

1 STATE OF OKLAHOMA

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

3 SENATE BILL 770

By: Hicks

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5  
6 AS INTRODUCED

7 An Act relating to public finance; amending Section  
8 1, Chapter 174, O.S.L. 2015 (62 O.S. Supp. 2018,  
9 Section 35.6.1), which relates to the Information  
10 Technology Consolidation and Coordination Act;  
11 modifying certain explanation; imposing certain data  
12 collection and submission requirements; requiring the  
13 clerk of each district court to collect certain data  
14 for each criminal case; requiring each district  
15 attorney to collect certain data; requiring each  
16 public defender to collect certain data; requiring  
17 the administrator of each county detention facility  
18 to collect certain data; requiring the Department of  
19 Corrections to collect certain data; Requiring the  
20 Chief Information Officer to publish certain data;  
21 stating that noncompliance shall make certain  
22 entities ineligible to receive certain funding; and  
23 providing an effective date.

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

25 SECTION 1. AMENDATORY Section 1, Chapter 174, O.S.L.  
26 2015 (62 O.S. Supp. 2018, Section 35.6.1), is amended to read as  
27 follows:

28 Section 35.6.1. A. In order to comply with Executive Orders  
29 and federal and state statutory and regulatory requirements related  
30 to the criminal justice information system, to support agencies

1 within the Oklahoma Safety and Security Cabinet, to better inform  
2 future policymaking related to criminal justice, and to accomplish  
3 the purposes of the Information Services Division of the Office of  
4 Management and Enterprise Services, there is hereby established the  
5 "Criminal Justice Information Systems Center for Excellence" to  
6 provide shared infrastructure services for such agencies. The  
7 Criminal Justice Information Systems Center for Excellence shall be  
8 under the administrative control of the Chief Information Officer.

9 B. In establishing and operating the Criminal Justice  
10 Information Systems Center for Excellence through the Information  
11 Services Division, the Chief Information Officer shall collaborate  
12 with agencies subject to criminal justice information system  
13 requirements. The Chief Information Officer, in conjunction with  
14 the Commissioner of Public Safety, shall establish an appropriate  
15 governance model for priorities, shared services and systems for the  
16 Criminal Justice Information Systems Center for Excellence. The  
17 Chief Information Officer may utilize the Criminal Justice  
18 Information Systems Center for Excellence to accomplish such other  
19 purposes as may be necessary for the administration of the duties of  
20 the Information Services Division that are related to stringent  
21 federal or state data security requirements, provided the security  
22 of investigative and law enforcement information and support systems  
23 is not jeopardized.

1        C. Beginning January 1, 2020, all entities required to collect  
2 data in accordance with this section shall collect the specified  
3 data required of the entity on at least a biweekly basis and shall  
4 submit the data in the format prescribed by the Chief Information  
5 Officer. The reports shall be submitted on a monthly basis.

6        D. Each clerk of a district court shall collect the following  
7 data for each criminal case:

8            1. Case number;

9            2. Date that the alleged offense occurred;

10           3. County in which the offense is alleged to have occurred;

11           4. Date the defendant is taken into physical custody by a law  
12 enforcement agency or is issued a notice to appear on a criminal  
13 charge, if such date is different from the date the offense is  
14 alleged to have occurred;

15           5. Date that the criminal prosecution of a defendant was  
16 formally initiated through the filing of information by the district  
17 attorney or an indictment issued by a grand jury;

18           6. Arraignment date;

19           7. Attorney assignment date;

20           8. Attorney withdrawal date;

21           9. Case status;

22           10. Disposition date;

23           11. Information related to each defendant, including:  
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- 1           a. identifying information, except as otherwise  
2                           prohibited by law, including name, date of birth, age,  
3                           race or ethnicity and gender,  
4           b. zip code of primary residence,  
5           c. primary language, and  
6           d. whether the defendant has been found by a court to be  
7                           indigent;

8           12. Information related to the formal charges filed against the  
9 defendant, including:

- 10           a. charge description,  
11           b. charge modifier, if applicable, and  
12           c. drug type for each drug charge;

13           13. Information related to bail or bond and pretrial release  
14 determinations, including the dates of any such determinations:

- 15           a. pretrial release determination made at a first  
16                           appearance hearing that occurs within forty-eight (48)  
17                           hours of arrest, including all monetary and  
18                           nonmonetary conditions of release,  
19           b. modification of bail or bond conditions, monetary or  
20                           nonmonetary, made by a court having jurisdiction to  
21                           try the defendant,  
22           c. cash bail or bond payment, including whether the  
23                           defendant utilized a bond agent to post a surety bond,  
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- 1           d. date defendant is released on bail, bond or pretrial  
2           release, and  
3           e. bail or bond revocation due to a new offense, a  
4           failure to appear, or a violation of the terms of bail  
5           or bond if applicable;

