

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 933

By: Young of the Senate

and

Kannady of the House

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9 An Act relating to community sentencing; amending 22
10 O.S. 2011, Sections 988.9, 988.10 and 988.14, which
11 relate to fees and costs, resource-limited systems
12 and creation of a state agency; clarifying language;
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2011, Section 988.9, is
16 amended to read as follows:

17 Section 988.9. A. Any offender sentenced to a community
18 sentence pursuant to the Oklahoma Community Sentencing Act which
19 requires supervision shall be required to pay a supervision fee.
20 The supervising agency shall establish the fee amount, not to exceed
21 Forty Dollars (\$40.00) per month, based upon the offender's ability
22 to pay. In hardship cases the supervising agency may expressly
23 waive all or part of the fee. No supervising agency participating
24 in a local community sentencing system shall deny any offender

1 supervision services for the sole reason that the offender is
2 indigent. Fees collected for supervision services performed by the
3 Department of Corrections shall be paid directly to the Department
4 to be deposited in the Department of Corrections Revolving Fund.
5 Supervision services performed by ~~agencies~~ contracted providers
6 other than the Department shall be paid directly to that ~~agency~~
7 contracted provider.

8 B. In addition to any supervision fee, ~~offenders scoring in a~~
9 ~~range other than the low range of the Level of Services Inventory~~
10 ~~(LSI) and~~ eligible offenders participating in a local community
11 sentencing system under a court-ordered community punishment shall
12 be required to pay an administrative fee to support the local system
13 which shall not exceed Twenty Dollars (\$20.00) per month to be set
14 by the court. Administrative fees when collected shall be deposited
15 with the Community Sentencing Division within the Department of
16 Corrections and credited to the local community sentencing system
17 for support and expansion of the local community corrections system.
18 In the event the court fails to order the amount of the
19 administrative fee, the fee shall be Twenty Dollars (\$20.00) per
20 month.

21 C. In addition to any supervision fee and administrative fee
22 authorized by this section, the court shall assess court costs, and
23 may assess program reimbursement costs, restitution, and fines to be
24 paid by the offender. With the exception of supervision fees, other

1 fees, costs, fines, restitution, or monetary obligations ordered to
2 be paid by the offender shall not cease with the termination of
3 active supervision and such obligations shall continue until fully
4 paid and may be collected in the same manner as court costs.

5 SECTION 2. AMENDATORY 22 O.S. 2011, Section 988.10, is
6 amended to read as follows:

7 Section 988.10. A. It is the responsibility of the planning
8 council, the sentencing judge, and the local administrator to ensure
9 that the expenditure of funds within the local community sentencing
10 system is appropriately made only for eligible offenders within the
11 range of services offered to the court. It is further the
12 responsibility of the local system, the prosecutor, the defense
13 attorney, and sentencing court to keep an awareness of the local
14 correctional resources and to utilize those resources in the most
15 efficient manner when punishing eligible offenders with community
16 punishments.

17 B. The sentencing judge when imposing any punishment pursuant
18 to the provisions of the Oklahoma Community Sentencing Act shall
19 consider the most cost-effective treatment specifically targeted for
20 the offender's needs as determined by the Level of Services
21 Inventory (LSI) report or assessment instrument.

22 C. The statewide system and each local system is required to
23 monitor sentencing practices and eligibility requirements,
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1 prioritize expenditures, and operate within available resources for
2 eligible offenders.

3 D. The Community Sentencing Division within the Department of
4 Corrections shall not fund any community sentencing system beyond
5 the accepted budget amounts in any fiscal year.

6 SECTION 3. AMENDATORY 22 O.S. 2011, Section 988.14, is
7 amended to read as follows:

8 Section 988.14. A. There is hereby created within the
9 Department of Corrections the "Community Sentencing Division". The
10 purpose of the Division shall be to implement and administer the
11 Oklahoma Community Sentencing Act and any provisions of law relating
12 to the operation and management of a statewide community sentencing
13 system.

14 B. The Community Sentencing Division shall employ an executive
15 management staff consisting of a deputy director and such other
16 employees as authorized by the Legislature and subject to
17 appropriations, who shall be unclassified state employees. In
18 addition to the executive management staff, there shall be an
19 appropriate number of local community sentencing system
20 administrators as authorized by the Legislature and subject to
21 appropriations, who shall be unclassified state employees of the
22 Division. The deputy director of the Division shall report directly
23 to the Director of the Department of Corrections or designee. The
24 Legislature shall provide the Department of Corrections sufficient

1 funds for administrative support to the Division, and the Division
2 shall have a separate legislative appropriation for the
3 implementation and operation of the statewide community sentencing
4 system pursuant to the provisions of the Oklahoma Community
5 Sentencing Act. The Director of the Department of Corrections or
6 designee shall hire and set the salary of the executive management
7 staff. The deputy director of the Division shall hire the local
8 administrators.

9 SECTION 4. This act shall become effective November 1, 2019.

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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2019 - DO
12 PASS.

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