

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 792

By: Treat

4
5
6 AS INTRODUCED

7 An Act relating to pardon and parole; amending 57
8 O.S. 2011, Section 332.1A, which relates to training
9 for members of Pardon and Parole Board; modifying
10 training curriculum; amending 57 O.S. 2011, Section
11 332.1B, which relates to the Pardon and Parole Board;
12 modifying requirements; amending 57 O.S. 2011,
13 Section 332.8, as amended by Section 3, Chapter 124,
14 O.S.L. 2013 (57 O.S. Supp. 2016, Section 332.8),
15 which relates to conditions for parole; directing
16 evidence-based community programming be used;
17 amending 57 O.S. 2011, Section 502, as last amended
18 by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.
19 2016, Section 502), which relates to definitions;
20 modifying inclusions; amending 57 O.S. 2011, Section
21 510.9, as last amended by Section 31, Chapter 210,
22 O.S.L. 2016 (57 O.S. Supp. 2016, Section 510.9), which
23 relates to electronic monitoring program; modifying
24 requirements; providing for certain assessment;
providing for alternative payment options; amending
57 O.S. 2011, Section 512, which relates to
supervision of paroled inmates; directing certain
intake and orientation for parolee; requiring certain
compliance monitoring; amending 57 O.S. 2011, Section
515, as amended by Section 4, Chapter 267, O.S.L.
2012 (57 O.S. Supp. 2016, Section 515), which relates
to probation-parole officers; directing officers to
undergo annual training; providing requirements;
amending Section 2, Chapter 414, O.S.L. 2014 (57 O.S.
Supp. 2016, Section 515a), which relates to felony
probation supervision; requiring risk and needs
assessment; directing the development of treatment
and supervision plan; and providing an effective
date.

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

2 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.1A, is
3 amended to read as follows:

4 Section 332.1A. A. Each member of the Pardon and Parole Board
5 shall receive at least twelve (12) hours of training for the first
6 year and six (6) hours of training per year thereafter on matters
7 relating to the duties of the Board. ~~The training shall be provided~~
8 ~~by personnel of the Pardon and Parole Board according to guidelines~~
9 ~~adopted by the Board.~~

10 B. Each member of the Pardon and Parole Board shall complete
11 annual training developed based on guidance from the National
12 Institute of Corrections, the Association of Paroling Authorities
13 International or the American Probation and Parole Association.
14 Annual training curriculum shall include but not be limited to
15 identifying, understanding, and targeting criminogenic needs, the
16 principles of effective intervention, core correctional practices
17 and how to support and encourage offender behavior change.

18 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.1B, is
19 amended to read as follows:

20 Section 332.1B. ~~To be eligible for appointment as a Pardon and~~
21 ~~Parole Board member, a person shall possess at least one of the~~
22 ~~following minimum qualifications:~~

23

24

1 ~~1. A bachelor's degree in the social sciences from an~~
2 ~~accredited college or university and five (5) years of experience in~~
3 ~~the criminal justice field;~~

4 ~~2. A master's degree and four (4) years of experience in the~~
5 ~~criminal justice field; or~~

6 ~~3. A juris doctorate and three (3) years of experience in the~~
7 ~~criminal justice field~~

8 A. To be eligible for appointment as a Pardon and Parole Board
9 member, a person shall possess a bachelor's degree from an
10 accredited college or university and have at least five (5) years of
11 experience in one or more of the following fields: criminal justice,
12 parole, probation, corrections, criminal law, law enforcement,
13 psychiatry, psychology, behavioral health, substance abuse services
14 or social work.

15 B. At least two (2) members of the Pardon and Parole Board
16 shall have five (5) years of training or experience in clinical
17 psychology, substance abuse services or social work.

18 SECTION 3. AMENDATORY 57 O.S. 2011, Section 332.8, as
19 amended by Section 3, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
20 Section 332.8), is amended to read as follows:

21 Section 332.8. No recommendations to the Governor for parole
22 shall be made nor any paroles granted by the Board in relation to
23 any inmate in a penal institution in the State of Oklahoma unless
24 the Pardon and Parole Board considers the victim impact statements

1 if presented to the jury, or the judge in the event a jury was
2 waived, at the time of sentencing and, in every appropriate case, as
3 a condition of parole, monetary restitution of economic loss as
4 defined by Section 991f of Title 22 of the Oklahoma Statutes,
5 incurred by a victim of the crime for which the inmate was
6 imprisoned. In every case, the Pardon and Parole Board ~~shall first~~
7 ~~consider the number of previous felony convictions and the type of~~
8 ~~criminal violations leading to any such felony convictions, then~~
9 ~~shall consider either suitable employment or a suitable residence,~~
10 ~~and finally~~ shall mandate participation in education programs to
11 achieve the proficiency level established in Section 510.7 of this
12 title or, at the discretion of the Board require the attainment of a
13 general education diploma, as a condition for release on parole.
14 The Board shall consider the availability of programs and the
15 waiting period for such programs in setting conditions of parole
16 release. The Board may require any program to be completed after
17 the inmate is released on parole as a condition of parole, and for
18 inmates convicted of crimes other than those set forth in Section
19 571 of this title or Section 13.1 of Title 21 of the Oklahoma
20 Statutes, priority shall be given to programming in the community
21 where it is available rather than in the prison facility.
22 Programming and treatment ordered as conditions or stipulations for
23 parole must be evidence-based. For the purposes of this section,
24 "evidence-based" shall be defined as programming and treatment that

1 has been proven through peer-reviewed criminological research to
2 reliably produce reductions in recidivism. A facsimile signature of
3 the inmate on parole papers that is transmitted to the Board shall
4 be an accepted means of acknowledgement of parole conditions. The
5 probation and parole officer shall render reasonable assistance to
6 any person making application for parole, in helping to obtain
7 suitable employment or enrollment in an education program or a
8 suitable residence. Any inmate who fails to satisfactorily attend
9 and make satisfactory progress in the educational program in which
10 the inmate has been required to participate as a condition of
11 parole, may have his or her parole revoked. If an inmate's parole
12 is revoked, such inmate shall be returned to confinement in the
13 custody of the Department of Corrections.

14 SECTION 4. AMENDATORY 57 O.S. 2011, Section 502, as last
15 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2016,
16 Section 502), is amended to read as follows:

17 Section 502. As used in this title, unless the context
18 otherwise requires:

- 19 1. "Board" means the State Board of Corrections;
- 20 2. "Department" means the Department of Corrections of this
21 state;
- 22 3. "Director" means the Director of the Department of
23 Corrections;

24

1 4. "Halfway house" means a private facility for the placement
2 of inmates in a community setting for the purpose of reintegrating
3 into the community inmates who are nearing their release dates. The
4 term shall not include private prisons;

5 5. "Institutions" means the Oklahoma State Penitentiary located
6 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
7 Granite, Oklahoma; the Lexington Assessment and Reception Center
8 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
9 located at Lexington, Oklahoma; the Jackie Brannon Correctional
10 Center located at McAlester, Oklahoma; the Howard C. McLeod
11 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
12 Correctional Center located at Stringtown, Oklahoma; the Jim E.
13 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
14 Bassett Correctional Center located at McLoud, Oklahoma; the R.B.
15 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the
16 James Crabtree Correctional Center located at Helena, Oklahoma; the
17 Jess Dunn Correctional Center located at Taft, Oklahoma; the John
18 Lilley Correctional Center located at Boley, Oklahoma; the William
19 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.
20 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;
21 the Northeast Oklahoma Correctional Center located at Vinita,
22 Oklahoma; the Clara Waters and Kate Barnard Community Corrections
23 Centers located at Oklahoma City, Oklahoma; the Community
24 Corrections Centers located at Lawton, Enid, Oklahoma City and Union

1 City; the Charles E. "Bill" Johnson Correctional Center, located
2 east of Alva, Oklahoma; the Southern Oklahoma Resource Center
3 located at Pauls Valley, Oklahoma; and other facilities under the
4 jurisdiction and control of the Department of Corrections or
5 hereafter established by the Department of Corrections;

6 6. "Intermediate revocation facility" means a corrections
7 center operated by the Department of Corrections or a private
8 facility or public trust operating pursuant to contract with the
9 Department of Corrections which provides housing and intensive
10 programmatic services for offenders who have violated the terms or
11 conditions of probation as determined by a supervising probation
12 officer. "Intensive programmatic services" offered by the
13 Department of Corrections includes, but shall not be limited to,
14 alcohol and substance abuse counseling and treatment, mental health
15 counseling and treatment and domestic violence courses and treatment
16 programs;

17 7. "Intermediate sanctions facility" means a community
18 corrections center operated by the Department of Corrections or a
19 private facility or public trust operating pursuant to contract with
20 the Department of Corrections which provides for the housing and
21 programmatic services of offenders such as probation or parole
22 violators or community sentenced offenders placed in the facility
23 for disciplinary sanctions, work release offenders, offenders who
24 need intensive programmatic services, or offenders who have

1 demonstrated positive adjustment while in an institutional setting
2 who need additional programmatic services to enhance their reentry
3 into society upon release from a prison term; ~~and~~

4 8. "Private prison contractor" means:

- 5 a. a nongovernmental entity or public trust which,
6 pursuant to a contract with the Department of
7 Corrections, operates an institution within the
8 Department other than a halfway house or intermediate
9 sanctions facility, or provides for the housing, care,
10 and control of inmates and performs other functions
11 related to these responsibilities within a minimum,
12 medium, or maximum security level facility not owned
13 by the Department but operated by the contractor, or
14 b. a nongovernmental entity or public trust which,
15 pursuant to a contract with the United States or
16 another state, provides for the housing, care, and
17 control of minimum or medium security inmates in the
18 custody of the United States or another state, and
19 performs other functions related to these
20 responsibilities other than a halfway house or
21 intermediate sanctions facility within a facility
22 owned or operated by the contractor;

1 9. "Technical violation" means a violation of the rules or
2 conditions of supervision, not including new offenses in which new
3 felony or misdemeanor charges are filed; and

4 10. "Risk and needs assessment" means an actuarial tool
5 validated on the state's correctional population that determines an
6 individual's risk of reoffending and the criminal risk factors that,
7 when addressed, reduce the individual's risk of reoffending.

8 SECTION 5. AMENDATORY 57 O.S. 2011, Section 510.9, as
9 last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp.
10 2016, Section 510.9), is amended to read as follows:

11 Section 510.9. A. There is hereby created the Electronic
12 Monitoring Program for inmates in the custody of the Department of
13 Corrections who are sentenced for a nonviolent offense not included
14 as a violent offense defined in Section 571 of this title. The
15 Department is authorized to use an electronic monitoring global
16 positioning device to satisfy its custody duties and
17 responsibilities.

18 B. After an inmate has been processed and received through a
19 Department Assessment and Reception Center, has been incarcerated
20 for a minimum of ninety (90) days, and has met the criteria
21 established in subsection C of Section 521 of this title, the
22 Director of the Department of Corrections may assign the inmate, if
23 eligible, to the Electronic Monitoring Program. Nothing shall
24 prohibit the Director from assigning an inmate to the Electronic

1 Monitoring Program while assigned to the accredited halfway house or
2 transitional living facility. The following inmates, youthful
3 offenders, and juveniles shall not be eligible for assignment to the
4 program:

5 1. Any inmate serving a sentence of more than five (5) years
6 who has ~~eleven (11)~~ twenty-four (24) months or more left on the
7 sentence or any inmate serving a sentence of five (5) years or less
8 whose initial custody assessment requires placement above the
9 minimum security level;

10 2. Inmates convicted of a violent offense within the previous
11 ten (10) years pursuant to Section 571 of this title;

12 3. Inmates convicted of any violation of the provisions of the
13 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
14 of the Oklahoma Statutes;

15 4. Inmates denied parole within the previous twelve (12) months
16 pursuant to Section 332.7 of this title;

17 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
18 the Oklahoma Statutes who are not receptive to substance abuse
19 treatment and follow-up treatment;

20 6. Inmates removed from the Electronic Monitoring Program or
21 any other alternative to incarceration authorized by law for
22 violation of any rule or condition of the program and reassigned to
23 imprisonment in a correctional facility;

24

1 7. Inmates deemed by the Department to be a security risk or
2 threat to the public;

3 8. Inmates requiring educational, medical or other services or
4 programs not available in a community setting as determined by the
5 Department;

6 9. Inmates convicted of any violation of subsection C of
7 Section 644 of Title 21 of the Oklahoma Statutes or who have an
8 active protection order that was issued under the Protection from
9 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
10 Oklahoma Statutes;

11 10. Inmates who have outstanding felony warrants or detainers
12 from another jurisdiction;

13 11. Inmates convicted of a sex offense who, upon release from
14 incarceration, would be required by law to register pursuant to the
15 Sex Offender Registration Act;

16 12. Inmates convicted of racketeering activity as defined in
17 Section 1402 of Title 22 of the Oklahoma Statutes;

18 13. Inmates convicted pursuant to subsection F of Section 2-401
19 of Title 63 of the Oklahoma Statutes;

20 14. Inmates convicted pursuant to Section 650 of Title 21 of
21 the Oklahoma Statutes;

22 15. Inmates who have escaped from a penal or correctional
23 institution within the previous ten (10) years; or
24

1 16. Inmates who currently have active misconduct actions on
2 file with the Department of Corrections.

3 C. Every eligible inmate assigned to the Electronic Monitoring
4 Program shall remain in such program until one of the following
5 conditions has been met:

6 1. The inmate discharges the term of the sentence;

7 2. The inmate is removed from the Electronic Monitoring Program
8 for violation of any rule or condition of the program and reassigned
9 to imprisonment in a correctional facility; or

10 3. The inmate is paroled ~~by the Governor~~ pursuant to Section
11 332.7 of this title.

12 D. After an inmate has been assigned to the Electronic
13 Monitoring Program, denial of parole pursuant to Section 332.7 of
14 this title, shall not be cause for removal from the program,
15 provided the inmate has not violated the rules or conditions of the
16 program. The inmate may remain assigned to the program, if
17 otherwise eligible, until the completion of the sentence.

18 E. The Electronic Monitoring Program shall require active
19 supervision of the inmate in a community setting by a correctional
20 officer or other employee of the Department of Corrections with
21 monitoring by a global positioning device approved by the Department
22 under such rules and conditions as may be established by the
23 Department. If an inmate violates any rule or condition of the
24 program, the Department may take necessary disciplinary action

1 consistent with the rules established pursuant to this section,
2 including reassignment to a higher level of security or removing the
3 inmate from the program with reassignment to imprisonment in a
4 correctional facility. Any inmate who escapes from the Electronic
5 Monitoring Program shall be subject to the provisions of Section 443
6 of Title 21 of the Oklahoma Statutes.

7 F. Upon an inmate's assignment to the Electronic Monitoring
8 Program, the Department of Corrections shall administer a validated
9 risk and needs assessment; provided, however, a risk and needs
10 assessment shall not be required if the inmate was assessed within
11 three (3) months prior to being assigned to the Electronic
12 Monitoring Program. The Department shall use the results of the
13 risk and needs assessment to develop an individualized case plan for
14 the inmate.

15 G. Upon an inmate assigned to the Electronic Monitoring Program
16 becoming eligible for parole consideration, pursuant to Section
17 332.7 of this title, the Department of Corrections shall deliver the
18 inmate, in person, to a correctional facility for interview,
19 together with any Department records necessary for the Pardon and
20 Parole Board's investigation. Inmates assigned to the Electronic
21 Monitoring Program shall not be allowed to waive consideration or
22 recommendation for parole.

23 ~~G.~~ H. Prior to placement of any eligible inmate assigned to the
24 Electronic Monitoring Program being placed in a community setting,

1 the Department of Corrections shall deliver a written notification
2 to the sheriff and district attorney of the county, and the chief
3 law enforcement officer of any incorporated city or town in which
4 the inmate is to be monitored and supervised under the program. The
5 district attorney shall disseminate such information to victims of
6 the crime for which the inmate is serving sentence, if any, when the
7 victims are known to live in the same city, town or county.

8 ~~H.~~ I. An inmate assigned to the Electronic Monitoring Program
9 may be required to pay the Department of Corrections for all or part
10 of any monitoring equipment or fee, substance abuse treatment
11 program or follow-up treatment expense, supervision cost, or other
12 costs while assigned to the program. The Department shall determine
13 whether the inmate has the ability to pay all or part of such fee or
14 costs. If the Department determines that an inmate is not able to
15 pay all or part of such fee or costs associated with the program,
16 the Department may waive, subsidize or establish a payment plan for
17 the fee or costs associated with the program. No inmate may be
18 excluded from the Electronic Monitoring Program for an inability to
19 pay the fees or costs associated with the program.

20 ~~I.~~ J. The Department of Corrections shall promulgate and adopt
21 rules and procedures necessary to implement the Electronic
22 Monitoring Program, including but not limited to methods of
23 monitoring and supervision, disciplinary action, reassignment to
24 higher and lower security levels, removal from the program, and

1 costs of monitoring and supervision to be paid by the inmate, if
2 any.

3 ~~J.~~ K. An inmate assigned to the Electronic Monitoring Program
4 shall, within thirty (30) days of being placed in a community
5 setting, report to the court clerk and the district attorney of the
6 county from which the judgment and sentence resulting in
7 incarceration arose to address payment of any fines, costs,
8 restitution and assessments owed by the inmate, if any.

9 SECTION 6. AMENDATORY 57 O.S. 2011, Section 512, is
10 amended to read as follows:

11 Section 512. A. Any inmate in a state penal institution who
12 has been granted a parole shall be released from the institution
13 upon the following conditions:

14 1. That he comply with specified requirements of the Division
15 of Community Services of the Department of Corrections under the
16 active supervision of a Probation and Parole Officer. Such active
17 supervision shall be for a period not to exceed three (3) years,
18 except as provided in paragraph 2 of this section.

19 2. That he be actively supervised by a Probation and Parole
20 Officer for an extended period not to exceed the expiration of the
21 maximum term or terms for which he was sentenced if convicted of a
22 sex offense or upon the determination by the Division of Community
23 Services that the best interests of the public and the parolee will
24 be served by such an extended period of supervision.

1 Provided, for the purposes of this section, the term "sex
2 offense" shall not include a violation of paragraph 1 of subsection
3 A of Section 1021 of Title 21 of the Oklahoma Statutes.

4 The Probation and Parole Officer, upon information sufficient to
5 give him reasonable grounds to believe that the parolee has violated
6 the terms of and conditions of his parole, shall notify the Deputy
7 Director of the Division of Community Services in accordance with
8 Section 516 of Title 57 of the Oklahoma Statutes.

9 B. Upon receiving an offender on parole, the Department shall:

10 1. Conduct an intake and orientation for the parolee. The
11 parolee shall present to the Department within three (3) business
12 days of release from confinement for the purpose of intake and
13 orientation to parole supervision. The intake shall consist of the
14 personal information of the offender and shall include, but not be
15 limited to, name, address, phone numbers, employment, employment
16 history, family information and criminal history. The Department
17 shall also provide an orientation to the parolee. The orientation
18 shall explain rules and conditions, reporting instructions,
19 consequences for violations of the rules and conditions, which
20 include reviewing the sanctions and incentives matrix established by
21 the Department, and expectations for the parolee while on
22 supervision;

23 2. Administer a risk and needs assessment on each individual on
24 parole within forty-five (45) business days of release from

1 confinement. The results of the risk and needs assessment conducted
2 in accordance with this paragraph shall be used to guide supervision
3 responses consistent with evidence-based practices as to the level
4 of supervision and the practices used to reduce recidivism. The
5 risk and needs assessment shall be administered and scored by
6 qualified personnel in the Department or personnel certified by the
7 Department of Mental Health and Substance Abuse Services;

