

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3615

By: Hill

AS INTRODUCED

An Act relating to community sentencing; amending 22 O.S. 2021, Sections 988.2, as last amended by Section 1, Chapter 79, O.S.L. 2023, 988.4, 988.5, 988.6, as amended by Section 3, Chapter 79, O.S.L. 2023, 988.7, as amended by Section 4, Chapter 79, O.S.L. 2023, 988.8, 988.9, 988.10, 988.11, 988.13, 988.14, 988.15, as amended by Section 1, Chapter 14, O.S.L. 2023, 988.16, 988.17, 988.18, as amended by Section 5, Chapter 79, O.S.L. 2023, 988.19, 988.22 and 988.24 (22 O.S. Supp. 2023, Sections 988.2, 988.6, 988.7, 988.15 and 988.18), which relate to the Oklahoma Community Sentencing Act; replacing references of the Community Sentencing Division within the Department of Corrections with the Oklahoma Department of Mental Health and Substance Abuse Services; modifying membership of single county and multicounty planning councils; providing exception for certain residency requirement; providing for the appointment of local directors; changing date of budget notification requirement; clarifying procedures related to the deposit and use of administrative fees; deleting assessment of administrative fee under certain circumstances; deleting and adding duties for local directors; modifying employment positions and staff requirements of the Community Sentencing Division; changing manner by which funds are deposited and credited to the local system; clarifying duration of community sentences; amending 22 O.S. 2021, Sections 471.2, as amended by Section 2, Chapter 277, O.S.L. 2022 and 471.6, as last amended by Section 2, Chapter 310, O.S.L. 2023 (22 O.S. Supp. 2023, Section 471.2), which relate to the Oklahoma Drug Court Act; deleting certain statement provided on the drug court eligibility form; authorizing community sentencing judges to enter written orders concerning Class D

1 driving privileges; directing offenders to provide
2 proof of insurance to community sentencing judge;
3 authorizing community sentencing judges to maintain
4 jurisdiction over driving privileges under certain
5 circumstances; and providing an effective date.

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

7 SECTION 1. AMENDATORY 22 O.S. 2021, Section 988.2, as
8 last amended by Section 1, Chapter 79, O.S.L. 2023 (22 O.S. Supp.
9 2023, Section 988.2), is amended to read as follows:

10 Section 988.2 A. For purposes of the Oklahoma Community
11 Sentencing Act:

12 1. "Local community sentencing system" means the use of public
13 and private entities to deliver services to the sentencing court for
14 punishment of eligible offenders under the authority of a community
15 sentence;

16 2. "Community sentence" or "community punishment" means a
17 punishment imposed by the court as a condition of a deferred or
18 suspended sentence for an eligible offender;

19 3. "Continuum of sanctions" means a variety of coercive
20 measures ranked by degrees of public safety, punitive effect, and
21 cost benefit which are available to the sentencing judge as
22 punishment for criminal conduct;

23 4. "Community sentencing system planning council" or "planning
24 council" means a group of citizens and elected officials specified
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1 by law or appointed by the Chief Judge of the Judicial District
2 which plans the local community sentencing system and with the
3 assistance of the ~~Community Sentencing Division of the Department of~~
4 ~~Corrections~~ Oklahoma Department of Mental Health and Substance Abuse
5 Services locates treatment providers and resources to support the
6 local community sentencing system;

7 5. "Incentive" means a court-ordered reduction in the terms or
8 conditions of a community sentence which is given for exceptional
9 performance or progress by the offender;

10 6. "Disciplinary sanction" means a court-ordered punishment in
11 response to a technical or noncompliance violation of a community
12 sentence which increases in intensity or duration with each
13 successive violation;

14 7. "Division" means the Community Sentencing Division within
15 the ~~Department of Corrections~~ Oklahoma Department of Mental Health
16 and Substance Abuse Services which is the state administration
17 agency for the Oklahoma Community Sentencing Act, the statewide
18 community sentencing system, and all local community sentencing
19 systems;

20 8. "Eligible offender" means an offender who has been convicted
21 of or who has entered a plea other than not guilty to a crime and
22 who upon completion of a risk and needs assessment has been found to
23 be in a range other than the low range and who is not otherwise
24 prohibited by law, or is a person who has had an assessment
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1 authorized by Section 3-704 of Title 43A of the Oklahoma Statutes
2 and the assessment recommends community sentencing. Provided,
3 however, that no person who has been convicted of or who has entered
4 a plea other than not guilty to an offense enumerated in paragraph 2
5 of Section 571 of Title 57 of the Oklahoma Statutes, as an exception
6 to the definition of "nonviolent offense", shall be eligible for a
7 community sentence or community punishment unless the district
8 attorney or an assistant district attorney for the district in which
9 the offender's conviction was obtained consents thereto. The
10 district attorney may consent to eligibility for an offender who has
11 a mental illness or a developmental disability or a co-occurring
12 mental illness and substance abuse disorder and who scores in the
13 low range on the risk and needs assessment authorized by Section 3-
14 704 of Title 43A of the Oklahoma Statutes or another assessment
15 instrument if the offender is not otherwise prohibited by law. Any
16 consent by a district attorney shall be made a part of the record of
17 the case; and

18 9. "Statewide community sentencing system" means a network of
19 all counties through their respective local community sentencing
20 systems serving the state judicial system and offering support
21 services to each other through reciprocal and interlocal agreements
22 and interagency cooperation.

23 B. For the purposes of the Oklahoma Community Sentencing Act,
24 if a judicial district does not have a Chief Judge or if a judicial
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1 district has more than one Chief Judge, the duties of the Chief
2 Judge provided for in the Oklahoma Community Sentencing Act shall be
3 performed by the Presiding Judge of the Judicial Administrative
4 District.

5 SECTION 2. AMENDATORY 22 O.S. 2021, Section 988.4, is
6 amended to read as follows:

7 Section 988.4 In jurisdictions where a community sentencing
8 system has not been established prior to the effective date of this
9 act, the Chief Judge of the Judicial District shall establish the
10 geographic boundaries of a community sentencing system which shall
11 be the boundaries of each county, unless the Chief Judge establishes
12 one or more multicounty community sentencing systems consisting of
13 two or more contiguous counties within the judicial district;
14 provided, however, the consent of the sheriff of each affected
15 county and each district attorney operating within each of the
16 subject counties must be obtained before a county may join a
17 proposed multicounty community sentencing system. Multicounty
18 community sentencing systems may be established by the Chief Judge
19 of a Judicial District with the consent of each local council
20 affected in such manner as provided by rules promulgated by the
21 ~~Community Sentencing Division within the Department of Corrections~~
22 Oklahoma Department of Mental Health and Substance Abuse Services.

23 SECTION 3. AMENDATORY 22 O.S. 2021, Section 988.5, is
24 amended to read as follows:
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1 Section 988.5 A. A community sentencing system planning
2 council shall be established for each jurisdiction defined by the
3 judge as provided in Section 4 of this act.

4 B. Single county planning councils shall have membership as
5 follows:

6 1. The Chief Judge of the Judicial District or a judge having
7 duties within the county appointed by the Chief Judge of the
8 Judicial District;

9 2. The district attorney for the county or an assistant
10 district attorney appointed by the district attorney;

11 3. The county sheriff or a deputy sheriff appointed by the
12 sheriff;

13 4. ~~A county commissioner appointed by the board of county~~
14 ~~commissioners for the county~~ local director or other personnel from
15 the Oklahoma Department of Mental Health and Substance Abuse
16 Services appointed by the Oklahoma Department of Mental Health and
17 Substance Abuse Services; and

18 5. Three or more citizens elected by the other designated
19 members.

20 C. Multicounty planning councils shall have membership
21 consisting of at least the following:

22 1. The Chief Judge of the Judicial District, or a judge having
23 duties within the jurisdiction appointed by the Chief Judge of the
24 Judicial District;

1 2. A district attorney or an assistant district attorney
2 appointed by a majority vote of all district attorneys participating
3 in the multicounty system;

4 ~~3. A county sheriff or a deputy sheriff appointed by a majority~~
5 ~~vote of all sheriffs participating in the multicounty system;~~

6 ~~4. A county commissioner appointed by a majority vote of all~~
7 ~~county commissioners of the counties participating in the~~
8 ~~multicounty system~~ local director or other personnel from the
9 Oklahoma Department of Mental Health and Substance Abuse Services
10 shall be appointed by the Oklahoma Department of Mental Health and
11 Substance Abuse Services; and

12 ~~5.~~ 4. Three or more citizens from each of the counties
13 participating in the multicounty system elected by the other
14 designated members.

15 Nothing in this subsection shall preclude a multicounty system from
16 adding members from each of the participating offices of the
17 sheriff, district attorney, and board of county commissioners,
18 provided the number of citizen members equals or is greater than the
19 number of sheriffs, district attorneys, and county commissioners
20 serving on the multicounty planning council.

21 D. In the event the required planning council has not been
22 established as provided by subsection A of this section for any
23 county or as provided in Section 4 of this act or should a council
24 cease to actively function as determined by the Community Sentencing
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1 Division of the ~~Department of Corrections~~ Oklahoma Department of
2 Mental Health and Substance Abuse Services, the Chief Judge of the
3 Judicial District upon notification by the Division shall appoint
4 five or more persons to serve as the planning council in addition to
5 a designated judge. All membership appointments required by this
6 subsection shall be made on or before the first day of October of
7 each year. Every planning council shall have a judge who shall be
8 either the Chief Judge of the Judicial District or a judge having
9 duties within the jurisdiction appointed by the Chief Judge. The
10 Chief Judge making the appointments of a planning council pursuant
11 to the provisions of this subsection shall decide whether the
12 planning council shall be a single county planning council or a
13 multicounty planning council. If a Chief Judge of a Judicial
14 District will not serve as a member of a planning council or make
15 any of the required appointments, the Chief Justice of the Supreme
16 Court shall direct another judge of the jurisdiction to make the
17 appointments or serve as the designated judge.

18 E. Once a planning council has been established, it shall
19 notify the Community Sentencing Division within the ~~Department of~~
20 ~~Corrections~~ Oklahoma Department of Mental Health and Substance Abuse
21 Services of its membership, and thereafter the jurisdiction shall be
22 eligible to receive technical assistance from the state in
23 establishing the required local community sentencing system.

1 F. Each member of a planning council, with the exception of the
2 member appointed by the Oklahoma Department of Mental Health and
3 Substance Abuse Services, shall reside in or have employment duties
4 in the jurisdiction to be served by the council. Members serving on
5 a planning council who are elected officials shall have a term of
6 office on the planning council concurrent with the term of the
7 elected office, except when the person resigns or is otherwise
8 removed as provided by the rules promulgated for the council or as
9 authorized by law. All other members of the planning council shall
10 have staggered terms of office not exceeding a three-year term.
11 Planning council members may be reappointed upon the expiration of
12 their terms. The Chief Judge of the Judicial District shall have
13 the authority to remove any planning council member within the
14 jurisdiction of the court district at any time for violation of the
15 rules governing the local planning council.

16 G. Each planning council member shall have one vote, and a
17 majority of voting members shall constitute a quorum. No vacancy
18 shall impair the right of the remaining members to exercise all the
19 duties of the planning council. Any vacancy occurring in the
20 membership of a planning council shall be filled for the unexpired
21 term of office in the same manner as the original selection.

22 H. The designated judge shall convene the initial meeting of
23 the planning council within fifteen (15) days following the
24 establishment of the council. At the initial meeting of the
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1 planning council, the membership shall elect a chair from its
2 members who shall preside at all meetings of the council and perform
3 such other duties as may be required by law. The planning council
4 may elect another member as vice-chair who shall perform duties of
5 the chair during any period of absence or upon the refusal or
6 inability of the chair to act, a secretary who shall keep minutes of
7 all meetings, and other officers as necessary.

8 I. Each planning council shall adopt written rules concerning
9 meeting times, places, dates, conduct for disclosing and handling
10 conflicts of interest, procedures for recommending service
11 providers, procedures for removal and replacement of members for
12 failure to attend a required number of meetings, procedures and
13 timing for election of officers and any other provision necessary to
14 implement the planning of a local system pursuant to the provisions
15 of the Oklahoma Community Sentencing Act. The written rules
16 promulgated by a planning council shall not be subject to the
17 Administrative Procedures Act; provided, however, the rules shall be
18 filed with the clerk of the district court or courts of the
19 jurisdiction to be served by the community sentencing system. The
20 rules may be amended by a majority vote of the planning council
21 members after a thirty-day written notice detailing the change or
22 addition has been filed with the court clerk where the original
23 rules are filed.

1 J. Each planning council shall be subject to the provisions of
2 the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

3 SECTION 4. AMENDATORY 22 O.S. 2021, Section 988.6, as
4 amended by Section 3, Chapter 79, O.S.L. 2023 (22 O.S. Supp. 2023,
5 Section 988.6), is amended to read as follows:

6 Section 988.6. A. Each community sentencing planning council
7 shall:

8 1. Plan the local community sentencing system within allocated
9 funds and other available resources according to the provisions of
10 the law and with the assistance of the Community Sentencing Division
11 of the ~~Department of Corrections~~ Oklahoma Department of Mental
12 Health and Substance Abuse Services;

13 2. Promulgate rules for functioning of the planning council
14 which are consistent with the provisions of this act;

15 3. Prepare a detailed plan within the provisions of law and
16 rule each fiscal year with an accompanying budget for the local
17 community sentencing system;

18 4. Identify local resources by type, cost and location which
19 are available to serve the court for eligible offenders sentenced to
20 the community;

21 5. Identify qualified service providers to deliver services to
22 the court for eligible offenders sentenced to the community;

1 6. Assist in monitoring the sentencing practices of the court
2 to ensure the local community sentencing system functions within the
3 allocation of resources and according to the provisions of this act;

4 7. Assist in preparing information necessary for qualified
5 services to support the local community sentencing system plan as
6 provided in Section 988.7 of this title;

7 8. Identify and advocate the use of interlocal governmental
8 agreements for qualified services where services are not available
9 within the jurisdiction or where services may be delivered in a more
10 cost-effective manner by another jurisdiction;

11 9. Form multicounty systems as may be necessary to conserve
12 state or local resources or to implement an appropriate range of
13 services to the court;

14 10. Review and recommend services for cost-effectiveness and
15 performance-based evaluation;

16 11. Identify various sources of funding and resources for the
17 local community sentencing system including a variety of free
18 services available to the court;

19 12. Assist in developing public/private partnerships in the
20 local jurisdiction, reciprocal agreements, and interagency
21 cooperation and collaboration to provide appropriate services and
22 support to the system; and

23 13. Assist in promoting local involvement and support for the
24 provisions of the Oklahoma Community Sentencing Act.
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1 B. ~~Each community sentencing planning council may employ a~~
2 A local director and other personnel shall be appointed by the
3 Oklahoma Department of Mental Health and Substance Abuse Services to
4 perform the duties of the local community sentencing system, ~~subject~~
5 ~~to the availability of funds. Such council may contract with a~~
6 ~~county to provide benefits and payroll services to such personnel.~~

7 SECTION 5. AMENDATORY 22 O.S. 2021, Section 988.7, as
8 amended by Section 4, Chapter 79, O.S.L. 2023 (22 O.S. Supp. 2023,
9 Section 988.7), is amended to read as follows:

10 Section 988.7 A. A detailed plan for each local community
11 sentencing system seeking state funds shall be submitted each fiscal
12 year to the Community Sentencing Division within the ~~Department of~~
13 ~~Corrections~~ Oklahoma Department of Mental Health and Substance Abuse
14 Services pursuant to the rules promulgated for such purpose. The
15 designated judge of the planning council shall review the range of
16 services proposed in the plan and declare in writing whether the
17 proposed services meet the needs of the court for purposes of
18 sentencing pursuant to the authority of the Oklahoma Community
19 Sentencing Act. The judge shall forward the plan to the Division
20 for state review and appropriate funding. A plan that conforms with
21 the purposes and goals of the Oklahoma Community Sentencing Act
22 shall not be modified or disapproved except when the plan requires
23 more funding than is available to the local system. Each local
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1 community sentencing system plan shall include, but not be limited
2 to, the following goals:

3 1. Identification of existing resources, including cash,
4 professional services, in-kind resources, property, or other sources
5 of resources;

6 2. Identification of additional resources needed, identified by
7 type and amount;

8 3. Projected number of offenders to be served by each provider
9 and the projected total number of offenders to be served by the
10 local system;

11 4. Types and priority groups of offenders to be served for
12 purposes of budgeting and targeting specific use of selected service
13 providers;

14 5. Identification of sentencing practices used for disciplinary
15 sanctions for noncriminal conduct against participating offenders
16 and applicable costs;

17 6. Identification of local policy statements;

18 7. Methods for allocating resources to support the services
19 included in the plan;

20 8. Identification and evaluation of local record keeping and
21 needs for audits or reviews;

22 9. Identification of any special administrative structure of
23 the local system and list of specific service providers
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1 participating in the system, including detailed qualifications of
2 staff and program administrators; and

3 10. Description and evaluation of the extent of community
4 participation and support for the local system.

5 B. A community sentencing system shall be operational when the
6 plan is accepted by the Community Sentencing Division or is
7 receiving funding. The Division, upon receipt of a proposed local
8 system plan for conformance with the purpose and goals of the
9 Oklahoma Community Sentencing Act, shall have not more than forty-
10 five (45) days to evaluate the plan and to notify the planning
11 council of any recommended modification. The Division shall notify
12 the chair of each local community sentencing system of its allocated
13 budget by ~~June 15~~ August 1. Based on the funding allocation, the
14 local community sentencing system shall submit its budget to the
15 Division prior to finalizing provider service agreements for the
16 fiscal year. The Division shall not restrict by rule or practice
17 the plan of any local system or determine what constitutes treatment
18 or necessary services if the treatment or services comply with the
19 purposes and goals of the Oklahoma Community Sentencing Act, unless
20 there is a demonstrated deficiency or poor program evaluation.

21 C. A local ~~administrator~~ director or other personnel selected
22 by the Oklahoma Department of Mental Health and Substance Abuse
23 Services as provided in Section 988.13 of this title shall assist
24 the local planning council in gathering and keeping accurate
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1 information about the jurisdiction to support the planning process.

2 For the previous two (2) years, the information pertaining to the
3 jurisdiction may include, but not be limited to:

4 1. The number and rate of arrests, number of convictions,
5 admissions to probation, number of offenders sentenced to post-
6 imprisonment supervision, number of offenders sentenced to county
7 jail, average length of sentence served in county jail, number of
8 offenders sentenced to the custody of the Department of Corrections,
9 and average length of sentence served in the custody of the
10 Department of Corrections;

11 2. Current jail capacity, and jail population data by offender-
12 type including, but not limited to, misdemeanor, felony, trusty,
13 post-trial detainee, pretrial detainee, disciplinary sanction or
14 juvenile;

15 3. A listing of services and programs available in the
16 community, including costs, space availability, the number of
17 offenders participating, the average length of participation and
18 performance-based data;

19 4. Range of community punishments previously used by the courts
20 for offenders within the jurisdiction, including methods and use of
21 disciplinary sanctions for noncriminal behavior of offenders
22 sentenced to community punishment and use of incentives;

23 5. A listing of educational, vocational-technical, health,
24 mental health, substance abuse treatment, medical, and social
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1 services available to offenders or to be made available within a
2 twelve-month period;

3 6. Restrictive residential facilities or other restrictive
4 housing options available or to be made available within a twelve-
5 month period; and

6 7. Approved local system plans and budgets.

7 SECTION 6. AMENDATORY 22 O.S. 2021, Section 988.8, is
8 amended to read as follows:

9 Section 988.8 A. A community sentencing system established
10 pursuant to the provisions of the Oklahoma Community Sentencing Act
11 shall include those community punishments and programs and services
12 enumerated and funded in the annual plan submitted to the Community
13 Sentencing Division within the ~~Department of Corrections~~ Oklahoma
14 Department of Mental Health and Substance Abuse Services and any
15 other services or punishments subsequently added and funded during a
16 plan year. The options may not be utilized for offenders not
17 meeting the eligibility criteria of programs and score requirements
18 for the risk and needs assessment. Each local system shall strive
19 to have available to the court all of the following services for
20 eligible offenders:

21 1. Community service with or without compensation to the
22 offender;

23 2. Substance abuse treatment and availability for periodic drug
24 testing of offenders following treatment;

1 3. Varying levels of supervision by the Department of
2 Corrections probation officers or another qualified supervision
3 source, including specialized supervision for repeat offenders,
4 offenders with convictions for sex crimes, offenders with conviction
5 for domestic violence offenses and offenders with diagnosed mental
6 health needs;

7 4. Education and literacy provided by the State Department of
8 Education, the county library system, the local school board, or
9 another qualified source;

10 5. Employment opportunities and job skills training provided by
11 the Oklahoma Department of Career and Technology Education or
12 another qualified source;

13 6. Cognitive behavioral treatment and any other programming or
14 treatment needs as identified based on the results of the risk and
15 needs assessment administered under this section;

16 7. Enforced collections provided by the local court clerk, or
17 another state agency; and

18 8. The availability of county jail or another restrictive
19 housing facility for limited disciplinary sanctions.

20 B. The court may order as a community punishment for an
21 eligible offender any condition listed as a condition available for
22 a suspended sentence.

23 C. In all cases in which an offender is sentenced to a
24 community punishment, the offender shall be ordered as part of the
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1 terms and conditions of the sentence to pay for the court ordered
2 sanction, based upon ability to pay. Payments may be as provided by
3 court order or pursuant to periodic payment schedules established by
4 the service provider. If the offender does not have the financial
5 ability to pay for the court ordered sanction, payment shall be made
6 from funds budgeted for the local community sentencing system.

7 SECTION 7. AMENDATORY 22 O.S. 2021, Section 988.9, is
8 amended to read as follows:

9 Section 988.9 A. Any offender sentenced to a community
10 sentence pursuant to the Oklahoma Community Sentencing Act which
11 requires supervision shall be required to pay a supervision fee.
12 The supervising agency shall establish the fee amount, not to exceed
13 Forty Dollars (\$40.00) per month, based upon the offender's ability
14 to pay. In hardship cases the supervising agency may expressly
15 waive all or part of the fee. No supervising agency participating
16 in a local community sentencing system shall deny any offender
17 supervision services for the sole reason that the offender is
18 indigent. Fees collected for supervision services performed by the
19 Department of Corrections shall be paid directly to the Department
20 to be deposited in the Department of Corrections Revolving Fund.
21 Supervision services performed by contracted providers other than
22 the Department shall be paid directly to that contracted provider.

