

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 414

By: Dossett (J.A.)

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6 AS INTRODUCED

7 An Act relating to corrections; amending 57 O.S.
8 2011, Section 512 and Section 2, Chapter 414, O.S.L.
9 2014 (57 O.S. Supp. 2020, Section 515a), which relate
10 to parole supervision and felony probation
11 supervision; making gender neutral; allowing certain
12 virtual participation; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 512, is
16 amended to read as follows:

17 Section 512. A. Any inmate in a state penal institution who
18 has been granted a parole shall be released from the institution
19 upon the following conditions:

20 1. That ~~he~~ the person comply with specified requirements of the
21 Division of Community Services of the Department of Corrections
22 under the active supervision of a Probation and Parole Officer.
23 Such active supervision shall be for a period not to exceed three
24 (3) years, except as provided in paragraph 2 of this section.

1 2. That ~~he~~ the person be actively supervised by a Probation and
2 Parole Officer for an extended period not to exceed the expiration
3 of the maximum term or terms for which ~~he~~ the person was sentenced
4 if convicted of a sex offense or upon the determination by the
5 Division of Community Services that the best interests of the public
6 and the parolee will be served by such an extended period of
7 supervision.

8 Provided, for the purposes of this section, the term "sex
9 offense" shall not include a violation of paragraph 1 of subsection
10 A of Section 1021 of Title 21 of the Oklahoma Statutes.

11 The Probation and Parole Officer, upon information sufficient to
12 give ~~him~~ the officer reasonable grounds to believe that the parolee
13 has violated the terms of and conditions of ~~his~~ the person's parole,
14 shall notify the Deputy Director of the Division of Community
15 Services in accordance with Section 516 of ~~Title 57 of the Oklahoma~~
16 ~~Statutes~~ this title.

17 B. The parole supervising agency or officer may allow the
18 offender to report virtually for all parole supervision meetings
19 required of the offender if both the supervising agency or officer
20 and the offender have the necessary equipment to meet virtually.

21 SECTION 2. AMENDATORY Section 2, Chapter 414, O.S.L.
22 2014 (57 O.S. Supp. 2020, Section 515a), is amended to read as
23 follows:
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1 Section 515a. A. Felony probation supervision, whether
2 conducted by the Department of Corrections, a district attorney or
3 private supervision provider shall incorporate all minimum
4 supervision standards provided for in subsection B of this section.

5 B. Upon receiving an offender on probation supervision, the
6 supervising agency shall:

7 1. Conduct an intake and orientation for the offender. The
8 offender shall present to the principal office of the supervising
9 agency within three (3) business days of sentencing or within three
10 (3) business days of release from confinement if any term of
11 incarceration is ordered, for the purpose of intake and orientation
12 to probation supervision. The offender's presentation to the
13 principal office of the supervising agency may be completed
14 virtually if both the offender and supervising agency have access to
15 the necessary equipment for a virtual meeting. Offenders choosing
16 to meet virtually shall adhere to the time requirements as provided
17 in this section. The intake shall consist of the personal
18 information of the offender and shall include, but not be limited
19 to, name, address, phone numbers, employment and employment history,
20 family information and criminal history. The supervising agency
21 shall also provide an orientation to the offender. The orientation
22 shall explain rules and conditions, reporting instructions,
23 consequences for violations of the rules and conditions, and
24 expectations of the offender subject to probation supervision;

1 2. Require the offender to complete within ninety (90) days of
2 intake and orientation, an approved substance abuse assessment and
3 evaluation, if deemed appropriate by the court; provided, however, a
4 substance abuse assessment and evaluation shall not be required if
5 the offender has been previously assessed within one (1) year prior
6 to the date of sentencing, unless ordered by the court. Substance
7 abuse assessments and evaluations ordered by the court shall be
8 administered and scored by assessment personnel certified by the
9 Department of Mental Health and Substance Abuse Services;

10 3. Monitor the compliance or noncompliance of the offender with
11 all monetary obligations and probation requirements ordered by the
12 court which may include, but not be limited to, the following:

- 13 a. substance abuse testing,
- 14 b. employment or education verification,
- 15 c. criminal history background checks,
- 16 d. verification of the payment of fines, costs,
17 assessments, restitution, prosecution fees and
18 supervision fees,
- 19 e. verification of attendance and completion of community
20 service requirements, or
- 21 f. verification of attendance and completion of
22 counseling or treatment programs;

1 4. Provide sanctions in the event the offender violates the
2 rules and conditions of probation supervision which may include, but
3 not be limited to, the following:

- 4 a. increased reporting requirements,
- 5 b. increased substance abuse testing,
- 6 c. increased counseling or substance abuse meetings,
- 7 d. short-term period of incarceration in jail,
- 8 e. additional community service hours,
- 9 f. electronic monitoring or installation of an ignition
10 interlock device, or
- 11 g. revocation or acceleration of the suspended or
12 deferred sentence; and

13 5. Provide a written sanction report to the court and offender
14 specifying the violation, sanction and plan to correct the
15 noncompliant behavior of the offender. When recommending a short-
16 term period of incarceration in jail, additional community service
17 hours, electronic monitoring or installation of an ignition
18 interlock device, the supervising agency shall obtain court approval
19 prior to implementing the sanction.

20 C. The supervising agency may allow the offender to report
21 virtually for all supervision meetings required of the offender if
22 both the supervising agency and the offender have the necessary
23 equipment to meet virtually.

1 D. The supervising agency shall have the authority to implement
2 additional supervision requirements including, but not limited to,
3 the following:

4 1. Individualized treatment plans based upon the results of any
5 substance abuse assessment and evaluation. The individualized
6 treatment plan may include additional reporting requirements and
7 additional counseling and substance abuse meeting requirements. The
8 treatment plan shall be developed to assist the offender with
9 successful progress toward completion of probation supervision;

10 2. Random substance abuse testing to ensure the compliance and
11 sobriety of the offender; and

12 3. Progress reports as requested by the court.

13 SECTION 3. This act shall become effective November 1, 2021.

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