

## SENTENCING MEASURES' FATE UNCERTAIN

By Brandon Beard  
Staff Writer

■ (GIT) The two measures designed to change the way Oklahoma sentences its convicted offenders, one containing the Community Corrections Act, and the other containing the Truth in Sentencing Act, are both on hold this week as the Legislature prepares to adjourn Friday.

**SB1200**, by Sen. Herb Rozell, D-Tahlequah, contains the Community Corrections Act. It would allow first and second-time non-violent offenders to be sentenced to a variety of community sentencing options, including house arrest.

The bill has met with resistance, specifically from the Oklahoma Sheriffs' Association, who claim the measure would place too much financial and administrative stress on the already burdened agency.

The bill's House author, Rep. Jari Askins, D-Duncan, has been rallying support for the measure all week, reportedly having difficulty gathering needed votes.

"I am still optimistic," Askins said Thursday. She said meetings with officials in the governor's office and the Senate were still underway, trying to come to a mutual agreement. "If we can get a new conference committee report or substitute that my [House] members and the governor's



Rep. Jari Askins

office can agree on, then I am convinced we'll get it through."

Askins said part of the problem with the bill is the definition of "non-violent offender," which is not easily definable in the bill. She said if language from the Truth in Sentencing Act, **HB1138**, by Rep. Dwayne Steidley, D-Claremore, were in place, the task would be much simpler.

"We can't seem to get first, second and non-violent offenders clarified."

Askins added that the interest in community corrections lies in the ability to remove the, what some call severe, Department of Corrections (DOC) overcrowding problem.

"We need to save that prison space for violent offenders," she said.

Steidley couldn't agree more. He said the Community Corrections Act is necessary before the Truth in Sentencing Act can be effective.

Since the Truth in Sentencing Act would require prisoners to serve a minimum of 85 percent of their sentence before being eligible for parole, the already serious prison overcrowding problem would become unmanageable.

Sentences would then be handed down by the presiding judge, using the appropriate grid, or matrix, to determine the severity of the judgment.

Steidley said the Community Corrections Act will act as a type of "release valve" for DOC, allowing prison space to be used for violent and dangerous offenders.

HB1138 is waiting to be dealt with in its conference committee. Steidley said he was hopeful a Thursday meeting with involved parties would yield progress.

Steidley said he was going to push for the bill's passage, removing the specific sentences from all of the matrices and directing the Truth in Sentencing Policy Advisory Commission and the DOC to conduct a study to determine the financial impact of the measure.

He said he was optimistic about the bill's future.

Both measures will have to be passed and sent to the governor's desk before Friday at 5:00 p.m., when the Legislature is scheduled to adjourn until next year.

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north side of aisle of the success of some of their programs and the money involved.

"But when it come to my people," he said, "you've got a problem with \$53,000."

Ross said he and other legislative leaders had met with the governor and his advisors and that they had expressed no concerns about the appropriations.

"Now he comes along and vetoes a bill that's even less than we said we were going to spend," Ross said.

Pointing to individual Republican House members, Ross reiterated, his voice shaking, "I've been fair to you guys. You know that."

"This veto is irresponsible; \$53,000 is chump change in a \$4 billion budget."

After listing Republican House members who had voted for the bill's passage last week, Rep. Jim Hamilton, D-Poteau and chairman of the General Conference Committee on Appropriations, said, "This bill didn't develop in a vacuum someplace. It's not good one day and then bad the next."

"You may think it's funny to take a few select agencies and say they're not going to get the pay raise we promised them. I can assure you it's not."

Hamilton concluded, "You can't have it both ways. You've got to say what you mean and mean what you say, and now you've got to do the right thing."

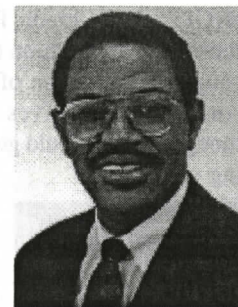
Speaking in favor of sustaining the veto, Rep. Reese said the issue was not just the specific agencies, but the entire budget.

"You've spent last year's, this year's and you're making a big commitment with next year's money," Reese said.

The governor, Reese said, "is just trying to preserve some money."

When the votes were counted, Republicans were again victorious, staving off the Democrats effort by a 64-32 vote.

Without debate, the governor's veto of additional funding for the Merit Protection Commission was sustained by a 63-35 vote with Gray joining Republicans in upholding the governor's action.



Rep. Don Ross



Rep. Dwayne Steidley



*"Practical politics consists in ignoring facts."*

Henry Adams  
*The Education of Henry Adams, 1906*