23 B. In addition to any supervision fee, eligible offenders
24 participating in a local community sentencing system under a court-

1 ordered community punishment shall be required to pay an
2 administrative fee to support the local system which shall not
3 exceed Twenty Dollars (\$20.00) per month to be set by the court
4 unless waived by the sentencing court. Administrative fees when
5 collected shall be deposited ~~with the Community Sentencing Division~~
6 ~~within the Department of Corrections and credited to~~ and credited to
7 the local system through the office of the county commissioners and
8 utilized to enhance, support, and expand the local community
9 ~~sentencing system for support and expansion of the local community~~
10 ~~corrections system. In the event the court fails to order the~~
11 ~~amount of the administrative fee, the fee shall be Twenty Dollars~~
12 ~~(\$20.00) per month~~ program. These funds shall be expended at the
13 request of the local system upon approval by the office of the
14 county commissioners in support of the local system. These funds
15 may be utilized in the development of the budget by the Oklahoma
16 Department of Mental Health and Substance Abuse Services for each
17 established local system.

18 C. In addition to any supervision fee and administrative fee
19 authorized by this section, the court shall assess court costs, and
20 may assess program reimbursement costs, restitution, and fines to be
21 paid by the offender. With the exception of supervision fees, other
22 fees, costs, fines, restitution, or monetary obligations ordered to
23 be paid by the offender shall not cease with the termination of
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1 active supervision and such obligations shall continue until fully
2 paid and may be collected in the same manner as court costs.

3 SECTION 8. AMENDATORY 22 O.S. 2021, Section 988.10, is
4 amended to read as follows:

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

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

20 C. The statewide system and each local system is required to
21 monitor sentencing practices and eligibility requirements,
22 prioritize expenditures, and operate within available resources for
23 eligible offenders.
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1 D. The Community Sentencing Division within the ~~Department of~~
2 ~~Corrections~~ Oklahoma Department of Mental Health and Substance Abuse
3 Services shall not fund any community sentencing system beyond the
4 accepted budget amounts in any fiscal year.

5 SECTION 9. AMENDATORY 22 O.S. 2021, Section 988.11, is
6 amended to read as follows:

7 Section 988.11 Each service provider contracting with the state
8 pursuant to the Oklahoma Community Sentencing Act shall be required
9 to have a performance-based evaluation within two (2) years of
10 participating in a local community sentencing system. The initial
11 performance-based evaluation of a program or service shall be made
12 two (2) years from the date a program or service is first designated
13 in the local system plan and funded, provided the program or service
14 continues to be included in the local system plan during a second or
15 subsequent plan year. After an initial evaluation, the program or
16 service shall be reviewed annually when the program or service
17 continues to be designated as part of the local system plan. The
18 Community Sentencing Division within the ~~Department of Corrections~~
19 Oklahoma Department of Mental Health and Substance Abuse Services
20 may establish other criteria for evaluating programs and services,
21 and shall establish procedures by rule for review of the evaluations
22 prior to any renewal of service provider agreements or selection of
23 new service providers. Evaluations shall apply to state agencies
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1 offering services pursuant to the provisions of the Oklahoma
2 Community Sentencing Act.

3 SECTION 10. AMENDATORY 22 O.S. 2021, Section 988.13, is
4 amended to read as follows:

5 Section 988.13 A. Each local community sentencing system shall
6 collaborate with a local ~~administrator~~ director or other personnel
7 who shall be employed by the Community Sentencing Division within
8 the ~~Department of Corrections~~ Oklahoma Department of Mental Health
9 and Substance Abuse Services. The local ~~administrator~~ director
10 shall have the duty to:

11 1. Assist in administering the day-to-day operation of the
12 local community sentencing system within the approved budget and
13 plan and according to the provisions of the Oklahoma Community
14 Sentencing Act and any rules promulgated by the Division;

15 2. Assist the planning council in the jurisdiction in
16 identifying resources, collecting data on sentencing practices, and
17 preparing the annual plan and supporting budget;

18 3. Provide the court with a listing of available services
19 within the local community sentencing system for purposes of
20 imposing a community sentence;

21 4. ~~Carry out court orders pursuant to the provisions of the~~
22 ~~Oklahoma Community Sentencing Act as provided in the offender's~~
23 ~~judgment and sentence;~~

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1 ~~5.~~ Assist offenders in locating service providers who are
2 participating in the local system according to the terms of the
3 community sentence;

4 ~~6. Report to the judge~~ 5. Track all completions and violations
5 of court orders for community sentences or community punishments;

6 ~~7.~~ 6. Keep accurate records for the local system and coordinate
7 those records for monitoring by the Community Sentencing Division;

8 ~~8.~~ 7. Monitor the local service providers to assure appropriate
9 delivery of services to both the offender and the local system;

10 ~~9.~~ 8. Coordinate support for the planning council and the
11 sentencing court;

12 ~~10. Ensure that restitution, reimbursements, fines, costs, and~~
13 ~~other payments and fees are paid to and deposited with the~~
14 ~~appropriate entity;~~

15 ~~11.~~ 9. Report to the Community Sentencing Division within the
16 ~~Department of Corrections~~ Oklahoma Department of Mental Health and
17 Substance Abuse Services any complaints or service delivery
18 problems;

19 ~~12.~~ 10. Ensure supervision providers are providing criminal
20 disposition reports on community sentences ~~are made~~ to appropriate
21 state and federal agencies; ~~and~~

22 ~~13.~~ 11. Perform other functions as specified by the Community
23 Sentencing Division within the ~~Department of Corrections~~ Oklahoma
24 Department of Mental Health and Substance Abuse Services for
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1 purposes of implementing the provisions of the Oklahoma Community
2 Sentencing Act;

3 12. Ensure compliance with Section 515a of Title 57 of the
4 Oklahoma Statutes by the selected supervision provider for the local
5 system;

6 13. Ensure monthly billings to be paid are provided to the
7 planning council for services rendered to the local system by
8 contracted providers with the Oklahoma Department of Mental Health
9 and Substance Abuse Services; and

10 14. Ensure funds requested from the administrative fees
11 maintained by the office of the county commissioners are in support
12 of the local community sentencing system and adhere to the intent of
13 the programmatic fees to enhance, expand, and support the local
14 system.

15 B. The local ~~administrator~~ director shall collaborate with and
16 assist all existing county employees when a county has a preexisting
17 community program operated at county expense. In the event state
18 funding is to be provided for continuing an existing program, the
19 Division shall promulgate rules for continuing an existing program.

20 C. When a service provider is selected to be part of the local
21 community sentencing system, the employees of that service provider
22 shall not become employees of the county, the local community
23 sentencing system, or the state by virtue of any contractual
24 agreement or payments from the state.

1 SECTION 11. AMENDATORY 22 O.S. 2021, Section 988.14, is

2 amended to read as follows:

3 Section 988.14 A. There is hereby created within the
4 ~~Department of Corrections~~ Oklahoma Department of Mental Health and
5 Substance Abuse Services the "Community Sentencing Division". The
6 purpose of the Division shall be to implement and administer the
7 Oklahoma Community Sentencing Act and any provisions of law relating
8 to the operation and management of a statewide community sentencing
9 system.