8 3. Develop an individualized treatment and supervision plan for
9 each person assessed as moderate to high risk to reoffend;

10 4. Monitor the compliance or noncompliance of the offender with
11 all monetary obligations and parole requirements ordered by the
12 Pardon and Parole Board which may include, but not be limited to,
13 the following:

14 a. substance abuse testing,

15 b. employment or education verification,

16 c. criminal history background checks,

17 d. verification of the payment of fines, costs,

18 assessments, restitution, prosecution fees and

19 supervision fees,

20 e. verification of attendance and completion of community

21 service requirements, or

22 f. verification of attendance and completion of

23 counseling or treatment programs;

1 5. Provide sanctions in the event the offender violates the
2 rules and conditions of parole supervision which may include, but
3 not be limited to, the following:

- 4 a. increased reporting requirements,
- 5 b. increased substance abuse testing,
- 6 c. increased counseling or substance abuse meetings,
- 7 d. short-term period of incarceration in jail,
- 8 e. additional community service hours,
- 9 f. electronic monitoring or installation of an ignition
10 interlock device, or
- 11 g. revocation; and

12 6. When recommending a short-term period of incarceration in
13 jail, additional community service hours, electronic monitoring or
14 installation of an ignition interlock device, the Department shall
15 obtain approval from the Pardon and Parole Board prior to
16 implementing the sanction.

17 C. The Department shall have the authority to implement
18 additional supervision requirements including, but not limited to,
19 the following:

20 1. Individualized treatment and supervision plans based upon
21 the results of any substance abuse assessment and evaluation, risk
22 and needs assessment and any other assessment or evaluation
23 conducted on the individual. The individualized treatment plan may
24 include additional reporting requirements and additional programming

1 requirements. The treatment plan shall be developed to assist the
2 offender with successful progress toward completion of parole
3 supervision;

4 2. Random substance abuse testing to ensure the compliance and
5 sobriety of the offender;

6 3. Progress reports as requested by the Pardon and Parole
7 Board; and

8 4. Specialized supervision or case management for violators of
9 conditions of supervision that involve a victim of domestic
10 violence.

11 SECTION 7. AMENDATORY 57 O.S. 2011, Section 515, as
12 amended by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2016,
13 Section 515), is amended to read as follows:

14 Section 515. A. All probation-parole officers shall be deemed
15 peace officers and shall possess the powers granted by law to peace
16 officers. Probation-parole officers shall meet all of the training
17 and qualifications for peace officers required by Section 3311 of
18 Title 70 of the Oklahoma Statutes. Qualifications for probation-
19 parole officers shall be good character and a bachelor's degree from
20 an accredited college or university including at least twenty-four
21 (24) credit hours in any combination of psychology, sociology,
22 social work, criminology, education, criminal justice
23 administration, penology or police science.

1 B. The Department shall require all Probation and Parole
2 Officers that supervise felony offenders on probation or parole
3 supervision to undergo annual training regarding:

4 1. Identifying, understanding and targeting an individual's
5 criminal risk factors;

6 2. Principles of effective risk intervention;

7 3. Supporting and encouraging compliance and behavior change;

8 and

9 4. Responding to violations committed by offenders on
10 supervision for an offense involving a victim of domestic violence.

11 SECTION 8. AMENDATORY Section 2, Chapter 414, O.S.L.
12 2014 (57 O.S. Supp. 2016, Section 515a), is amended to read as
13 follows:

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

18 B. Upon receiving an offender on probation supervision, the
19 supervising agency shall:

20 1. Conduct an intake and orientation for the offender. The
21 offender shall present to the principal office of the supervising
22 agency within three (3) business days of sentencing or within three
23 (3) business days of release from confinement if any term of
24 incarceration is ordered, for the purpose of intake and orientation

1 to probation supervision. The intake shall consist of the personal
2 information of the offender and shall include, but not be limited
3 to, name, address, phone numbers, employment and employment history,
4 family information and criminal history. The supervising agency
5 shall also provide an orientation to the offender. The orientation
6 shall explain rules and conditions, reporting instructions,
7 consequences for violations of the rules and conditions pursuant to
8 Section 991b of Title 22 of the Oklahoma Statutes, and expectations
9 of the offender subject to probation supervision;

