

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1894

By: Newton

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending Section 2, Chapter 414, O.S.L. 2014 (57 O.S.
9 Supp. 2018, Section 515a), which relates to felony
10 probation supervision; authorizing use of interactive
11 videoconference technology for informal probation
12 hearings; defining term; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY Section 2, Chapter 414, O.S.L.
16 2014 (57 O.S. Supp. 2018, Section 515a), is amended to read as
17 follows:

18 Section 515a. A. Felony probation supervision, whether
19 conducted by the Department of Corrections, a district attorney or
20 private supervision provider shall incorporate all minimum
21 supervision standards provided for in subsection B of this section.

22 B. Upon receiving an offender on probation supervision, the
23 supervising agency shall:

24 1. Conduct an intake and orientation for the offender. The
offender shall present to the principal office of the supervising

1 agency within three (3) business days of sentencing or within three
2 (3) business days of release from confinement if any term of
3 incarceration is ordered, for the purpose of intake and orientation
4 to probation supervision. The intake shall consist of the personal
5 information of the offender and shall include, but not be limited
6 to, name, address, phone numbers, employment and employment history,
7 family information and criminal history. The supervising agency
8 shall also provide an orientation to the offender. The orientation
9 shall explain rules and conditions, reporting instructions,
10 consequences for violations of the rules and conditions, and
11 expectations of the offender subject to probation supervision;

12 2. Require the offender to complete within ninety (90) days of
13 intake and orientation, an approved substance abuse assessment and
14 evaluation, if deemed appropriate by the court; provided, however, a
15 substance abuse assessment and evaluation shall not be required if
16 the offender has been previously assessed within one (1) year prior
17 to the date of sentencing, unless ordered by the court. Substance
18 abuse assessments and evaluations ordered by the court shall be
19 administered and scored by assessment personnel certified by the
20 Department of Mental Health and Substance Abuse Services;

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

24 a. substance abuse testing,

- b. employment or education verification,
- c. criminal history background checks,
- d. verification of the payment of fines, costs, assessments, restitution, prosecution fees and supervision fees,
- e. verification of attendance and completion of community service requirements, or
- f. verification of attendance and completion of counseling or treatment programs;

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

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

5. Provide a written sanction report to the court and offender specifying the violation, sanction and plan to correct the noncompliant behavior of the offender. When recommending a short-

1 term period of incarceration in jail, additional community service
2 hours, electronic monitoring or installation of an ignition
3 interlock device, the supervising agency shall obtain court approval
4 prior to implementing the sanction.

5 C. The supervising agency shall have the authority to implement
6 additional supervision requirements including, but not limited to,
7 the following:

- 8 1. Individualized treatment plans based upon the results of any
9 substance abuse assessment and evaluation. The individualized
10 treatment plan may include additional reporting requirements and
11 additional counseling and substance abuse meeting requirements. The
12 treatment plan shall be developed to assist the offender with
13 successful progress toward completion of probation supervision;
- 14 2. Random substance abuse testing to ensure the compliance and
15 sobriety of the offender; and
- 16 3. Progress reports as requested by the court.

17 D. The supervising agency shall allow for the use of
18 interactive videoconferencing technology for the purpose of
19 conducting informal hearings related to the supervision and
20 reporting requirements of the offender. As used in this subsection,
21 "interactive videoconferencing technology" means interactive
22 technology that sends video, voice and data signals over a
23 transmission circuit so that two or more individuals or groups can
24 communicate with each other simultaneously using video monitors.

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SECTION 2. This act shall become effective November 1, 2019.

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