10 B. The Community Sentencing Division shall employ ~~an executive~~
11 ~~management staff consisting of a deputy director and~~ or such other
12 employees as authorized by the Legislature and subject to
13 ~~appropriations, who shall be unclassified state employees. In~~
14 ~~addition to the executive management staff, there shall be an~~
15 ~~appropriate number of local community sentencing system~~
16 ~~administrators as authorized by the Legislature and subject to~~
17 ~~appropriations, who shall be unclassified state employees of the~~
18 ~~Division. The deputy director of the Division shall report directly~~
19 ~~to the Director of the Department of Corrections or designee. The~~
20 Legislature shall provide the ~~Department of Corrections~~ Oklahoma
21 Department of Mental Health and Substance Abuse Services sufficient
22 funds for administrative support to the Division, and the Division
23 shall have a separate legislative appropriation for the
24 implementation and operation of the statewide community sentencing

1 system pursuant to the provisions of the Oklahoma Community
2 Sentencing Act. The Director of the ~~Department of Corrections~~
3 Oklahoma Department of Mental Health and Substance Abuse Services or
4 designee shall hire and set the salary of the executive management
5 staff and support staff. ~~The deputy director of the Division shall~~
6 ~~hire the local administrators.~~

7 SECTION 12. AMENDATORY 22 O.S. 2021, Section 988.15, as
8 amended by Section 1, Chapter 14, O.S.L. 2023 (22 O.S. Supp. 2023,
9 Section 988.15), is amended to read as follows:

10 Section 988.15 The Community Sentencing Division within the
11 ~~Department of Corrections~~ Oklahoma Department of Mental Health and
12 Substance Abuse Services shall have the duty to:

13 1. Administer a statewide community sentencing system pursuant
14 to the provisions of the Oklahoma Community Sentencing Act and other
15 provisions of law;

16 2. Establish goals and standards for the statewide community
17 sentencing system and the local community sentencing systems;

18 3. Promulgate rules pursuant to the Administrative Procedures
19 Act for the implementation and operation of the Oklahoma Community
20 Sentencing Act;

21 4. Provide technical assistance and administrative support to
22 each local community sentencing system. The technical assistance
23 shall include, but not be limited to, information on:

24 a. corrections system design,
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- b. administration,
- c. development, monitoring, and evaluating of programs and services,
- d. program identification and specifications,
- e. offender risk management,
- f. supervision of offenders,
- g. planning and budgeting,
- h. grant applications, and
- i. preparation and submission of documents, data, budgets, and system plans;

5. Coordinate and collaborate with other state agencies for services and technical assistance to each local community sentencing system;

6. Apply for and accept money and other assets to be utilized for support of a statewide community sentencing system and to allocate and disburse appropriated funds to local community sentencing systems through an appropriate funding method;

7. Review, analyze and fund local system plans within budgetary limitations;

8. Contract with local service providers and state agencies for services to the local system;

9. Identify and solicit other funding sources and resources to support the statewide community sentencing system;

10. Request post-audits of state funds;

1 11. Monitor and coordinate local systems;

2 12. Provide performance-based evaluations for all service
3 providers of the statewide system;

4 13. Report annually by January 15 to the Legislature and
5 Governor on the statewide system. The report shall provide an
6 evaluation of the effectiveness of the Oklahoma Community Sentencing
7 Act in terms of public safety, appropriate range of community
8 punishments, cost-effectiveness, performance-based effectiveness in
9 reducing recidivism, utilization by the judiciary, resource
10 allocation, reduced state and local institutional receptions, if
11 any, and statistical data, including, but not limited to, community
12 sentencing participation by county, total number of qualifying and
13 nonqualifying community sentences per month for each local community
14 sentencing system, total number of community sentences ordered per
15 month, program participation and the annual average cost per
16 offender. A copy of the report shall also be submitted to the
17 Oklahoma Statistical Analysis Center, a unit of the Oklahoma State
18 Bureau of Investigation, which shall publish the annual report on
19 the website of the Bureau; and

20 14. Disseminate information to local ~~administrators~~ directors
21 and community sentencing systems concerning corrections issues
22 including, but not limited to:

- 23 a. punishment options,
24 b. disciplinary sanctions,
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- c. resource allocation,
- d. administration,
- e. legal issues,
- f. supervision and risk management,
- g. treatment methodology and services,
- h. education and vocational services,
- i. service and program monitoring and evaluation methods,
- j. grants and funding assistance,
- k. data and record keeping, and
- l. offender characteristics.

SECTION 13. AMENDATORY 22 O.S. 2021, Section 988.16, is amended to read as follows:

Section 988.16 A. Each fiscal year the Division, in collaboration with the local planning councils, shall provide goals and funding priorities for community punishments as provided by law. The statewide community sentencing system shall be composed of local community sentencing system plans as approved by the Division. The Division shall promulgate rules for local community sentencing systems based upon objective criteria for allocation of state-appropriated funds to local systems for day-to-day operation during a fiscal year which may include identification of:

- 1. Fiscally responsible allocations of services and funds;
- 2. Innovative or effective programs of the local system; and
- 3. Appropriate targeting of offenders for services.

1 The Division and each of the local community sentencing systems are
2 required to operate within the appropriated funds. The state shall
3 require each local community sentencing system to identify resources
4 other than state funds as part of the funding formula. The Division
5 shall establish procedures for disbursement of state funds to
6 service providers, and shall disburse state funds in a timely
7 manner.

8 B. For a local community sentencing system to remain eligible
9 for state funding, a local community sentencing system shall:

10 1. Demonstrate fiscal responsibility by operating the local
11 system within the plan and budget allocation;

12 2. Require performance-based selection of service providers
13 participating in the annual system plan;

14 3. Submit a plan which offers a continuum of sanctions for
15 eligible offenders sentenced to the local community sentencing
16 system and appropriately assign offenders for services; and

17 4. Comply with the rules promulgated by the Community
18 Sentencing Division within the ~~Department of Corrections~~ Oklahoma
19 Department of Mental Health and Substance Abuse Services and the
20 provisions of the Oklahoma Community Sentencing Act.

21 C. When state funding is required to implement a local
22 community sentencing system plan, the Community Sentencing Division
23 shall approve the plan only to the extent that the jurisdiction's
24 share of the total state appropriations will support the
..

1 implementation of the local system plan. Modification to a local
2 plan shall be for budgetary purposes, as provided in Section 988.7
3 of this title, and for compliance with law and rule.

4 D. State funds from the Community Sentencing Division disbursed
5 to community sentencing systems shall be used for operation and
6 administrative expenses and shall not be used to construct,
7 renovate, remodel, expand or improve any jail, residential treatment
8 facility, restrictive housing facility, or any other structure, nor
9 shall these funds be used to replace funding or other resources from
10 the federal, state, county or city government committed in support
11 of the detailed system plan during the plan year.

12 E. Any funds accruing to the benefit of a community sentencing
13 system shall be deposited ~~in the Oklahoma Community Sentencing~~
14 ~~Revolving Fund created as provided in Section 557.1 of Title 57 of~~
15 ~~the Oklahoma Statutes, and shall be~~ and credited to the local
16 ~~jurisdiction making such deposit~~ system through the office of the
17 county commissioner. The Community Sentencing Division within the
18 ~~Department of Corrections~~ Oklahoma Department of Mental Health and
19 Substance Abuse Services and every local planning council are
20 authorized to apply for and accept grants, gifts, bequests and other
21 lawful money from nonprofit private organizations, for-profit
22 organizations, political subdivisions of this state, the United
23 States, and private citizens to support or expand the community
24 sentencing system.

