

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1811

By: Blancett

4  
5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; directing  
8 courts to determine certain status of convicted  
9 persons prior to sentencing; authorizing courts to  
10 impose individually assessed sentences; permitting  
11 courts to impose certain conditions; directing courts  
12 to determine financial capabilities and family  
13 caregiver responsibilities of convicted persons who  
14 violate the conditions of their sentences; permitting  
15 courts to evaluate and modify sentencing conditions;  
16 making provisions retroactive; authorizing requests  
17 for sentence modification; defining terms; directing  
18 courts to determine certain status of accused persons  
19 when considering pretrial release; authorizing courts  
20 to permit pretrial release of certain persons on  
21 personal recognizance; permitting courts to impose  
22 pretrial release conditions; directing courts to  
23 determine financial capabilities and family caregiver  
24 responsibilities of accused persons who violate  
pretrial release conditions; making provisions  
retroactive; authorizing request for modification of  
bail; defining terms; 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 991a-22 of Title 22, unless  
there is created a duplication in numbering, reads as follows:

1 A. Prior to sentencing a person convicted of an offense, the  
2 sentencing court shall determine if the convicted person is pregnant  
3 or the primary family caregiver. If the court determines that the  
4 convicted person is pregnant or the primary family caregiver and the  
5 offense does not pose a substantial risk of physical harm to the  
6 community, the court shall impose an individually assessed sentence,  
7 without imprisonment.

8 B. In imposing the individually assessed sentence, the court  
9 may require the person to meet certain conditions that are the least  
10 restrictive and substantially related to the offense including, but  
11 not limited to:

- 12 1. Drug and alcohol treatment;
- 13 2. Domestic violence education and prevention;
- 14 3. Physical and sexual abuse counseling;
- 15 4. Anger management;
- 16 5. Vocational and educational services;
- 17 6. Job training and placement;
- 18 7. Affordable and safe housing assistance;
- 19 8. Financial literacy;
- 20 9. Parenting classes;
- 21 10. Family and individual counseling; and
- 22 11. Family case management services.

23 C. The court shall determine the ability of a convicted person  
24 to contribute financially toward the receipt of services in

1 compliance with the conditions listed in subsection B of this  
2 section. Inability to pay for conditions set by the court shall not  
3 constitute a willful violation of said conditions.

4 D. The court may require the appearance of the person in court  
5 during the sentence of the convicted person to evaluate the progress  
6 of the person in meeting any of the conditions provided in  
7 subsection B of this section. Upon appearance, the court may:

- 8 1. Modify the conditions of the sentence;
- 9 2. Decrease the duration of the sentence; and
- 10 3. Sanction the person for a willful violation of the sentence.

11 E. The court shall consider caregiver responsibilities when  
12 determining whether or not a convicted person has violated any  
13 imposed conditions.

14 F. The provisions of this section shall be retroactive. A  
15 pregnant person or primary family caregiver currently sentenced to a  
16 period of incarceration may request modification of the sentence by  
17 motion to the court. The court shall thereupon modify the sentence  
18 in accordance with the provisions of this section.

19 G. As used in this section:

20 1. "Convicted person" means an individual who has been found  
21 guilty of an offense; and

22 2. "Primary family caregiver" means:

23 a. an individual who has consistently assumed

24 responsibility for the housing, health and safety of a

1 child, adult with disabilities, older person and other  
2 dependents prior to his or her incarceration or  
3 expresses a willingness to assume responsibility for  
4 the housing, health and safety of the dependent, or  
5 b. a woman who has given birth to a child while awaiting  
6 sentencing and expresses a willingness to assume  
7 responsibility for the housing, health and safety of  
8 her child.

9 A parent who has arranged for the temporary care of the child in the  
10 home of a relative or other responsible adult shall not, for that  
11 reason, be excluded from this definition.

12 SECTION 2. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1105.4 of Title 22, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. Upon making a pretrial release determination, the court  
16 shall inquire about the pregnancy or primary family caregiver status  
17 of the accused person. If the court determines that the accused  
18 person is pregnant or is the primary family caregiver and the person  
19 does not impose a substantial risk of physical harm to the  
20 community, the court shall permit pretrial release on his or her own  
21 personal recognizance.

22 B. The court may impose conditions of pretrial release that are  
23 the least restrictive and appropriate to caregiver-dependent unity  
24 and support.

1 C. The court shall determine the ability of an accused person  
2 to contribute financially toward the receipt of services in  
3 compliance with any imposed conditions. Inability to pay for  
4 conditions set by the court shall not constitute a willful violation  
5 of the imposed conditions.

6 D. The court shall consider caregiver responsibilities when  
7 determining whether or not an accused person has violated any  
8 imposed conditions.

9 E. The provisions of this section shall be retroactive. A  
10 pregnant person or primary family caregiver currently in pretrial  
11 custody may request modification of bail by motion to the court.  
12 The court shall thereupon modify bail in accordance with the  
13 provisions of this section.

14 F. As used in this section:

15 1. "Accused person" means an individual who has not been  
16 convicted of the accusations or charges against him or her; and

17 2. "Primary family caregiver" means:

18 a. an individual who has consistently assumed  
19 responsibility for the housing, health and safety of a  
20 child, adult with disabilities, older person and other  
21 dependents prior to his or her incarceration or  
22 expresses a willingness to assume responsibility for  
23 the housing, health and safety of the dependent, or  
24

1           b. a woman who has given birth to a child after or while  
2           awaiting pretrial release and expresses a willingness  
3           to assume responsibility for the housing, health and  
4           safety of her child.

5 A parent who has arranged for the temporary care of a child in the  
6 home of a relative or other responsible adult shall not, for that  
7 reason, be excluded from this definition.

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

9  
10          58-1-6345           GRS           01/06/21