

1 ENGROSSED SENATE
2 BILL NO. 793

By: Treat, Sharp and Pittman of
the Senate

3 and

4 O'Donnell of the House

5
6 [criminal justice reform - Corrections and Criminal
7 Justice Oversight Task Force - codification -
8 ~~effective date~~ -
9 ~~emergency~~]

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1000 of Title 57, unless there
13 is created a duplication in numbering, reads as follows:

14 A. There is hereby established a committee to be known as the
15 Corrections and Criminal Justice Oversight Task Force, hereinafter
16 called the Oversight Task Force, which shall exercise the powers and
17 fulfill the duties described in this section.

18 B. The Oversight Task Force shall be composed of the following
19 members:

20 1. Two (2) members appointed by the Governor;

21 2. The Director of the Department of Corrections, or a
22 designee;

23 3. The Attorney General, or a designee;

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- 1 4. The Commissioner of Mental Health and Substance Abuse
2 Services, or a designee;
- 3 5. One (1) district court judge appointed by The Presiding
4 Judge of the Court of Criminal Appeals;
- 5 6. The Speaker of the House of Representatives shall appoint
6 two (2) members;
- 7 7. One (1) member from the Pardon and Parole Board appointed by
8 the governor;
- 9 8. One (1) member representing the victims' community appointed
10 by the attorney general;
- 11 9. The Executive Director of the Oklahoma Sheriffs'
12 Association, or his designee;
- 13 10. The President of the District Attorneys Council, or his
14 designee;
- 15 11. One (1) person employed by a public defender's office
16 appointed by the governor;
- 17 12. The Executive Director of the Oklahoma Indigent Defense
18 System, or a designee;
- 19 13. One (1) member of a city or state Chamber of Commerce
20 appointed by the governor;
- 21 14. One (1) member of the advocacy community that serves
22 returning citizens appointed by the governor; and
- 23 15. One (1) advocate who specializes on women reentry
24 programming appointed by the governor.

1 C. The chair shall be appointed by the governor on or before
2 July 15, 2017. The chair shall convene the first meeting of the
3 Task Force on or before January 1, 2018. The members of the Task
4 Force shall elect any other officers during the first meeting and
5 upon a vacancy in any office. Thereafter, the task force shall meet
6 as often as necessary, but at least biannually and at the call of
7 the chair or by a majority of the members.

8 D. A quorum consists of seven (7) members.

9 E. Task Force members employed by the state shall be reimbursed
10 for travel expenses related to their service on the Task Force by
11 their respective agencies pursuant to the provisions of the State
12 Travel Reimbursement Act. Legislative members of the Task Force
13 shall be reimbursed for their necessary travel expenses incurred in
14 the performance of their duties in accordance with Section 456 of
15 Title 74 of the Oklahoma Statutes. Remaining Task Force members
16 shall be reimbursed travel expenses related to their service on the
17 Task Force by their appointing authorities pursuant to the
18 provisions of the State Travel Reimbursement Act.

19 F. The Oversight Task Force shall:

20 1. Track implementation and assess outcomes from the
21 recommendations in the Oklahoma Justice Reform Task Force report of
22 January 2017;

23 2. Prepare and submit an annual report no later than the first
24 day of the second full week of each regular session of the

1 Legislature on outcomes and performance measures to the Legislature,
2 Governor and Presiding Judge of the Court of Criminal Appeals. The
3 report shall include recommendations for improvements,
4 recommendations on transfers of funding based on the success or
5 failure of implementation of the recommendations, and a summary of
6 savings. The report may also present additional recommendations to
7 the Legislature on future legislation and policy options to enhance
8 public safety and control corrections costs; and

9 3. Request, review and receive data and reports on performance
10 outcome measures described under Sections 2, 3, 4 and 5 of this act.

11 G. The Oversight Task Force shall use clerical and professional
12 employees of the Department of Corrections for its staff and may
13 employ or retain other professional staff, upon the determination of
14 the necessity for other staff. The Task Force may employ
15 consultants to assist in the evaluations and the implementation of
16 the recommendations of the Oklahoma Justice Reform Task Force report
17 of January 2017. The Task Force is encouraged to apply for and may
18 expend grants, gifts or federal funds it receives from other sources
19 to carry out its duties and responsibilities.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1001 of Title 57, unless there
22 is created a duplication in numbering, reads as follows:

23 A. The Department of Corrections shall collect the following
24 information:

- 1 1. The total number of individuals admitted to prison, by
2 admission type;
- 3 2. The total number of individuals admitted to prison, by
4 offense type;
- 5 3. The total number of individuals admitted to prison for a new
6 prison sentence for an offense listed under subsection D of this
7 section;
- 8 4. The total number of individuals admitted to prison for a
9 probation revocation for an offense listed under subsection D of
10 this section;
- 11 5. The total number of individuals admitted to prison by risk
12 assessment score or category;
- 13 6. The average sentence length for new prison sentences by
14 offense type;
- 15 7. The average sentence length for new prison sentences by
16 offense type and prior criminal history;
- 17 8. The average sentence length for individuals admitted to
18 prison for a new prison sentence for an offense listed under
19 subsection D of this section;
- 20 9. The average sentence length for individuals admitted to
21 prison for a probation revocation for an offense listed under
22 subsection D of this section;
- 23 10. The total number of parole hearings held;

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- 1 11. The total number of individuals eligible for administrative
2 parole pursuant to Section 332.7 of Title 57 of the Oklahoma
3 Statutes who receive a hearing due to:
- 4 a. failure to comply with the case plan,
 - 5 b. request for a hearing from a victim of the District
6 Attorney on behalf of the victim, or
 - 7 c. Class X or Class X and Class A rule violation within
8 four (4) months of the parole eligibility date;
- 9 12. The total number and percentage of individuals released to
10 parole by parole type;
- 11 13. The average time between parole eligibility date and date
12 of release;
- 13 14. The number of individuals eligible for geriatric parole;
- 14 15. The number of individuals recommended to the governor for
15 geriatric parole;
- 16 16. The number of individuals released on geriatric parole;
- 17 17. The number of individuals released on geriatric parole who
18 return to the Department of Corrections;
- 19 18. The number of individuals released on geriatric parole who
20 successfully complete parole;
- 21 19. The average age of individuals released on geriatric
22 parole;
- 23 20. The average length of time served in prison by individuals
24 released on geriatric parole before release;

- 1 21. The percent of individuals released on geriatric parole who
2 are considered medically frail;
- 3 22. The recidivism rate for offenders released from prison by
4 risk level;
- 5 23. The average percentage of prison sentences served in prison
6 for a new prison sentence by offense type;
- 7 24. The average length of stay in prison for new prisoners by
8 offense type;
- 9 25. The average length of stay in prison for individuals
10 revoked on probation by offense type;
- 11 26. The average length of stay in prison for individuals
12 revoked on parole by offense type;
- 13 27. The average length of stay in prison by admission type;
- 14 28. The total prison population by offense;
- 15 29. The total prison population by type of admission to prison;
- 16 30. The average length of time before parole eligibility date
17 for individuals participating in programs;
- 18 31. The total number of individuals supervised on parole
19 supervision on the first day of every quarter;
- 20 32. The total number of individuals placed on parole
21 supervision;
- 22 33. The total number of parole supervision discharges by
23 discharge type;
- 24

- 1 34. The average length of time individuals spent on parole
2 supervision by outcome;
- 3 35. The number of individuals placed on parole supervision by
4 risk assessment score;
- 5 36. The total number of individuals on parole supervision at
6 each supervision level by risk assessment score;
- 7 37. The average length of sentence deduction by parole
8 supervision level;
- 9 38. The total number of parolees who earned:
- 10 a. no credit,
- 11 b. credits on supervision time, and
- 12 c. credits off of sentence;
- 13 39. The total number of sanctions issued to parolees;
- 14 40. The percentage of parolees receiving one or more sanction;
- 15 41. The total number of:
- 16 a. applications for revocation of parole, and
- 17 b. short-term incarceration sanctions imposed on
18 parolees;
- 19 42. The average length of incarceration for a:
- 20 a. revocation of parole, and
- 21 b. short-term incarceration sanctions imposed on
22 parolees;
- 23 43. The most common parole violations by offense type;
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1 44. The percentage of parole violations involving domestic
2 violation that lead to specialized supervision and/or case
3 management;

4 45. The total number of individuals released on electronic
5 monitoring by risk level;

6 46. The average length of sentence left to serve for
7 individuals released on electronic monitoring;

8 47. The number of individuals released on electronic monitoring
9 who successfully complete parole or discharge sentence;

10 48. The total number of individuals released on electronic
11 monitoring who are arrested;

12 49. The total number of individuals released on electronic
13 monitoring who return to the Department;

14 50. The total number of individuals released on electronic
15 monitoring who are convicted of a new felony;