1 SECTION 14. AMENDATORY 22 O.S. 2021, Section 988.17, is
2 amended to read as follows:

3 Section 988.17 A. The ~~Department of Corrections~~ Oklahoma
4 Department of Mental Health and Substance Abuse Services shall
5 utilize the Level of Services Inventory (LSI) assessment instrument,
6 or another assessment that evaluates criminal risk to recidivate, to
7 evaluate all eligible offenders sentenced to community punishments
8 under the Oklahoma Community Sentencing Act. This assessment shall
9 not be waived and is required for eligibility determination.

10 B. The Administrative Office of the Courts shall assist in
11 promulgating instructions and forms necessary for the courts' use of
12 the required assessment. In collaboration with the ~~Department of~~
13 ~~Corrections~~ Oklahoma Department of Mental Health and Substance Abuse
14 Services, all state agencies shall provide technical assistance
15 necessary to implement and monitor the Oklahoma Community Sentencing
16 Act in the areas of their expertise and experience, and shall offer
17 services to local community sentencing systems.

18 C. All participating state agencies and local planning councils
19 are directed to promulgate rules necessary to implement the
20 provisions of the Oklahoma Community Sentencing Act. When
21 promulgating the rules, participating state agencies and local
22 planning councils shall collaborate with the Division so their rules
23 enhance the effectiveness of the statewide community sentencing
24

1 system and statewide goals established for the criminal justice
2 system.

3 SECTION 15. AMENDATORY 22 O.S. 2021, Section 988.18, as
4 amended by Section 5, Chapter 79, O.S.L. 2023 (22 O.S. Supp. 2023,
5 Section 988.18), is amended to read as follows:

6 Section 988.18 A. On and after March 1, 2000, for each
7 offender considered for any community punishment pursuant to the
8 Oklahoma Community Sentencing Act, the judge shall, prior to
9 sentencing, order an assessment and evaluation of the defendant as
10 required by law. The judge may determine that no additional
11 assessment is required if one was completed within the last six (6)
12 months.

13 B. The risk and needs assessment and evaluation instrument
14 designed to predict risk to recidivate approved by the ~~Department of~~
15 ~~Corrections~~ Oklahoma Department of Mental Health and Substance Abuse
16 Services, shall be required to determine eligibility for any
17 offender sentenced pursuant to the Oklahoma Community Sentencing
18 Act. The completed assessment accompanied by a written supervision
19 plan shall be presented to and reviewed by the court prior to
20 determining any punishment for the offense. The purpose of the
21 assessment shall be to identify the extent of the deficiencies and
22 pro-social needs of the defendant, the potential risk to commit
23 additional offenses that threaten public safety, and the
24 appropriateness of various community punishments.

1 C. Upon order of the court, the defendant shall be required to
2 submit to the risk and needs assessment which shall be administered
3 and scored by an appropriately trained person pursuant to a service
4 agreement with the local community sentencing system. Any defendant
5 lacking sufficient skills to comprehend or otherwise participate in
6 the assessment and evaluation shall have appropriate assistance. If
7 it is determined that the offender cannot be adequately evaluated
8 using the risk and needs assessment, the offender shall be deemed
9 ineligible for any community services pursuant to the Oklahoma
10 Community Sentencing Act, and shall be sentenced as prescribed by
11 law for the offense.

12 D. The willful failure or refusal of the defendant to be
13 assessed and evaluated by using the risk and needs assessment shall
14 preclude the defendant from eligibility for any community
15 punishment.

16 E. The completed risk and needs assessment, shall include a
17 written supervision plan and identify an appropriate community
18 punishment, if any, when the offender is considered eligible for
19 community punishments based upon the completed risk/need score from
20 the risk and needs assessment of the offender. Unless otherwise
21 prohibited by law, only eligible offenders, as defined in Section
22 988.2 of this title, shall be eligible for any state-funded
23 community punishments.
24
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1 F. The court is not required to sentence any offender to a
2 community punishment regardless of an eligible score on the risk and
3 needs assessment. Any offender scoring in the low risk/need levels
4 on the risk and needs assessment may be sentenced to a suspended
5 sentence with minimal, if any, conditions of the sentence to be paid
6 by the offender. If the risk and needs assessment has been
7 conducted, the evaluation report shall accompany the judgment and
8 sentence, provided the risk and needs assessment indicates the
9 offender is in need of this level of supervision and treatment.

10 SECTION 16. AMENDATORY 22 O.S. 2021, Section 988.19, is
11 amended to read as follows:

12 Section 988.19 A. When ordering a community sentence or
13 community punishment, the court shall first impose a deferred or
14 suspended sentence for the offense as prescribed by law, and shall
15 then order the appropriate community punishment as a condition of
16 that deferred or suspended sentence. The design of the community
17 punishment shall be based upon the supervision and intervention
18 report from the risk and needs assessment. The local community
19 sentencing system ~~administrator~~ director shall have authority for
20 all offender placements within the local community sentencing system
21 pursuant to the court-ordered community sentence.

22 B. Persons convicted of or pleading guilty or nolo contendere
23 to a combination of misdemeanor and felony offenses may receive
24 services from a local community sentencing system when the county
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1 agrees in writing to pay the Community Sentencing Division ~~within~~
2 ~~the Department of Corrections~~ for the actual costs of services used
3 for misdemeanor cases. No state funds shall be used to pay for
4 misdemeanor offenses.

5 C. Any time during the term of a community sentence, the court
6 imposing the sentence may modify any previous provision as provided
7 in this section.

8 D. Upon consideration of a properly filed motion to modify a
9 community sentence pursuant to the provisions of this section, the
10 staff of the community sentencing system in which the offender is
11 ordered to participate, the sheriff, the district attorney, the
12 service provider, or any agency or person providing supervision of
13 the offender shall provide the court with any reports and other
14 information available and relating to the offender, and to the
15 reason for the motion to modify the sentence. The court shall
16 consider any reports and information submitted prior to modifying
17 the sentence.

18 E. If the court considers a motion to modify a community
19 sentence, a hearing shall be held in open court. The notice of the
20 hearing shall be given to the offender, the offender's legal
21 counsel, and the district attorney of the county in which the
22 offender was convicted not less than ten (10) days prior to the
23 hearing. A copy of any reports to be presented to the court shall
24 accompany the notice of hearing.

1 F. Following the hearing, the court shall enter the appropriate
2 order authorized by law. The court may modify any community
3 sentence by imposing any other punishment allowed by law for the
4 offense and appropriate for the circumstances as determined by the
5 discretion of the judge; provided, however, no punishment shall be
6 imposed which is greater than the maximum punishment allowed by law
7 for the original offense. The court shall give the offender day-
8 for-day credit on any modified sentence for any term of
9 incarceration imposed. The court may impose either a disciplinary
10 sanction or an incentive as provided in Section 988.20 of this title
11 in lieu of or together with any modification authorized by this
12 section.

13 G. The court shall not be limited on the number of
14 modifications a sentence may have within the term of the community
15 sentence.

16 H. Any offender who files a meritless or frivolous motion to
17 modify a community sentence shall pay the costs of the proceeding
18 and may be sanctioned as deemed appropriate by the court.

19 I. The court may revoke or accelerate a community punishment to
20 the original sentence imposed during the term of the sentence. When
21 a community sentence is revoked to state imprisonment, the court
22 shall give a day-for-day credit for any term of incarceration
23 actually served as community punishment.

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1 SECTION 17. AMENDATORY 22 O.S. 2021, Section 988.22, is
2 amended to read as follows:

3 Section 988.22 A. Any offender ordered to participate in the
4 local community sentencing system shall be advised of the conditions
5 of the specific program or service to which he or she is assigned.