10 2. Administer a risk and needs assessment on each individual on
11 probation supervision within forty-five (45) business days of
12 sentencing or within forty-five (45) business days of release from
13 confinement. The results of the risk and needs assessment conducted
14 in accordance with this paragraph shall be used to guide supervision
15 responses consistent with evidence-based practices as to the level
16 of supervision and the practices used to reduce recidivism. The
17 risk and needs assessment shall be administered and scored by
18 qualified personnel in the Department or personnel certified by the
19 Department of Mental Health and Substance Abuse Services;

20 3. Develop an individualized treatment and supervision plan for
21 each person assessed as moderate or high risk to reoffend;

22 4. Require the offender to complete within ninety (90) days of
23 intake and orientation, an approved substance abuse assessment and
24 evaluation, if deemed appropriate by the court; provided, however, a

1 substance abuse assessment and evaluation shall not be required if
2 the offender has been previously assessed within one (1) year prior
3 to the date of sentencing, unless ordered by the court. Substance
4 abuse assessments and evaluations ordered by the court shall be
5 administered and scored by assessment personnel certified by the
6 Department of Mental Health and Substance Abuse Services;

7 5. Require the offender to receive a batter's assessment
8 through a certified batter's program, if deemed appropriate by the
9 court, within sixty (60) business days of sentencing or within sixty
10 (60) business days of release from confinement. The batterer's
11 assessment ordered by the court shall be administered and scored by
12 qualified personnel in the Department of Corrections or personnel
13 certified by the Department of Mental Health and Substances Abuse
14 Services;

15 ~~3.~~ 6. Monitor the compliance or noncompliance of the offender
16 with all monetary obligations and probation requirements ordered by
17 the court which may include, but not be limited to, the following:

- 18 a. substance abuse testing,
- 19 b. employment or education verification,
- 20 c. criminal history background checks,
- 21 d. verification of the payment of fines, costs,
- 22 assessments, restitution, prosecution fees and
- 23 supervision fees,
- 24

- 1 e. verification of attendance and completion of community
2 service requirements, or
3 f. verification of attendance and completion of
4 counseling or treatment programs;

5 ~~4.~~ 7. Provide sanctions in accordance with paragraph 1 of
6 subsection B of Section 991b of Title 22 of the Oklahoma Statutes in
7 the event the offender violates the rules and conditions of
8 probation supervision which may include, but not be limited to, the
9 following:

- 10 a. increased reporting requirements,
11 b. increased substance abuse testing,
12 c. increased counseling or substance abuse meetings,
13 d. short-term period of incarceration in jail or
14 intermediate revocation facilities,
15 e. additional community service hours,
16 f. electronic monitoring or installation of an ignition
17 interlock device, or
18 g. revocation or acceleration of the suspended or
19 deferred sentence; and

20 ~~5.~~ 8. Provide a written sanction report to the court and
21 offender specifying the violation, sanction and plan to correct the
22 noncompliant behavior of the offender. When recommending a short-
23 term period of incarceration in jail, additional community service
24 hours, electronic monitoring or installation of an ignition

1 interlock device, the supervising agency shall obtain court approval
2 prior to implementing the sanction.

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

6 1. Individualized treatment and supervision plans based upon
7 the results of any substance abuse assessment and evaluation, risk
8 and needs assessment and any other assessment or evaluation
9 conducted on the individual. The individualized treatment plan may
10 include additional reporting requirements and additional counseling
11 and substance abuse meeting requirements. The treatment plan shall
12 be developed to assist the offender with successful progress toward
13 completion of probation supervision;

14 2. Random substance abuse testing to ensure the compliance and
15 sobriety of the offender; ~~and~~

16 3. Progress reports as requested by the court; and

17 4. Specialized supervision or case management for violators of
18 conditions of supervision that include a victim of domestic
19 violence.

20 SECTION 9. This act shall become effective November 1, 2017.

21
22 56-1-873 BH 1/20/2017 8:03:48 AM

23
24