

DOC Legislative Wrap-Up 2015

The 2015 legislative session adjourned on May 22nd, one week earlier than what is required by the Oklahoma Constitution. The Department of Corrections (DOC) had three request bills that we guided through the process. We are happy to say that two were signed by the Governor and the last should be signed any day. Lawmakers convened the first Monday in February with 2,293 bills and resolutions introduced. By Sine Die adjournment lawmakers passed 418 of those bills and 72 of the resolutions. Some of those became law once they were signed, while most will become law on November 1, 2015.

The biggest topic of discussion this session was the over \$600 million gap in the state budget. This set us up for a tense session where we focused on educating lawmakers on the financial needs of the Department and the cost saving measures we've already implemented to be responsible with taxpayer dollars. I'm happy to report that DOC was granted a \$14 million dollar increase. In a year where some agencies saw a 5% budget cut this is a huge victory for our Department. You can read more about DOC's budget and how that increase will be used by reading the [Director's News Update](#) from June 1.

Meanwhile, lawmakers are already filing interim study requests and we are monitoring those closely. We will also be spending the interim developing our legislative priorities for the 2016 session.

DOC request bills. . .

[Senate Bill 412](#)

(Authors=Senator Rick Brinkley, Representative Scott Biggs)

Synopsis: SB412 addressed Oklahoma's need to create a single list of violent crimes in statute. Prior to this bill there were as many as 5 areas of statute that addressed what constitutes a violent crime making it difficult for judges, district attorneys and DOC staff.

What this means to DOC: DOC will now have a clearer idea of what is classified as a violent crime. Making it easier for sentence administration and case managers to classify offenders.

Outcome: SB412 was signed by the Governor on June 6th. It will take effect November 1, 2015.

House Bill 1630

(Authors=Representative Lisa Billy, Senator Don Barrington)

Synopsis: HB1630 addresses the process of receiving offenders from county jails. It gives county jails 3 business days to transmit sentencing documents and gives them more flexibility on how they notify the Department of Corrections by authorizing notice through sentencing documents other than the judgment and sentence.

What this means for DOC: Current statute doesn't dictate a time limit for county sheriffs or court clerks to transmit sentencing documents to DOC. By adding a time limit we can get a better idea of the offender population we have waiting to be transferred from county jails. Therefore, making it easier for DOC to manage our budget and to accurately calculate population and capacity. We expect this change to create a significant savings for the Department.

Outcome: HB1630 was SIGNED by the Governor on May 12th. It will take effect November 1, 2015.

Senate Bill 54

(Authors=Senator Kim David, Representative Sean Roberts)

Synopsis: SB54 allows employees with the Inspector General and Probation and Parole divisions to keep their firearms when they retire.

What this means for DOC: Prior to passage of this bill officers with the Inspector General's office and Probation and Parole were only allowed to keep their badge upon retirement. Leaving them one of the few commissioned position with the state that is not allowed to keep their firearm upon retirement.

Outcome: SB54 was SIGNED by the Governor on April 21st. It will take effect November 1, 2015.

Legislation monitored by DOC. . .

DOC actively monitored several pieces of legislation that could affect our agency. Below are a few of the bills we monitored. By listing these bills we are not stating our support or lack of support for any piece of legislation. *Each bill listed below contains a hyperlink to a public website where you can view the final version of the bill.*

HB1044-Authors: Representative Walker and Senator Treat

- **Synopsis:** HB1044 allows a state agency employing more than 10 full-time employees to develop a State Employee Suggestion Program. The bill states that the program will provide economic incentives to employees who make suggestions which result in direct cost savings of at least \$5,000. There are additional rules regarding what constitutes a savings to the Department.
- **Outcome:** Signed by the Governor on May 11th. It will take effect July 1, 2015.

HB1047- Authors: Representative Scott Biggs and Senator Kim David

- **Synopsis:** requires individuals convicted of aggravated child pornography to serve not less than 85 percent of any sentence of imprisonment. This bill also clarifies reference to violent crimes.
- **Outcome:** Signed by the Governor on May 11th. It will take effect November 1, 2015.

HB1518- Authors: Representative Pam Peterson and Senator Wayne Shaw

- **Synopsis:** The bill permits a judge to depart from the applicable minimum sentence if the judge finds substantial and compelling reasons on the record and after giving due regard to the nature of the crime, history and character of the defendant and his or her chances of successful rehabilitation, that the mandatory minimum sentence of imprisonment is not necessary for the protection of the public and would result in substantial injustice to the defendant or the mandatory minimum sentence of imprisonment is not necessary for the protection of the public and the defendant, based on a risk and needs assessment, is eligible for an alternative court, a diversion program or community sentencing, without regard to exclusions because of previous convictions, and has been accepted to the same, pending sentencing.
- **Outcome:** Signed by the Governor on May 4th. It will take effect November 1, 2015.

HB1687-Authors: Representative Lee Denney and Senator Jim Halligan

- **Synopsis:** HB1687 gives DOC flexibility in choosing what vendor they use to administer high school equivalency tests. This will be a significant cost savings to the Department.
- **Outcome:** HB1687 was signed by the Governor on June 3rd. It will take effect July 1, 2015.

HB1749-Authors: Representative Tom Newell and Senator Nathan Dahm

- **Synopsis:** HB1749 prohibits a state agency from making payroll deductions on behalf of an employee for membership dues in any public employee association or professional organization that collectively bargains on behalf of its membership.
- **Outcome:** Signed by the Governor on April 2nd. It will take effect November 1, 2015.

HB1879- Authors: Representative Mike Christian and Senator Anthony Sykes

- **Synopsis:** HB1879 requires death sentences to be carried out by nitrogen hypoxia if lethal injection is held unconstitutional or is unavailable
- **Outcome:** Signed by the Governor on April 17th. It will take effect November 1, 2015.

HB2179-Authors: Speaker Jeff Hickman and Senator AJ Griffin

- **Synopsis:** HB 2179 would authorize the Department of Public Safety to enter into agreements to allow persons whose license to operate a commercial motor vehicle has been suspended or revoked to receive a provisional driver license so that the person can operate a commercial vehicle during the scope and course of their employment. This bill is important to the re-entry process that we work with offenders on.
- **Outcome:** Signed by the Governor on April 20th. This bill will take effect November 1, 2015.

HB2187- Authors: Speaker Jeff Hickman and Senator A.J. Griffin

- **Synopsis:** HB 2187 would authorize the Pardon and Parole Board to use electronic monitoring devices for any inmate granted parole as a condition for parole.
- **Outcome:** Signed by the Governor on May 12th. This bill takes effect on November 1, 2015.

SB38-Authors: Senator Wayne Shaw and Representative Pam Peterson

- **Synopsis:** SB38 modifies the conditions under which the Department of Corrections director may recommend an offender for medical parole by changing the requirement that an inmate no longer be a threat to public safety to that inmate no longer be "an unreasonable" threat. The bill also provides the parolee will be subject to parole revocation in the event it is determined that changes in their medical condition or for other reasons that the continuation of the medical parole presents an increased risk to the public.
- **Outcome:** Signed by the Governor on April 13th. It will take effect on November 1, 2015.

SB55-Authors: Senator Kim David and Representative Lisa Billy

- **Synopsis:** The bill provides that assault and battery upon law officers includes any attempt to reach for or gain control of the firearm of any police officer, sheriff, deputy sheriff, highway patrol, **corrections personnel** or any peace officer employed by any state or federal governmental agency to enforce state laws.
- **Outcome:** Signed by the Governor on April 7th. This bill will take effect on November 1, 2015.

SB97-Authors: Senator Jack Fry and Representative Charlie Joyner

- **Synopsis:** SB97 prohibits a private halfway house from being within city limits without approval from the local entity with authority over zoning requirements. This will not affect current private halfway houses.
- **Outcome:** Signed by the Governor on April 21st. This bill became effective on April 21, 2015.

SB167-Authors: Senator AJ Griffin and Representative Dennis Casey

- **Synopsis:** SB167 adds homeowners association and town-run parks and playgrounds to the list of areas in which registered sex offenders cannot, within a 2,000-foot radius, reside.
- **Outcome:** Signed by the Governor on May 6th. This bill becomes effective November 1, 2015.

SB525-Authors: Senator Ralph Shortey and Representative Justin Wood

- **Synopsis:** Makes state law match current DOC policy by allowing DOC employees, with a license to carry a firearm, to have their firearms in their vehicles if they notify the facility and show that they have an approved lock box.
- **Outcome:** Signed by the Governor on May 1st. This bill will take effect on November 1, 2015.

SB578-Authors: Wayne Shaw and Representative Doug Cox

- **Synopsis:** SB578 allows terminally ill offenders to be paroled to a private nursing home. This nursing home will not be ran by DOC nor will DOC be responsible for the cost of their care. Furthermore, this bill states that should the offender no longer be deemed terminally ill then they will be sent back to the custody of DOC.
- **Outcome:** Signed by the Governor on May 1st. This bill goes in to effect on November 1, 2015.

SB764-Authors: Senator Anthony Sykes and Representative Randy Grau

- **Synopsis:** allows a community sentencing planning council, in regards to the Oklahoma Community Sentence Act, to employ a local director and other personnel to perform the duties of the local community sentencing system, contingent on available funds. The bill allows the council to contract with a county to provide benefits and payroll services.
- **Outcome:** Signed by the Governor on May 18th. Takes effect on November 1, 2015.

Helpful Links:

State Senate <http://www.oksenate.gov/>
 State House <http://www.okhouse.gov/>
 Find Your Lawmaker
<http://www.oksenate.gov/FindMyLegislation.aspx>
 Search for Legislation
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