16 51. The percentage of parolees whose supervision is revoked for
17 a technical violation who are given credit for time served on
18 supervision prior to the violation;

19 52. The percentage of parolees whose supervision is revoked for
20 a nonviolent offense who are given credit for time served on
21 supervision prior to the violation;

22 53. The number of individuals under DOC supervision or control
23 who owe fines and fees;

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1 54. The number of individuals under DOC supervision or control
2 with a payment plan;

3 55. The average length of time between release from Department
4 custody and initial payment due date for fines, fees and other costs
5 due;

6 56. The percentage of discretionary income paid each month by
7 individuals under DOC supervision or control;

8 57. The percentage of total fines and fees paid each month
9 based on discretionary income cap by individuals under DOC
10 supervision or control;

11 58. The percentage of average offender's payment that goes
12 towards:

13 a. child support,

14 b. court fines, fees and other costs, and

15 c. supervision;

16 59. The percentage of individuals under DOC supervision or
17 control whose fines and fees are waived due to successfully
18 completing sentence and complying with supervision conditions;

19 60. The number of supervision extensions due to failure to pay
20 fines and fees;

21 61. The total number of trainings offered;

22 62. The total number of trainings offered on:

23 a. graduated sanctions, and

24 b. sanctions for domestic violence violations;

1 63. The total number of staff who attend training;

2 64. The total number of staff who attending training on:

3 a. graduated sanctions, and

4 b. sanctions for domestic violence violations;

5 65. The percentage of vendors receiving state funding or
6 serving state inmates who have been trained in evidence-based
7 programming and practices; and

8 66. The total number of Pardons and Parole Board members
9 participating in annual evidence-based practices training.

10 B. The Department of Corrections shall report information
11 required in subsection A of this section to the Oversight Task Force
12 by December 31, 2017, or as soon thereafter as practicable, and
13 every year thereafter. The Department of Corrections shall also
14 provide any and all available information to the Oversight Task
15 Force as requested.

16 C. The requirements included under subsection A of this section
17 may be directly reported to the Oversight Council or provided to a
18 technical assistance provider contracted to assist with the analysis
19 and reporting of the data measures.

20 D. The Department of Corrections shall collect information
21 pursuant to subsection A of this section on the following offenses:

22 1. Delivery of merchandise for which bill of lading issued as
23 defined in Section 1416 of Title 21 of the Oklahoma Statutes;

- 1 2. Burglary in the second degree as defined in Section 1435 of
2 Title 21 of the Oklahoma Statutes;
- 3 3. Embezzlement as defined in Section 1451 of Title 21 of the
4 Oklahoma Statutes;
- 5 4. As defined in Section 1532 of Title 21 of the Oklahoma
6 Statutes;
- 7 5. Obtaining property by trick or deception as defined in
8 section 1541.1 of Title 21 of the Oklahoma Statutes;
- 9 6. False or bogus checks, drafts or orders as defined in
10 Section 1541.3 of Title 21 of the Oklahoma Statutes;
- 11 7. Sale, delivery or receipt of forged notes or instruments as
12 defined in Section 1577 of Title 21 of the Oklahoma Statutes;
- 13 8. Possession of forged notes or instruments as defined in
14 Section 1578 of Title 21 of the Oklahoma Statutes;
- 15 9. Other forged instruments as defined in Section 1579 of Title
16 21 of the Oklahoma Statutes;
- 17 10. Publishing counterfeited instruments or coins as true as
18 defined in Section 1592 of Title 21 of the Oklahoma Statutes;
- 19 11. Larceny of lost property as defined in Section 1702 of
20 Title 21 of the Oklahoma Statutes;
- 21 12. Grand larceny as defined in Section 1705 of Title 21 of the
22 Oklahoma Statutes;
- 23 13. Receiving stolen property as defined in Section 1713 of
24 Title 21 of the Oklahoma Statutes;

1 14. Theft of aircraft, automobile, automotive driven vehicle or
2 construction or farm equipment as defined in Section 1720 of Title
3 21 of the Oklahoma Statutes;

4 15. Larceny of merchandise from retailer or wholesaler as
5 defined in Section 1731 of Title 21 of the Oklahoma Statutes;

6 16. Unauthorized use of vehicle or implement of husbandry as
7 defined in Section 4-102 of Title 47 of the Oklahoma Statutes;

8 17. Receiving or disposing of a vehicle or implement of
9 husbandry as defined in Section 4-103 of Title 47 of the Oklahoma
10 Statutes;

