

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3957

By: Blancett

AS INTRODUCED

An Act relating to pretrial data; creating the Pretrial Data Collection Act; defining terms; requiring certain entities to collect specific data; requiring certain entities to report the data collected to the Office of Management and Enterprise Services; specifying types of data to be collected; providing for publication of datasets; requiring certain public format; specifying submission dates; authorizing county commissioner to bring an action for noncompliance; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 81.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Pretrial Data Collection Act".

B. As used in this act:

1. "Annual felony caseload" means the yearly caseload of felony cases for each full-time district attorney and assistant district attorney or public defender and assistant public defender, or

1 indigent defense contracting attorney for cases assigned to the
2 criminal division. Annual felony caseload does not include the
3 appellate caseload of a public defender, assistant public defender,
4 or indigent defense contracting attorney. Cases reported pursuant
5 to this paragraph shall be associated with a case number and each
6 case number shall only be reported once regardless of the number of
7 attorney assignments that occur during the course of litigation;

8 2. "Annual misdemeanor caseload" means the yearly caseload of
9 misdemeanor cases for each full-time district attorney and assistant
10 district attorney or public defender and assistant public defender,
11 or indigent defense contracting attorney for cases assigned to the
12 criminal division. Annual misdemeanor caseload does not include the
13 appellate caseload of a public defender, assistant public defender,
14 or indigent defense contracting attorney. Cases reported pursuant
15 to this paragraph shall be associated with a case number and each
16 case number shall only be reported once regardless of the number of
17 attorney assignments that occur during the course of litigation;

18 3. "Attorney assignment date" means the day, month, and year a
19 court-appointed attorney is assigned to the case or, if privately
20 retained, the day, month, and year an attorney files a notice of
21 appearance with the clerk of the court;

22 4. "Attorney withdrawal date" means the day, month, and year
23 the court removes court-appointed counsel from a case or, if
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1 privately retained, the day, month, and year a motion to withdraw is
2 granted by the court;

3 5. "Average cost for jail stay" means the average daily cost to
4 house an inmate including, but not limited to, average medical care
5 costs, daily stay fee, extra food, and transportation;

6 6. "Bail" means a monetary amount for or condition of pretrial
7 release from custody. The purpose of the bail is to ensure the
8 return of the accused at subsequent proceedings;

9 7. "Case number" means the identification number assigned by
10 the clerk of the court to a criminal case;

11 8. "Case status" means whether a case is open, inactive,
12 closed, or reopened due to a violation of probation or community
13 supervision;

14 9. "Charge description" means the statement of the conduct that
15 is alleged to have been violated, the associated statutory section
16 establishing such conduct as criminal, and the misdemeanor or felony
17 classification that is provided for in the statutory section alleged
18 to have been violated;

19 10. "Charge modifier" means an aggravating circumstance of an
20 alleged crime that enhances or reclassifies a charge to a more
21 serious misdemeanor or felony offense;

22 11. "Cited offense" means the alleged offense for which an
23 arrest occurred, including the state or municipal code under which
24 the offense is alleged;

1 12. "Criminal charge against" means information related to the
2 formal charges filed against a defendant, including charge
3 description, as defined in this section, code section, jurisdiction,
4 and charge modifier, as defined in this section, if applicable;

5 13. "Date of arrest" means the day, month, and year the arrest
6 occurred;

7 14. "Date of entrance" means the day, month, and year of
8 entrance into a county jail or detention facility;

9 15. "Demographic information" means identifying information
10 including name, age, race and ethnicity, gender, ZIP Code of primary
11 residence, and homelessness status;

12 16. "Disposition" means a final judgment, adjudication
13 withheld, dismissal, or nolle prosequi for the case;

14 17. "Domestic abuse flag" means an indication that a charge
15 involves domestic abuse, as such term is defined in subsection C of
16 Section 644 of Title 21 of the Oklahoma Statutes;

17 18. "Gang affiliation flag" means an indication that a
18 defendant is involved in or associated with a criminal street gang,
19 as such term is defined in subsection F of Section 856 of Title 21
20 of the Oklahoma Statutes;

21 19. "Habitual offender flag" means an indication that the
22 defendant is a repeat offender pursuant to the provisions of Section
23 51.1 of Title 21 of the Oklahoma Statutes;

1 20. "Inventory search" means a search performed in accordance
2 with law enforcement department policy on a person or a vehicle
3 incident to lawful arrest;