6 B. Upon completion of any court-ordered provision, pursuant to
7 the Oklahoma Community Sentencing Act, the supervising agency or
8 contracted provider shall file a statement with the court defining
9 the provision which has been successfully completed. When all
10 court-ordered provisions have been successfully completed the
11 defendant shall be deemed to have completed the community
12 punishment.

13 C. The provisions of the Oklahoma Community Sentencing Act
14 shall not confer any rights upon the defendant to avoid a term of
15 imprisonment prescribed by law for the offense, nor grant any
16 additional rights to appeal for failure to be offered any specific
17 punishment or treatment option available to the court.

18 D. A community sentence pursuant to the Oklahoma Community
19 Sentencing Act shall not require active supervision, programs or
20 services for more than three (3) consecutive years, but may continue
21 beyond the three-year limitation for the purpose of completing
22 court-ordered restitution payments.

23 SECTION 18. AMENDATORY 22 O.S. 2021, Section 988.24, is
24 amended to read as follows:
..

1 Section 988.24 ~~The Department of Corrections~~ Oklahoma
2 Department of Mental Health and Substance Abuse Services may
3 establish pilot projects that allow a person whose suspended
4 sentence has been revoked by the court to participate in the
5 community sentencing program, subject to the availability of funds.

6 SECTION 19. AMENDATORY 22 O.S. 2021, Section 471.2, as
7 amended by Section 2, Chapter 277, O.S.L. 2022 (22 O.S. Supp. 2023,
8 Section 471.2), is amended to read as follows:

9 Section 471.2. A. The opportunity for review of an offender
10 for a drug court program shall occur at any time prior to
11 disposition of the case and sentencing of the offender including
12 sentencing on a petition to revoke a suspended sentence or any
13 probation violation.

14 B. When a drug court is established, the following information
15 shall be initially reviewed by the sheriff or designee, if the
16 offender is held in a county jail, or by the chief of police or
17 designee, if the offender is held in a city jail:

18 1. The offender has no prior felony conviction in this state or
19 another state for a domestic violence offense within the last ten
20 (10) years, except as may be allowed in a domestic violence
21 treatment program authorized by the drug court program. It shall be
22 sufficient for this paragraph that a criminal history records name
23 search was conducted and indicated no apparent domestic violence
24 offense. An offender admitted to the drug court program for a crime
..

1 which requires the offender to attend a batterers' intervention
2 program certified by the Attorney General's office shall be required
3 to undergo such treatment as a condition of drug court;

4 2. The offender's charge does not involve a violation of the
5 Trafficking In Illegal Drugs Act;

6 3. The offender has committed a felony offense or a misdemeanor
7 offense where a misdemeanor drug court is authorized; and

8 4. The offender:

9 a. admits to having a substance abuse addiction,

10 b. appears to have a substance abuse addiction,

11 c. is known to have a substance abuse addiction,

12 d. the arrest or charge is based upon an offense eligible
13 for the drug court program, or

14 e. is a person who has had an assessment authorized by
15 Section 3-704 of Title 43A of the Oklahoma Statutes or
16 drug court investigation and the assessment or
17 investigation recommends the drug court program.

18 C. If it appears to the reviewing officer that the offender may
19 be potentially eligible for the drug court program based upon a
20 review of the information in subsection B of this section, the
21 offender shall be given an eligibility form which may be voluntarily
22 completed by the offender, and the reviewing officer shall file the
23 criminal case record within the time prescribed in subsection E of
24 Section 471.1 of this title. The offender may request consideration
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1 for the drug court program as provided in subsection D of this
2 section. The eligibility form shall describe the drug court program
3 for which the offender may be eligible including, but not limited
4 to:

5 1. A full description of the drug court process and
6 investigation;

7 2. A general explanation of the roles and authority of the
8 supervising staff, the district attorney, the defense attorney, the
9 treatment provider, the offender, and the judge presiding over the
10 cases in the drug court program;

11 3. A clear statement that the drug court judge may decide after
12 a hearing not to consider the offender for the drug court program
13 and in that event the offender will be prosecuted in the traditional
14 manner;

15 4. A clear statement that the offender is required, before
16 consideration in the program, to enter a guilty plea as part of a
17 written plea agreement;

18 5. A clear statement that the plea agreement will specify the
19 offense to which the guilty plea will be entered and will state any
20 penalty to be imposed for the offense, both in the event of a
21 successful completion of the drug court program, and in the event of
22 a failure to complete the program;

23 6. A clear statement that the offender must voluntarily agree
24 to:

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- a. waive the right to a speedy trial,
- b. waive the right to a preliminary hearing,
- c. the terms and conditions of a treatment plan, and
- d. sign a performance contract with the drug court;

7. A clear statement that the offender, if accepted into the drug court program, may not be incarcerated for the offense in a state correctional institution or jail upon successful completion of the program;

~~8. A clear statement that during participation in the drug court program should the offender fail to comply with the terms of the agreement, the offender may be sanctioned to serve a term of confinement of six (6) months in an intermediate revocation facility operated by the Department of Corrections. An offender shall not be allowed to serve more than two separate terms of confinement in an intermediate revocation facility;~~

~~9.~~ A clear statement that during participation in the drug court program should the offender:

- a. fail to comply with the terms of the agreements,
 - b. be convicted of a misdemeanor offense which reflects a propensity for violence,
 - c. be arrested for a violent felony offense, or
 - d. be convicted of any felony offense,
- the offender may be required, after a court hearing, to be revoked from the program and sentenced without trial

1 pursuant to the punishment provisions of the negotiated
2 plea agreement; and

3 ~~10.~~ 9. An explanation of the criminal record retention and
4 disposition resulting from participation in the drug court program
5 following successful completion of the program.

6 D. 1. The offender may request consideration for the drug
7 court program as follows:

8 a. if the offender is incarcerated, the offender must
9 sign and complete the eligibility form and return it
10 to the sheriff, if the offender is held in the county
11 jail; or to the chief of police, if the offender is
12 held in a city jail. The sheriff or chief of police,
13 upon receipt of the completed eligibility form, shall
14 file the form with the drug court coordinator who
15 shall forward the form to the district attorney and
16 the judge assigned to the offender's case, or

17 b. after release of the offender from incarceration, the
18 offender must sign and complete the eligibility form
19 and file it with the drug court coordinator or the
20 court, prior to or at the time of either initial
21 appearance or arraignment. The drug court coordinator
22 shall forward the form to the district attorney and
23 the judge assigned to the offender's case.

1 2. Any offender desiring legal consultation prior to signing or
2 completing the form for consideration in a drug court program shall
3 be referred to the defense attorney of the drug court team, or a
4 public defender, if the offender is indigent, or allowed to consult
5 with private legal counsel.

6 3. Nothing contained in the provisions of this subsection shall
7 prohibit the drug court from considering any offender deemed
8 eligible for the program at any time prior to sentencing whose case
9 has been prosecuted in the traditional manner, or upon a violation
10 of parole or probation conditions relating to substance abuse, upon
11 recommendation of the district attorney as provided in Section 471.8
12 of this title.

13 E. When an offender has filed a request to be considered for a
14 drug court program, an initial hearing shall be set before the drug
15 court judge. The hearing shall be not less than three (3) work days
16 nor more than five (5) work days after the date of the filing of the
17 request form. Notice of the hearing shall be given to the drug
18 court team, or in the event no drug court team is designated, to the
19 offender, the district attorney, and to the public defender. The
20 offender shall be required to notify any private legal counsel of
21 the date and time of the hearing.

