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February 6, 2024

By: Howard

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

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 988.20, 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 the terms of the original sentence and shall be imposed only to gain 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 and if the court determines that no
6 other means of transportation for the offender participating in the
7 community sentencing program is available, the court may enter a
8 written order requiring Service Oklahoma to stay any and all such
9 actions against the Class D driving privileges of the offender.
10 Such stay shall not be construed to grant driving privileges to an
11 offender who has not been issued a driver license by Service
12 Oklahoma or whose Oklahoma driver license has expired, in which case
13 the offender shall be required to apply for and be found eligible
14 for a driver license, pass all examinations, if applicable, and pay
15 all statutory driver license issuance or renewal fees. The offender
16 shall provide proof of insurance to the court prior to an order for
17 a stay of any driver license suspension, revocation, cancellation,
18 or denial. When a court enters a stay against an order by Service
19 Oklahoma suspending or revoking the driving privileges of an
20 offender who is participating in the community sentencing program,
21 the time period set in the order by Service Oklahoma for the
22 suspension or revocation shall continue to run during the stay.
23 When an offender has successfully completed the community sentencing
24 program, the court shall determine if he or she will maintain

1 jurisdiction over the offender's driving privileges for one (1) year
2 after the date on which the offender graduates from the program.

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

14 ~~E.~~ F. The Department of Corrections is prohibited from
15 accepting offenders into any state penitentiary for disciplinary
16 sanctions.

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
19 February 6, 2024 - DO PASS
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