11 18. Selling or pledging property to a pawnbroker using false or
12 altered identification or a false declaration of ownership as
13 defined in subsection B(2) of Section 1512 of Title 59 of the
14 Oklahoma Statutes;

15 19. Violations of the Precursor Substances act as defined in
16 Section 2-321 et seq. of Title 63 of the Oklahoma Statutes;

17 20. Larceny, burglary, or theft of controlled dangerous
18 substances as defined in Section 2-403 of Title 63 of the Oklahoma
19 Statutes;

20 21. Violations of the Uniform Controlled Dangerous Substances
21 Act as defined in Section 2-401 et seq. of Title 63 of the Oklahoma
22 Statutes; and

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1 22. Transactions with proceeds derived from an illegal drug
2 activity as defined in Section 2-503.1 of Title 63 of the Oklahoma
3 Statutes

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1002 of Title 57, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Every supervision provider responsible for the supervision
8 of felony probationers pursuant to Section 515a of Title 57 of the
9 Oklahoma Statutes, including the Department of Corrections, district
10 attorneys and private supervision providers shall collect the
11 following information:

12 1. The total number of offenders admitted to community
13 supervision by community supervision type;

14 2. The total number of offenders admitted to community
15 supervision by offense type;

16 3. The total number of offenders admitted to community
17 supervision for the offenses listed under subsection D of this
18 section.

19 4. The total number of individuals on supervision on the first
20 day of every quarter;

21 5. The total number of supervision discharged by discharge
22 type;

23 6. The average length of time individuals spent on supervision
24 by outcome;

- 1 7. The distribution of risk assessment scores;
- 2 8. The total number of individuals at each supervision level by
3 risk assessment score;
- 4 9. The average length of sentence deduction by supervision
5 level;
- 6 10. The total number of individuals who earned:
 - 7 a. no credit,
 - 8 b. credits on supervision time, and
 - 9 c. credits off of sentence;
- 10 11. The total number of sanctions issued;
- 11 12. The percentage of individuals receiving one or more
12 sanction;
- 13 13. The total number of:
 - 14 a. applications for revocation, and
 - 15 b. short-term incarceration sanctions;
- 16 14. The average length of incarceration for a:
 - 17 a. revocation of supervision, and
 - 18 b. short-term incarceration sanctions;
- 19 15. The most common violations by offense type;
- 20 16. The percentage of violations involving domestic violation
21 that lead to specialized supervision and/or case management;
- 22 17. The number of supervision extensions due to failure to pay
23 fines and fees;
- 24 18. The total number of trainings offered;

1 19. The total number of trainings offered on:

2 a. graduated sanctions, and

3 b. sanctions for domestic violence violations;

4 20. The total number of staff who attend training;

5 21. The total number of staff who attending training on:

6 a. graduated sanctions, and

7 b. sanctions for domestic violence violations;

8 22. The percentage of vendors receiving state funding who serve
9 persons convicted of a felony who have been trained in evidence-
10 based programming and practices.

11 B. Every provider shall report information required in
12 subsection A of this section to the Oversight Task Force by December
13 31, 2017, or as soon thereafter as practicable, and every year
14 thereafter. The Department of Corrections shall also provide any
15 and all available information to the Oversight Task Force as
16 requested.

17 C. The requirements included under subsection A of this section
18 may be directly reported to the Oversight Council or provided to a
19 technical assistance provider contracted to assist with the analysis
20 and reporting of the data measures.

21 D. Every provider shall collect information pursuant to
22 Subsection A of this Section on the following offenses:

23 1. Delivery of merchandise for which bill of lading issued as
24 defined in Section 1416 of Title 21 of the Oklahoma Statutes;

- 1 2. Burglary in the second degree as defined in Section 1435 of
2 Title 21 of the Oklahoma Statutes;
- 3 3. Embezzlement as defined in Section 1451 of Title 21 of the
4 Oklahoma Statutes;
- 5 4. as defined in Section 1532 of Title 21 of the Oklahoma
6 Statutes;
- 7 5. Obtaining property by trick or deception as defined in
8 section 1541.1 of Title 21 of the Oklahoma Statutes;
- 9 6. False or bogus checks, drafts, or orders as defined in
10 Section 1541.3 of Title 21 of the Oklahoma Statutes;
- 11 7. Sale, delivery or receipt of forged notes or instruments as
12 defined in Section 1577 of Title 21 of the Oklahoma Statutes;
- 13 8. Possession of forged notes or instruments as defined in
14 Section 1578 of Title 21 of the Oklahoma Statutes;
- 15 9. Other forged instruments as defined in Section 1579 of Title
16 21 of the Oklahoma Statutes;
- 17 10. Publishing counterfeited instruments or coins as true as
18 defined in Section 1592 of Title 21 of the Oklahoma Statutes;
- 19 11. Larceny of lost property as defined in Section 1702 of
20 Title 21 of the Oklahoma Statutes;
- 21 12. Grand larceny as defined in Section 1705 of Title 21 of the
22 Oklahoma Statutes;
- 23 13. Receiving stolen property as defined in Section 1713 of
24 Title 21 of the Oklahoma Statutes;