22 SECTION 20. AMENDATORY 22 O.S. 2021, Section 471.6, as
23 last amended by Section 2, Chapter 310, O.S.L. 2023 (22 O.S. Supp.
24 2023, Section 471.6), is amended to read as follows:
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1 Section 471.6 A. The drug court judge shall conduct a hearing
2 as required by subsection F of Section 471.4 of this title to
3 determine final eligibility by considering:

4 1. Whether the offender voluntarily consents to the program
5 requirements;

6 2. Whether to accept the offender based upon the findings and
7 recommendations of the drug court investigation authorized by
8 Section 471.4 of this title;

9 3. Whether there is a written plea agreement, and if so,
10 whether the terms and conditions of the written negotiated plea
11 between the district attorney, the defense attorney and the offender
12 are appropriate and consistent with the penalty provisions and
13 conditions of other similar cases;

14 4. Whether there is an appropriate treatment program available
15 to the offender and whether there is a recommended treatment plan;
16 and

17 5. Any information relevant to determining eligibility;
18 provided, however, an offender shall not be denied admittance to any
19 drug court program based upon an inability to pay court costs or
20 other costs or fees.

21 B. At the hearing to determine final eligibility for the drug
22 court program, the judge shall not grant any admission of any
23 offender to the program when:
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1 1. The required treatment plan and plea agreement have not been
2 completed;

3 2. The program funding or availability of treatment has been
4 exhausted;

5 3. The treatment program or drug court team is unwilling to
6 accept the offender;

7 4. The offender does not meet the presumptive eligibility
8 criteria of the program; or

9 5. The offender is inappropriate for admission to the program,
10 in the discretion of the judge.

11 C. At the final eligibility hearing, if evidence is presented
12 that was not discovered by the drug court investigation, the
13 district attorney or the defense attorney may make an objection and
14 may ask the court to withdraw the plea agreement previously
15 negotiated. The court shall determine whether to proceed and
16 overrule the objection, to sustain the objection and transfer the
17 case for traditional criminal prosecution or to require further
18 negotiations of the plea or punishment provisions. The decision of
19 the judge for or against eligibility and admission shall be final.

20 D. When the court accepts the treatment plan with the written
21 plea agreement, the offender, upon entering the plea as agreed by
22 the parties, shall be ordered and escorted immediately into the
23 program. The offender must have voluntarily signed the necessary
24

1 court documents before the offender may be admitted to treatment.

2 The court documents shall include:

3 1. Waiver of the offender's rights to speedy trial;

4 2. A written plea agreement which sets forth the offense
5 charged, the penalty to be imposed for the offense in the event of a
6 breach of the agreement and the penalty to be imposed, if any, in
7 the event of a successful completion of the treatment program;
8 provided, however, incarceration shall be prohibited when the
9 offender completes the treatment program;

10 3. A written treatment plan which is subject to modification at
11 any time during the program; and

12 4. A written performance contract requiring the offender to
13 enter the treatment program as directed by the court and participate
14 until completion, withdrawal or removal by the court.

15 E. If admission into the drug court program is denied, the
16 criminal case shall be returned to the traditional criminal docket
17 and shall proceed as provided for any other criminal case.

18 F. At the time an offender is admitted to the drug court
19 program, any bail or undertaking on behalf of the offender shall be
20 exonerated.

21 G. The period of time during which an offender may participate
22 in the active treatment portion of the drug court program shall be
23 not less than six (6) months nor more than twenty-four (24) months
24 and may include a period of supervision not less than six (6) months

1 nor more than one (1) year following the treatment portion of the
2 program. The period of supervision may be extended by order of the
3 court for not more than six (6) months. No treatment dollars shall
4 be expended on the offender during the extended period of
5 supervision. If the court orders that the period of supervision
6 shall be extended, the drug court judge, district attorney, the
7 attorney for the offender and the supervising staff for the drug
8 court program shall evaluate the appropriateness of continued
9 supervision on a quarterly basis. All participating treatment
10 providers shall be certified by the Department of Mental Health and
11 Substance Abuse Services and shall be selected and evaluated for
12 performance-based effectiveness annually by the Department of Mental
13 Health and Substance Abuse Services. Treatment programs shall be
14 designed to be completed within twelve (12) months and shall have
15 relapse prevention and evaluation components.

16 H. The drug court judge shall order the offender to pay court
17 costs, treatment costs, drug testing costs, a program user fee not
18 to exceed Twenty Dollars (\$20.00) per month and necessary
19 supervision fees, unless the offender is indigent. The drug court
20 judge shall establish a schedule for the payment of costs and fees.
21 The cost for treatment, drug testing and supervision shall be set by
22 the treatment and supervision providers respectively and made part
23 of the court's order for payment. User fees shall be set by the
24 drug court judge within the maximum amount authorized by this
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1 subsection and payable directly to the court clerk for the benefit
2 and administration of the drug court program. Treatment, drug
3 testing and supervision costs shall be paid to the respective
4 providers. The court clerk shall collect all other costs and fees
5 ordered and deposit such costs and fees with the county treasurer in
6 a drug court fund created and administered pursuant to subsection I
7 of Section 471.1 of this title. The remaining user fees shall be
8 remitted to the State Treasurer by the court clerk for deposit in
9 the Department of Mental Health and Substance Abuse Services' Drug
10 Abuse Education and Treatment Revolving Fund established pursuant to
11 Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders
12 for costs and fees pursuant to this subsection shall not be limited
13 for purposes of collection to the maximum term of imprisonment for
14 which the offender could have been imprisoned for the offense, nor
15 shall any court order for costs and fees be limited by any term of
16 probation, parole, supervision, treatment or extension thereof.

17 Court orders for costs and fees shall remain an obligation of the
18 offender until fully paid; provided, however, once the offender has
19 successfully completed the drug court program, the drug court judge
20 shall have the discretion to expressly waive all or part of the
21 costs and fees provided for in this subsection if, in the opinion of
22 the drug court judge, continued payment of the costs and fees by the
23 offender would create a financial hardship for the offender.

24 Offenders who have not fully paid all costs and fees pursuant to
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1 court order but who have otherwise successfully completed the drug
2 court program shall not be counted as an active drug court
3 participant for purposes of drug court contracts or program
4 participant numbers.

5 I. Notwithstanding any other provision of law, if the driving
6 privileges of the offender have been suspended, revoked, canceled or
7 denied by Service Oklahoma and if the drug court judge or community
8 sentencing judge determines that no other means of transportation
9 for the offender is available, the drug court judge or community
10 sentencing judge may enter a written order requiring Service
11 Oklahoma to stay any and all such actions against the Class D
12 driving privileges of the offender; provided, the stay shall not be
13 construed to grant driving privileges to an offender who has not
14 been issued a driver license by Service Oklahoma or whose Oklahoma
15 driver license has expired, in which case the offender shall be
16 required to apply for and be found eligible for a driver license,
17 pass all examinations, if applicable, and pay all statutory driver
18 license issuance or renewal fees. The offender shall provide proof
19 of insurance to the drug court judge or community sentencing judge
20 prior to the judge ordering a stay of any driver license suspension,
21 revocation, cancellation or denial. When a judge of a drug court or
22 community sentencing program enters a stay against an order by
23 Service Oklahoma suspending or revoking the driving privileges of an
24 offender, the time period set in the order by Service Oklahoma for
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1 the suspension or revocation shall continue to run during the stay.
2 When an offender has successfully completed the drug court program,
3 the drug court judge or community sentencing judge shall maintain
4 jurisdiction over the offender's driving privileges for one (1) year
5 after the date on which the offender graduates from the drug court
6 program.

7 SECTION 21. This act shall become effective November 1, 2024.

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