

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 764

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Community Sentencing
8 Act; amending 22 O.S. 2011, Sections 988.2, 988.6 and
9 988.23, which relate to definitions, planning council
10 duties, and liability; modifying definition;
11 authorizing employment of certain personnel;
12 authorizing certain contracting; providing immunity
13 from liability for certain persons; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2011, Section 988.2, is
17 amended to read as follows:

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

20 1. "Local community sentencing system" means ~~a partnership~~
21 ~~between the state and one or more county governments which uses the~~
22 use of public and private entities to deliver services to the
23 sentencing court for punishment of eligible felony offenders under
24 the authority of a community sentence;

1 2. "Community sentence" or "community punishment" means a
2 punishment imposed by the court as a condition of a deferred or
3 suspended sentence for an eligible offender;

4 3. "Continuum of sanctions" means a variety of coercive
5 measures and treatment options ranked by degrees of public safety,
6 punitive effect, and cost benefit which are available to the
7 sentencing judge as punishment for criminal conduct;

8 4. "Community sentencing system planning council" or "planning
9 council" means a group of citizens and elected officials specified
10 by law or appointed by the Chief Judge of the Judicial District
11 which plans the local community sentencing system and with the
12 assistance of the Community Sentencing Division of the Department of
13 Corrections locates treatment providers and resources to support the
14 local community sentencing system;

15 5. "Incentive" means a court-ordered reduction in the terms or
16 conditions of a community sentence which is given for exceptional
17 performance or progress by the offender;

18 6. "Disciplinary sanction" means a court-ordered punishment in
19 response to a technical or noncompliance violation of a community
20 sentence which increases in intensity or duration with each
21 successive violation;

22 7. "Division" means the Community Sentencing Division within
23 the Department of Corrections which is the state administration
24 agency for the Oklahoma Community Sentencing Act, the statewide

1 community sentencing system, and all local community sentencing
2 systems;

3 8. "Eligible offender" means a felony offender who has been
4 convicted of or who has entered a plea other than not guilty to a
5 felony offense and who upon completion of a Level of Services
6 Inventory or another assessment instrument has been found to be in a
7 range other than the low range, who has been convicted of at least
8 one prior felony, and who is not otherwise prohibited by law;
9 provided, however, that no person who has been convicted of or who
10 has entered a plea other than not guilty to an offense enumerated in
11 ~~subsection 5~~ paragraph 2 of Section 571 of Title 57 of the Oklahoma
12 Statutes, as an exception to the definition of "nonviolent offense"
13 shall be eligible for a community sentence or community punishment
14 unless the district attorney or an assistant district attorney for
15 the district in which the offender's conviction was obtained
16 consents thereto. The district attorney may consent to eligibility
17 for an offender who has a mental illness or a developmental
18 disability or a co-occurring mental illness and substance abuse
19 disorder and who scores in the low range on the LSI or another
20 assessment instrument if the offender is not otherwise prohibited by
21 law. Any consent by a district attorney shall be made a part of the
22 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. AMENDATORY 22 O.S. 2011, Section 988.6, is
11 amended to read as follows:

12 Section 988.6. A. Each community sentencing planning council
13 shall:

14 1. Plan the local community sentencing system within allocated
15 funds and other available resources according to the provisions of
16 the law and with the assistance of the Community Sentencing Division
17 of the Department of Corrections;

18 2. Promulgate rules for functioning of the planning council
19 which are consistent with the provisions of this act;

20 3. Prepare a detailed plan within the provisions of law and
21 rule each fiscal year with an accompanying budget for the local
22 community sentencing system;

1 4. Identify local resources by type, cost and location which
2 are available to serve the court for eligible felony offenders
3 sentenced to the community;

4 5. Identify qualified service providers to deliver services to
5 the court for eligible felony offenders sentenced to the community;

6 6. Assist in monitoring the sentencing practices of the court
7 to ensure the local community sentencing system functions within the
8 allocation of resources and according to the provisions of this act;

9 7. Assist in preparing information necessary for qualified
10 services to support the local community sentencing system plan as
11 provided in Section 7 988.7 of this ~~act~~ title;

12 8. Identify and advocate the use of interlocal governmental
13 agreements for qualified services where services are not available
14 within the jurisdiction or where services may be delivered in a more
15 cost-effective manner by another jurisdiction;

16 9. Form multicounty systems as may be necessary to conserve
17 state or local resources or to implement an appropriate range of
18 services to the court;

19 10. Review and recommend services for cost-effectiveness and
20 performance-based evaluation;

21 11. Identify various sources of funding and resources for the
22 local community sentencing system including a variety of free
23 services available to the court;

1 12. Assist in developing public/private partnerships in the
2 local jurisdiction, reciprocal agreements, and interagency
3 cooperation and collaboration to provide appropriate services and
4 support to the system; and

5 13. Assist in promoting local involvement and support for the
6 provisions of the Oklahoma Community Sentencing Act.

7 B. Each community sentencing planning council may employ a
8 local director and other personnel to perform the duties of the
9 local community sentencing system, subject to the availability of
10 funds. Such council may contract with a county to provide benefits
11 and payroll services to such personnel; provided, however, such
12 personnel shall be considered state employees.

13 SECTION 3. AMENDATORY 22 O.S. 2011, Section 988.23, is
14 amended to read as follows:

15 Section 988.23. All state and local government agencies and
16 their officers and employees, citizens serving as members of a
17 community sentencing planning council, community service agencies,
18 nonprofit organizations, educational or vocational-technical
19 entities, and other providers participating in a community
20 sentencing system or contracting to provide services to the system
21 pursuant to the provisions of the Oklahoma Community Sentencing Act
22 are hereby granted immunity from liability for acts of any offender
23 participating in a community sentencing system pursuant to the
24 provisions of the Workers' Compensation Act, Section 1 et seq. of

1 Title 85 of the Oklahoma Statutes, and for torts committed by or
2 against any offender participating in a community sentencing system
3 to the extent specified in Sections 227 and 228 of Title 57 of the
4 Oklahoma Statutes or as provided in the Governmental Tort Claims
5 Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes.

6 SECTION 4. This act shall become effective November 1, 2015.

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