6           14. Information related to court dates and dates of motions  
7           and appearances, including:

- 8           a. date of any court appearance and the type of  
9           proceeding scheduled for each date reported,  
10          b. date of any failure to appear in court, if applicable,  
11          c. name of the presiding judge at each court appearance,  
12          d. trial date,  
13          e. date that a defendant files a request for discovery,  
14          f. speedy trial motion and hearing dates, if applicable,  
15          and  
16          g. dismissal motion and hearing dates, if applicable;

17          15. Defense attorney type;

18          16. Information related to sentencing, including:

- 19          a. date that a court enters a sentence against a  
20          defendant,  
21          b. charge sentenced to, including charge sequence number,  
22          charge description, statute, type and charge class  
23          severity,

- 1           c. sentence type and length imposed by the court  
2           including, but not limited to, the total duration of  
3           imprisonment in a county detention facility or state  
4           correctional institution or facility, and conditions  
5           of probation or community control supervision,
- 6           d. amount of time served in custody by the defendant  
7           related to the reported criminal case that is credited  
8           at the time of disposition of the case to reduce the  
9           actual length of time the defendant will serve on the  
10           term of imprisonment that is ordered by the court at  
11           disposition,
- 12           e. total amount of court fees imposed by the court at the  
13           disposition of the case,
- 14           f. outstanding balance of the defendant's court fees  
15           imposed by the court at disposition of the case,
- 16           g. total amount of fines imposed by the court at the  
17           disposition of the case,
- 18           h. outstanding balance of the defendant's fines imposed  
19           by the court at disposition of the case, and
- 20           i. restitution amount ordered, including the amount  
21           collected by the court and the amount paid to the  
22           victim, if applicable;

23           17. The number of judges or magistrates, or their equivalents,  
24           hearing criminal cases in the district. Judges or magistrates, or

1 their equivalents, who solely hear appellate cases, are not to be  
2 reported under this paragraph.

3 E. Each district attorney shall collect the following data:

4 1. Information related to each human victim of a criminal  
5 offense, including:

6 a. identifying information of the victim, except as  
7 otherwise prohibited by law, including race or  
8 ethnicity, gender and age, and

9 b. relationship to the offender, if any;

10 2. Number of full-time prosecutors;

11 3. Number of part-time prosecutors;

12 4. Annual felony caseload;

13 5. Annual misdemeanor caseload;

14 6. Number of charges referred to the district attorney by any  
15 law enforcement agency related to an episode of criminal activity;

16 7. Number of cases in which no information was filed;

17 8. Information related to each defendant, including:

18 a. each charge referred to the district attorney by a law  
19 enforcement agency related to an episode of criminal  
20 activity, and actual charge filed by information,

21 b. drug type for each drug charge, if applicable,

22 c. identifying information, except as otherwise  
23 prohibited by law, including race or ethnicity, gender  
24 and age, and

1           d. final disposition of each charge, including any  
2           revocation pursuant to Section 991b of Title 22 of the  
3           Oklahoma Statutes or acceleration pursuant to Section  
4           991c of Title 22 of the Oklahoma Statutes;

5           9. Number of cases disposed of by jury trial;

6           10. Number of cases disposed by bench trial;

7           11. Number of cases disposed by negotiated guilty plea;

8           12. Number of cases disposed of by blind guilty plea;

9           13. Number of cases dismissed by the state;

10          14. Number of defendants being supervised by the district

11 attorney;

12          15. Number of applications to revoke suspended sentences filed  
13 by the district attorney and the final disposition of each

14 application;

15          16. Number of applications to accelerate deferred sentences  
16 filed by the district attorney and the final disposition of each

17 application;

18          17. Total amount of fees collected by the district attorney in  
19 relation to any charge, prosecution, or supervision; and

20          18. Total amount of fees owing to the district attorney but  
21 uncollected in relation to any charge, prosecution or supervision.

22          F. Each public defender shall collect the following data:

23          1. Number of full-time public defenders;

24          2. Number of part-time public defenders;

1       3. Number of contract attorneys representing indigent  
2 defendants for the office of the public defender;

3       4. Annual felony caseload; and

4       5. Annual misdemeanor caseload.