4 21. "Mental health disorder" means any mental illness, as
5 defined in paragraph 3 of Section 1-103 of Title 43A of the Oklahoma
6 Statutes, that was diagnosed by a licensed mental health
7 professional, as defined in paragraph 11 of Section 1-103 of Title
8 43A of the Oklahoma Statutes;

9 22. "Offense location" means the county in which the offense is
10 alleged to have occurred;

11 23. "Operational capacity" means the maximum number of inmates
12 a county jail or detention facility can hold;

13 24. "Pretrial release violation flag" means an indication that
14 the defendant has violated the terms of his or her pretrial release;

15 25. "Release date" means the day, month, and year a defendant
16 is released from a county jail or detention facility; and

17 26. "Term of sentence" means the sentence type and length
18 imposed by the court including, but not limited to, the total
19 duration of imprisonment in a county jail or detention facility and
20 conditions of probation or community control supervision.

21 C. Beginning January 1, 2025, an entity required to collect
22 data in accordance with the provisions of this act shall collect the
23 specified data required of the entity on a monthly basis. Each
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1 entity shall report the data collected to the Office of Management
2 and Enterprise Services on a monthly basis.

3 1. Municipal police departments and county sheriff offices
4 shall collect for each individual arrested the following
5 information:

- 6 a. arrest location,
- 7 b. date of arrest,
- 8 c. race and ethnicity of detainee,
- 9 d. age of detainee,
- 10 e. gender of detainee,
- 11 f. ZIP Code of detainee,
- 12 g. cited offense, and
- 13 h. inventory performed.

14 2. County jail and county detention facilities shall collect
15 for each confined person the following information:

- 16 a. date of entrance,
- 17 b. name,
- 18 c. date of birth,
- 19 d. gender,
- 20 e. race and ethnicity,
- 21 f. mental health disorder, if any,
- 22 g. last-known ZIP Code,
- 23 h. homelessness status,

- i. any criminal charges against the person by code section and jurisdiction,
- j. term of sentence,
- k. bond amount,
- l. if bond is set, and
- m. release date.

3. Each county jail and county detention facility shall collect the following information:

- a. average costs for jail stay per day for a confined person,
- b. average medical care costs for a confined person,
- c. daily stay fee and rate for a confined person,
- d. bill for medical costs for all confined persons,
- e. bill for extra food for all confined persons,
- f. bill for transportation for all confined persons,
- g. operational capacity of the county jail and county detention facility,
- h. for each confined person, counting only one time, and with accompanying demographic information:

- (1) the number of sentenced confined people,
- (2) the number of unsentenced confined people with a hold and what kind of hold each unsentenced person has including, but not limited to, tribal or federal holds,

1 (3) the number of unsentenced confined people without
2 a hold, and

3 (4) the number of unsentenced people admitted for a
4 probation violation or violation of community
5 sentencing standards,

6 i. for unsentenced confined people, counting only one
7 time, and with accompanying demographic information:

8 (1) the number of unsentenced confined people whose
9 most serious charged offense is a felony, and

10 (2) the number of unsentenced confined people whose
11 most serious charged offense is a misdemeanor,

12 j. number of confined people held solely for a municipal
13 offense with accompanying demographic information,

14 k. average daily population of the jail facility with
15 accompanying demographic information,

16 l. average or median length of stay with accompanying
17 demographic information:

18 (1) number of people who were released within the
19 prior twelve (12) months whose most serious
20 offense was a felony, and

21 (2) number of people who were released within the
22 prior twelve (12) months whose most serious
23 offense was a misdemeanor,
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- 1 m. number of confined people identified as homeless with
2 accompanying demographic information, and
3 n. number of bookings into the jail facility with
4 accompanying demographic information.

5 4. District court clerks shall collect the following
6 information for each criminal case filed:

- 7 a. case number,
8 b. date of alleged offense,
9 c. county of alleged offense,
10 d. date that the criminal prosecution of a defendant is
11 formally initiated through the filing, with the clerk
12 of the court, of an information by the district
13 attorney,
14 e. arraignment date,
15 f. attorney assignment date,
16 g. attorney withdrawal date, if applicable,
17 h. case status,
18 i. disposition date and kind of disposition,
19 j. ZIP Code of primary residence of the defendant,
20 k. primary language spoken by the defendant,
21 l. indigency finding,
22 m. charge description,
23 n. statute charged under,
24 o. sentence enhancement charged, if any,
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- 1 p. drug type for each drug charge, if known,
2 q. qualification for flag designation and kind of
3 designation including, but not limited to, domestic
4 violence, gang affiliation, sex offender, habitual
5 offender, and pretrial release violation,
6 r. decision and date of all bail bond and pretrial
7 determinations,
8 s. pretrial release determination at first appearance,
9 including monetary and nonmonetary conditions,
10 t. modification of bail bond conditions,
11 u. cash bail or bond payment, including whether defendant
12 utilized a bond agent to post a surety bond,
13 v. date defendant was released on bail, bond, or pretrial
14 release,
15 w. bail or bond revocation due to new offense, failure to
16 appear, or a violation of bail or bond terms,
17 x. date of any court appearance and the type of
18 proceeding scheduled for each date reported,
19 y. date of any failure to appear in court,
20 z. judicial transfer date, if applicable,
21 aa. trial date if jury trial held,
22 bb. date the defendant files a notice to participate in
23 discovery,
24 cc. speedy trial motion and hearing dates, if applicable,
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- 1 dd. dismissal motion and hearing dates, if applicable,
2 ee. whether the defense attorney was retained, is a public
3 defender, or an attorney with the Oklahoma Indigent
4 Defense System,
5 ff. date that a court enters a sentence against a
6 defendant,
7 gg. whether or not a plea was entered,
8 hh. total amount of court fees imposed by the court at
9 disposition of the case,
10 ii. outstanding balance of the court fees of the defendant
11 imposed by the court at disposition of the case,
12 jj. total amount of court fines imposed by the court at
13 disposition of the case,
14 kk. outstanding balance of the court fines of the
15 defendant imposed by the court at disposition of the
16 case,
17 ll. restitution amount ordered, including the amount
18 collected by the court and the amount paid to the
19 victim, if applicable,
20 mm. number of continuances, and
21 nn. number of judges or magistrates, or their equivalents,
22 hearing cases in circuit or county criminal divisions
23 of the circuit court.
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1 5. From each office of the district attorney in the twenty-
2 seven (27) prosecutorial districts of Oklahoma, the following
3 information shall be collected:

- 4 a. number of full-time prosecutors,
- 5 b. number of part-time prosecutors,
- 6 c. race, ethnicity, and gender of prosecutors,
- 7 d. annual felony caseload,
- 8 e. annual misdemeanor caseload,
- 9 f. number of cases in which an information was not filed,
- 10 g. number of cases declined, and
- 11 h. for individual cases:
 - 12 (1) whether the defendant received an offer to
 - 13 participate in a diversion program,
 - 14 (2) name of diversion program, if offered,
 - 15 (3) whether the defendant accepted or declined the
 - 16 diversion program,
 - 17 (4) diversion program outcome,
 - 18 (5) pretrial release recommendation of the
 - 19 prosecutor,
 - 20 (6) bail amount recommendation of the prosecutor by
 - 21 misdemeanor and felony charge types, and
 - 22 (7) plea offers by the prosecutor, if any, and
 - 23 modifications.

1 6. From the Office of the Tulsa County Public Defender, the
2 Office of the Oklahoma County Public Defender, and each contractor
3 of the Oklahoma Indigent Defense System:

- 4 a. number of full-time public defenders,
- 5 b. number of part-time public defenders,
- 6 c. number of contract attorneys representing indigent
7 defendants for the office,
- 8 d. annual felony caseload, and
- 9 e. annual misdemeanor caseload.

10 D. The Office of Management and Enterprise Services shall
11 publish datasets in its possession in a modern, open, electronic
12 format that is machine-readable and readily accessible by the public
13 on the website of the Office. The published data shall be
14 searchable, at a minimum, by each data element, county, circuit, and
15 unique identifier. Agencies that employ five hundred (500) or more
16 employees shall submit data to the Office by July 1, 2025. Agencies
17 that employ more than one hundred (100) but less than five hundred
18 (500) employees shall submit data to the Office by December 31,
19 2025. Agencies with more than zero (0) and less than one hundred
20 (100) employees shall submit data to the Office by July 1, 2026.

21 E. Upon a determination by the Office of Management and
22 Enterprise Services of noncompliance, any member of any board of
23 county commissioners may bring an action in a district court having
24 jurisdiction over the county from which the county commissioner
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1 serves to force compliance. If any entity covered under the
2 provisions of this act encompasses more than one county, upon a
3 determination by the Office of noncompliance, a county commissioner
4 serving from any of the encompassed counties may bring such action
5 against the entity.

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

8 59-2-9411 GRS 01/03/24

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