

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 ENGROSSED SENATE
5 BILL NO. 1724

By: Howard of the Senate

and

Hill of the House

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

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

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

 Section 988.20. A. Upon proper motion to the court to modify a
community sentence as provided in Section 988.19 of this title, the
~~judge~~ court shall have authority to impose disciplinary sanctions or
incentives. An order for a disciplinary sanction shall not modify

1 the terms of the original sentence and shall be imposed only to gain
2 compliance with the terms of the court-ordered community punishment.
3 The court may order any community punishment available and funded in
4 the jurisdiction that is deemed appropriate by the ~~judge~~ court for
5 the circumstance including⁷ but not limited to⁷ a term of
6 imprisonment specified in Section 991b of this title per motion for
7 modification in either:

- 8 1. The county jail;
- 9 2. A residential treatment facility;
- 10 3. A restrictive housing facility; or
- 11 4. A halfway house.

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

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

1 C. When a motion for modification has been filed pursuant to
2 Section 988.19 of this title, the court shall have authority to
3 offer incentives to offenders to encourage proper conduct in the
4 community and for compliance with the community punishments. The
5 court shall use its discretion in ordering appropriate incentives.
6 Incentives shall be considered a reduction and modification to the
7 community punishment and may be ordered after the motion to modify
8 has been heard.

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

1 of insurance to the court prior to an order for a stay of any driver
2 license suspension, revocation, cancellation, or denial. When a
3 court enters a stay against an order by Service Oklahoma suspending
4 or revoking the driving privileges of an offender who is
5 participating in the community sentencing program, the time period
6 set in the order by Service Oklahoma for the suspension or
7 revocation shall continue to run during the stay. When an offender
8 has successfully completed the community sentencing program, the
9 court shall determine if he or she will maintain jurisdiction over
10 the offender's driving privileges for one (1) year after the date on
11 which the offender graduates from the program.

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

1 ~~E.~~ F. The Department of Corrections is prohibited from
2 accepting offenders into any state penitentiary for disciplinary
3 sanctions.

4 SECTION 2. This act shall become effective November 1, 2024.

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
7 04/03/2024 - DO PASS.
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