5       G. The administrator of each county detention facility shall  
6 collect the following data:

7       1. Maximum capacity for the county detention facility;

8       2. Weekly admissions to the county detention facility for a  
9 revocation of probation or parole;

10       3. Daily population of the county detention facility, including  
11 the specific number of inmates in the custody of the county that:

12       a. are awaiting case disposition,

13       b. have been sentenced by a court to a term of  
14 imprisonment in the county detention facility,

15       c. have been sentenced by a court to a term of  
16 imprisonment with the Department of Corrections and

17 who are awaiting transportation to the department, and

18       d. have a federal detainer or are awaiting disposition of  
19 a case in federal court;

20       4. Information related to each inmate, including:

21       a. date a defendant is processed into the county  
22 detention facility subsequent to an arrest for a new  
23 violation of law or for a violation of probation or  
24 community control,

1           b. reason why a defendant is processed into the county  
2           detention facility if it is for a new law violation or  
3           a violation of probation or community control, and

4           c. identifying information, except as otherwise  
5           prohibited by law, including race or ethnicity, gender  
6           and age;

7           5. Total population of the county detention facility at year-  
8 end;

9           6. Per diem rate for a county detention facility bed, provided  
10 that this shall be reported only once annually when the rate is  
11 published;

12           7. Daily number of correctional officers for the county  
13 detention facility;

14           8. Annual county detention facility budget, provided that this  
15 shall be reported only once annually at the beginning of the  
16 county's fiscal year;

17           9. Revenue generated for the county from the temporary  
18 incarceration of federal defendants or inmates;

19           10. Total incarceration fees charged to inmates; and

20           11. Total incarceration fees collected from inmates.

21           H. The Department of Corrections shall collect the following  
22 data:

23           1. Information related to each inmate, including:  
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- 1           a. identifying information, including name, age, gender,  
2           race or ethnicity, zip code of primary residence, and  
3           identification number assigned by the department,  
4           b. number of children, if any,  
5           c. education level, including any vocational training,  
6           d. date the inmate was admitted to the custody of the  
7           Department,  
8           e. current institution placement and the security level  
9           assigned to the institution,  
10          f. custody level assignment,  
11          g. county and district attorney district that committed  
12          the prisoner to the custody of the Department,  
13          h. whether the reason for admission to the Department is  
14          for a new conviction or a violation of probation,  
15          community sentencing, or parole, provided that for an  
16          admission for a probation, community sentencing, or  
17          parole violation, the Department shall report whether  
18          the violation was technical or based on a new  
19          violation of law,  
20          i. specific statutory citation for which the inmate was  
21          committed to the Department,  
22          j. length of sentence or concurrent or consecutive  
23          sentences served,  
24          k. tentative release date,

- 1           l. credits for good conduct earned pursuant to Section  
2           138 of Title 57 of the Oklahoma Statutes,  
3           m. prior incarceration within the state,  
4           n. disciplinary violation and action, and  
5           o. participation in rehabilitative or educational  
6           programs while in the custody of the Department;

7           2. Information about each state correctional institution or  
8 facility, including:

- 9           a. budget for each state correctional institution or  
10           facility,  
11           b. daily prison population of all inmates incarcerated in  
12           a state correctional institution or facility,  
13           c. daily number of correctional officers for each state  
14           correctional institution or facility;

15           3. Information related to persons supervised by the Department  
16 on probation or parole, including:

- 17           a. identifying information for each person supervised by  
18           the Department on probation or community control,  
19           including his or her name, age, race or ethnicity,  
20           gender, zip code of permanent residence and  
21           Department-assigned case number,  
22           b. length of probation or parole imposed and amount of  
23           time that has been served on such sentence,  
24           c. projected termination date for probation or parole,  
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- 1           d. revocation of probation or parole due to a violation,  
2           including whether the revocation is due to a technical  
3           violation of the conditions of supervision or from the  
4           commission of a new crime,  
5           e. total amount of fees charged to persons under  
6           supervision, and  
7           f. total amount of fees collected from persons under  
8           supervision;

9           4. Per diem rates for:

- 10           a. prison beds,  
11           b. probation, and  
12           c. parole, provided that per diem rates shall only be  
13           reported once annually at the time the most recent  
14           rate is published.

15           I. Beginning July 1, 2020, the Chief Information Officer shall  
16           publish the datasets collected in this section in a modern, open,  
17           electronic format that is machine readable, readily accessible by  
18           the public and downloadable in a raw data format. The published  
19           data must be searchable, at a minimum, by each data element, county,  
20           court, date and unique identifier. The Criminal Justice Information  
21           Systems Center for Excellence shall publish all data received no  
22           later than July 1, 2020.

1       J. Any information, data, records, or reports submitted  
2 pursuant to this section shall be an open record pursuant to the  
3 Oklahoma Open Records Act.

4       K. Notwithstanding any other provision of law, an entity  
5 required by this section to collect and transmit data which does not  
6 comply with the requirements of this section is ineligible to  
7 receive funding from the General Revenue Fund, any legislative  
8 appropriation, or any state grant program for five (5) years after  
9 the date of noncompliance.

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

12       57-1-1412           MG           1/17/2019 2:46:31 PM