

1 **SENATE FLOOR VERSION**

2 February 15, 2018

3 SENATE BILL NO. 904

By: Shaw of the Senate

4 and

5 Cleveland of the House

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7  
8 An Act relating to criminal procedure; amending 22  
9 O.S. 2011, Section 988.18, which relates to  
10 assessment and evaluation of defendants; removing  
11 certain requirements for participation; and providing  
12 an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 988.18, is  
15 amended to read as follows:

16 Section 988.18. A. On and after March 1, 2000, for each felony  
17 offender considered for any community punishment pursuant to the  
18 Oklahoma Community Sentencing Act, the judge shall, prior to  
19 sentencing, order an assessment and evaluation of the defendant as  
20 required by law.

21 B. The Level of Services Inventory (LSI), or another assessment  
22 and evaluation instrument designed to predict risk to recidivate  
23 approved by the Department of Corrections, shall be required to  
24 determine eligibility for any offender sentenced pursuant to the

1 Oklahoma Community Sentencing Act. The completed assessment  
2 accompanied by a written supervision plan shall be presented to and  
3 reviewed by the court prior to determining any punishment for the  
4 offense. The purpose of the assessment shall be to identify the  
5 extent of the deficiencies and pro-social needs of the defendant,  
6 the potential risk to commit additional offenses that threaten  
7 public safety, and the appropriateness of various community  
8 punishments.

9 C. Upon order of the court, the defendant shall be required to  
10 submit to the LSI or other approved assessment which shall be  
11 administered and scored by an appropriately trained person pursuant  
12 to a service agreement with the local community sentencing system.  
13 Any defendant lacking sufficient skills to comprehend or otherwise  
14 participate in the assessment and evaluation shall have appropriate  
15 assistance. If it is determined that the offender cannot be  
16 adequately evaluated using the LSI or another approved assessment,  
17 the offender shall be deemed ineligible for any community services  
18 pursuant to the Oklahoma Community Sentencing Act, and shall be  
19 sentenced as prescribed by law for the offense.

20 D. The willful failure or refusal of the defendant to be  
21 assessed and evaluated by using the LSI or another approved  
22 assessment shall preclude the defendant from eligibility for any  
23 community punishment.

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1 E. The completed LSI, or other approved assessment, shall  
2 include a written supervision plan and identify an appropriate  
3 community punishment, if any, when the offender is considered  
4 eligible for community punishments based upon the completed  
5 risk/need score from the LSI assessment of the offender. Unless  
6 otherwise prohibited by law, only eligible offenders ~~scoring in a~~  
7 ~~range other than the low range on the LSI assessment and having at~~  
8 ~~least one prior felony conviction,~~ as defined in Section 988.2 of  
9 this title, shall be eligible for any state-funded community  
10 punishments.

11 F. The court is not required to sentence any offender to a  
12 community punishment regardless of an eligible score on the LSI.  
13 Any felony offender scoring in the low risk/need levels on the LSI  
14 may be sentenced to a suspended sentence with minimal, if any,  
15 conditions of the sentence to be paid by the offender. If the LSI  
16 or another assessment has been conducted, the evaluation report  
17 shall accompany the judgment and sentence.

18 SECTION 2. This act shall become effective November 1, 2018.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
20 February 15, 2018 - DO PASS

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