1 14. Theft of aircraft, automobile, automotive driven vehicle,
2 or construction or farm equipment as defined in Section 1720 of
3 Title 21 of the Oklahoma Statutes;

4 15. Larceny of merchandise from retailer or wholesaler as
5 defined in Section 1731 of Title 21 of the Oklahoma Statutes;

6 16. Unauthorized use of vehicle or implement of husbandry as
7 defined in Section 4-102 of Title 47 of the Oklahoma Statutes;

8 17. Receiving or disposing of a vehicle or implement of
9 husbandry as defined in Section 4-103 of Title 47 of the Oklahoma
10 Statutes;

11 18. Selling or pledging property to a pawnbroker using false or
12 altered identification or a false declaration of ownership as
13 defined in subsection B(2) of Section 1512 of Title 59 of the
14 Oklahoma Statutes;

15 19. Violations of the Precursor Substances act as defined in
16 Section 2-321 et seq. of Title 63 of the Oklahoma Statutes;

17 20. Larceny, burglary or theft of controlled dangerous
18 substances as defined in Section 2-403 of Title 63 of the Oklahoma
19 Statutes;

20 21. Violations of the Uniform Controlled Dangerous Substances
21 Act as defined in Section 2-401 et seq. of Title 63 of the Oklahoma
22 Statutes;

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1 22. Transactions with proceeds derived from an illegal drug
2 activity as defined in Section 2-503.1 of Title 63 of the Oklahoma
3 Statutes.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1003 of Title 57, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Administrative Office of the Courts shall collect the
8 following information:

9 1. The total number of felony cases resulting in the following
10 sentence:

- 11 a. deferred sentence,
- 12 b. suspended sentence,
- 13 c. incarceration sentence, and
- 14 d. split sentence;

15 3. The total number of felony cases resulting in each type of
16 sentence by felony offense;

17 4. The average sentence length by revocation application by
18 violation type;

19 5. The total number of applications to revoke by violation
20 type;

21 6. The total number of offenders revoked to serve the full
22 sentence for a technical violation of probation; and

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1 7. The percentage of vendors receiving state funding or
2 supervising felony probationers who have been trained in evidence-
3 based programming and practices.

4 B. The Administrative Office of the Courts shall report the
5 information required in subsection A of this section to the
6 Oversight Task Force by December 31, 2017, or as soon thereafter as
7 practicable, and every year thereafter. The Administrative Office
8 of the Courts shall also provide any and all available information
9 to the Oversight Task Force as requested.

10 C. The requirements included under subsection A of this section
11 may be directly reported to the Oversight Council or provided to a
12 technical assistance provider contracted to assist with the analysis
13 and reporting of the data measures.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1004 of Title 57, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Department of Mental Health and Substance Abuse Services
18 shall collect the following information:

19 1. The number and percentage of individuals admitted to a
20 specialty court program administered a risk and needs assessment by
21 county and court type;

22 2. The distribution of risk assessment scores for specialty
23 court participants by county and court type; and
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1 3. The number and percentage of individuals who successfully
2 complete a specialty court program by county and court type.

3 B. The Department of Mental Health and Substance Abuse Services
4 shall report information required in subsection A of this section to
5 the Oversight Task Force by December 31, 2017, or as soon thereafter
6 as practicable, and every year thereafter. The Department of Mental
7 Health and Substance Abuse Services shall also provide any and all
8 available information to the Oversight Task Force as requested.

9 C. The requirements included under subsection A of this section
10 may be directly reported to the Oversight Council or provided to a
11 technical assistance provider contracted to assist with the analysis
12 and reporting of the data measures.

13 ~~SECTION 6. This act shall become effective July 1, 2017.~~

14 ~~SECTION 7. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.~~

1 Passed the Senate the 21st day of March, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

7
8 _____
9 Presiding Officer of the House
10 of Representatives