or

1 revocation shall continue to run during the stay. When an offender
2 has successfully completed the community sentencing program, the
3 court shall determine if he or she will maintain jurisdiction over
4 the offender's driving privileges for one (1) year after the date on
5 which the offender graduates from the program.

6 E. When any offender is disciplined by the court as authorized
7 by this section and is to be imprisoned in the county jail or other
8 restrictive facility, the sheriff or facility administrator shall
9 receive compensation as provided by their agreement with the local
10 community sentencing system, or the sheriff or facility
11 administrator shall be paid directly for the services by the
12 offender when ordered to pay for the confinement as part of the
13 disciplinary sanction. In no event shall any compensation for
14 disciplinary confinement exceed the maximum amount provided for
15 county jail confinement in Section 38.1 of Title 57 of the Oklahoma
16 Statutes.

17 ~~E.~~ F. The Department of Corrections is prohibited from
18 accepting offenders into any state penitentiary for disciplinary
19 sanctions.

20 SECTION 2. This act shall become effective November 1, 2024.
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1 Passed the Senate the 12th day of March, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives