SOLUTIONS FOR OKLAHOMA’S TOUGHEST CHALLENGES

As Oklahomans, we hold to the Oklahoma Standard. When disaster strikes, we come together to make sure our neighbors are safe and to rebuild even stronger than before.

We need to bring that spirit of resilience and looking out for each other to take on another kind of disaster. Poverty and the high barriers to opportunity in Oklahoma have already done more damage than the worst tornado or ice storm.

These storms afflict Oklahomans in every part of the state, especially rural families and young parents. Oklahoma’s American Indian, Black, and Hispanic communities disproportionately feel the impact. And when so many families — including many of our state’s youngest children — are denied a chance to reach their full potential, the whole state economy is harmed for years to come.

That’s why OK Policy has developed an agenda for this year’s Legislature focused on addressing Oklahoma’s most difficult barriers to opportunity.

We are offering proven solutions to poverty and the lack of opportunity that holds Oklahoma back from becoming a truly prosperous state. With this agenda and with all of you, we may finally fulfill the Oklahoma Standard and rebuild an economy and society that works for all.

See a full list of these solutions on the other side...
2019 POLICY PRIORITIES

EDUCATION
- Increase preK-12 state aid funding to restore school staffing and programs
- Restore higher education funding to ensure a well-educated workforce

CRIMINAL JUSTICE
- Reform cash bail and court fines and fees
- Fund public defenders and courts to reduce caseloads and reliance on fines and fees
- Make the sentencing reforms of SQ 780 retroactive
- Add racial impact statements on criminal justice legislation

HEALTH CARE
- Expand health coverage
- Safeguard access to quality health care by rejecting ‘junk coverage’

ECONOMIC OPPORTUNITY
- Strengthen working family tax credits
- Improve regulation and prevent expansion of predatory lending
- Protect renters from eviction if they withhold rent when landlords fail to maintain adequate housing standards
- Limit restrictions on occupational licenses for those with prior felony offenses

BUDGET AND TAXES
- Protect Oklahoma’s revenue base
- End the capital gains tax break
- Remove the supermajority requirement of SQ 640

For links to additional information and complete fact sheets on each policy priority, visit our 2019 Policy Priorities page at www.okpolicy.org/2019solutions

OK Policy is a non-profit organization that provides information, analysis and ideas on state policy issues. Oklahoma Policy Institute | 907 S Detroit Ave, #1005 | Tulsa, OK 74120 | (918) 794-3944 | info@okpolicy.org
End the capital gains tax break

BACKGROUND
Oklahoma law provides for a 100 percent deduction from state income tax of any gains from the sale of property located in Oklahoma or stock of a company headquartered in Oklahoma. The capital gains deduction is the most expensive incentive in Oklahoma’s tax code, but it has not been found to have a net economic benefit. A 2017 study for the Oklahoma Incentive Evaluation Commission found that over five years, the capital gains deduction reduced state tax revenues by $474 million while creating just $9 million in additional tax revenue – for a net cost of $465 million. This amount does not include deductions claimed by corporations, which the Tax Commission is unable to determine.

The benefit of the capital gains deduction is concentrated with a few extremely wealthy households. Close to two-thirds of the total benefit from the capital gains deduction was claimed by fewer than one thousand households with annual incomes over $1 million, while only 6 percent of the benefit went to households with incomes under $100,000, according to Tax Commission data for 2014.

THE SOLUTION
Based on their analysis establishing that the capital gains deduction cannot “be credibly shown to have significant economic impact or a positive return on investment for the State,” the state’s consultants recommended its repeal. The Legislature should heed this recommendation and end the capital gains tax break.

Alternately, the deduction could be narrowed by limiting it to investments in certain sectors, requiring that gains be reinvested in Oklahoma, or only allowing the exemption for individuals with income below a certain threshold. The deduction could be preserved for farmers who sell cattle and horses.

A bill to repeal the capital gains deduction authored by Sen. Dave Rader (R-Tulsa) passed the Senate in 2018 with bipartisan support but was not heard in the House.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to repeal or limit the capital gains deduction.

To join the grassroots coalition of Oklahomans working to connect Oklahoma values with better budget and tax priorities, visit www.togetherok.org. To receive SMS advocacy alerts on important budget and tax issues, text OKBUDGET to 51555.

"The capital gains deduction is the most expensive incentive in Oklahoma’s tax code, but it has not been found to have a net economic benefit.”

You can look up your Senator and Representative on our website under the “Advocacy” tab on our main menu. You can also call the House switchboard at 405-521-2711, and the Senate switchboard at 405-524-0126.

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Protect Oklahoma’s revenue base

BACKGROUND
Oklahomans look to our state government to fund a wide range of critical investments - schools, roads and bridges, public safety, and safety net supports - that contribute to our shared prosperity and promote our general welfare. For nearly a decade, budget shortfalls and revenue failures have slashed funding of public services. Oklahoma cut school funding more than any other state, most teachers and state workers went nearly ten years without a raise, reimbursement rates for health care and social service providers were cut repeatedly, and Oklahomans with mental illnesses and developmental delays in need of care languished on long waiting lists.

Thanks to a strong economy and decisions made by lawmakers to raise revenues in 2018, this year’s budget includes increased funding for teacher raises and other key priorities. However, total state appropriations remain nearly 10 percent, or $778 million, below the budget of a decade ago adjusted for inflation. A majority of appropriated agencies have state funding that has been cut by one-fifth to one-half since the recession of 2009-11. State tax collections remain well below both historical levels and the national average as a share of personal income.

THE SOLUTION
With further revenue growth projected for next year’s budget, lawmakers must avoid repeating the mistakes of previous periods of economic growth. They should resist enacting tax cuts that have provided limited short-term benefits at the expense of worsening our budget problems as soon as the economy hit a downturn. Further tax cuts are especially ill-advised given the three-quarters supermajority requirement to raise taxes even when the state faces large shortfalls.

Instead of tax cuts, lawmakers have the opportunity to build on the gains of the past year and allow our core services to continue their recovery from years of declining investments. By protecting the revenue base, lawmakers can strengthen the state’s long-term fiscal stability, ensure that more money is set aside in reserve funds for future downturns, and avoid returning to a reliance on one-time revenues to balance the annual budget.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to reject giving away revenue with any new tax cuts or tax breaks and resist pressure to reverse any of the hard-won revenue measures passed in recent year.

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“Instead of tax cuts, lawmakers have the opportunity to build on the gains of the past year and allow our core services to continue their recovery from years of declining investments.”

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Revisit the Supermajority Requirement of SQ 640

BACKGROUND

In March 1992, Oklahoma voters approved State Question 640, establishing the requirement that any bill to raise revenue must pass with three-fourths of both legislative chambers or be sent to a vote of the people at the time of the next General Election. SQ 640 passed by a margin of 56 percent to 44 percent in a very low turnout primary election.

Oklahoma is the only state in the nation to require a three-fourths legislative super-majority to raise any tax. SQ 640 has granted just one-quarter of lawmakers an effective veto on tax policy over the will of the majority. Even as the state has struggled over many years with severe budget shortfalls that led to deep and repeated cuts to state funding, it took 26 years for any tax increase proposal to overcome the three-fourths super-majority hurdle.

At the same time, lawmakers have cut taxes repeatedly with just a simple majority, especially in years when the economy was strong and it seemed like Oklahoma had revenue to spare. This imbalance has contributed to the chronic underfunding of core services and to a reliance on fees and one-time revenues as funding solutions.

THE SOLUTION

After more than twenty-five years of living under State Question 640, Oklahoma voters deserve another opportunity to decide the proper threshold for tax increases. Lawmakers should send a ballot initiative to a vote of the people to lower the threshold to a simple majority or to 60 percent, which is the level of support needed to approve local bond measures. If more than 50 percent support is required for tax increases, the same threshold should be required for measures that reduce taxes or raise fees.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to support legislation to give voters a chance to ease the three-quarters supermajority requirement to raise taxes.

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“This imbalance has contributed to the chronic underfunding of core services and to a reliance on fees and one-time revenues as funding solutions.”

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Strengthen Working Family Tax Credits

BACKGROUND

In a tax code that provides multiple breaks for high-income individuals and businesses, Oklahoma offers just three tax credits that help support the hundreds of thousands of low- and moderate-income working families in our state.

Two of these – the Earned Income Tax Credit and Child Tax Credit – are modeled on effective federal tax credits specifically designed to encourage work and support families with children. The third, the Sales Tax Relief Credit, is an Oklahoma-specific credit that is especially important because we are one of very few states that charge a sales tax on groceries.

But in recent years, lawmakers have targeted all three tax credits for cuts or complete elimination. In 2016, the Legislature slashed the state Earned Income Tax Credit for over 200,000 Oklahoma families by making the credit “non-refundable,” meaning it does nothing for families who pay sales taxes and property taxes but don’t earn enough to pay state income taxes.

Refundability is critical for the EITC to serve its function of making work pay and reducing poverty for those workers earning the least. A single parent with two kids working full-time at $10 an hour lost more than $200 last year because Oklahoma’s EITC is not refundable.

THE SOLUTION

In light of the state’s recovering budget, restoring the Earned Income Tax Credit and increasing the Sales Tax Relief Credit should be a priority. The Legislature has been very close to a bipartisan agreement to restore the EITC in the last two legislative sessions.

In 2019, lawmakers should finally undo that harmful cut to the EITC and also increase the Sales Tax Relief Credit to $60 from the current $40 per member of eligible households.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to strengthen tax credits that help working families by restoring the Earned Income Tax Credit and boosting the Sales Tax Relief Credit.

You can look up your Senator and Representative on our website under the “Advocacy” tab on our main menu. You can also call the House switchboard at 405-521-2711, and the Senate switchboard at 405-524-0126.

To join the grassroots coalition of Oklahomans working to connect Oklahoma values with better budget and tax priorities, visit www.togetherok.org. To receive SMS advocacy alerts on important economic security issues, text OKECON to 51555.

“A single parent with two kids working full-time at $10 an hour lost more than $200 last year because Oklahoma’s EITC is not refundable.”

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Expand opportunities for occupational licenses

BACKGROUND
Economic opportunities are sharply limited for Oklahomans who have been involved in the criminal justice system. These Oklahomans face a multitude of barriers to reintegrating with society and becoming economically stable. Those with a felony conviction, even for a non-violent crime, often find themselves locked out of certain professions because they need an occupational license - and they can’t get that license due to their history in the criminal justice system.

Oklahoma made some progress in helping the justice-involved access economic opportunities in 2015 with a bill that opened up a limited number of licensed professions to individuals with prior felony convictions. But there is still work left to do – too many Oklahomans who want to work and lead productive lives are prevented from doing so by licensing restrictions. Keeping these Oklahomans out of the workforce hurts us all. It reduces the available talent pool for businesses and makes it harder for the justice involved to support themselves and their families.

THE SOLUTION
Restrictions on who can or cannot get an occupational license should make sense. Universal bans on those with felony convictions that make no distinctions for the seriousness of the crime, or whether the crime relates to the profession being licensed, serve no one’s interest.

Now that Oklahoma has voted to make simple drug possession and low-level property crimes misdemeanors, it makes even less sense to have a blanket ban on job licenses for people charged with these crimes in the years when they were felonies. All licensing boards should be required to specify which crimes will result in a denial of a license and demonstrate that those crimes relate to the duties of the job or profession or pose a specific risk to public safety.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to end blanket bans on job licenses for Oklahomans with a felony record. Ask them to allow felon bans only when it can be demonstrated that those crimes relate to the duties of the job or profession or pose a specific risk to public safety.

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“Too many Oklahomans who want to work and lead productive lives are prevented from doing so by licensing restrictions. Keeping these Oklahomans out of the workforce hurts us all.”

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Improve regulation and prevent expansion of predatory lending

BACKGROUND
Payday loan storefronts are a common sight in much of Oklahoma, and these high-interest loans are creating financial hardship and ruin for too many working Oklahomans. These loans are a form of predatory lending with exorbitant fees and astonishingly high interest rates of over 450 percent, trapping borrowers in cycles of debt that can be nearly impossible to break.

In 2017, the payday loan industry attempted to expand their predatory practices with a bill that would have allowed a new high-cost loan product called installment loans. These new installment loans would have allowed borrowers to take out loans of up to $1,500 for up to 12 months, with an annual percentage rate of over 200 percent. Thankfully Governor Fallin stepped in to veto this harmful bill, but it’s almost certain that the industry will again attempt to push through new and harmful high-cost loan products in Oklahoma this year.

THE SOLUTION
The answer to the very real harms of predatory lending is not more loan products with higher dollar amounts, outrageous interest rates, and longer cycles of debt. We must resist any attempts to introduce new high-cost loan products in Oklahoma or expand existing products. Oklahomans already use payday loans at a higher rate than residents of any other state, and a new form of predatory lending will simply make us worse off.

Instead, we should adopt proven consumer protections, like capping allowed interest rates on consumer loans at 36 percent, as 15 other states have. Federal laws enacted with bipartisan support already make it illegal to charge service members more than 36 percent interest on a loan. Another strong consumer protection would be to prevent debt traps by limiting the number of days in a year in which a borrower has a payday loan outstanding and allowing lenders to make only one loan at a time to a borrower.
Oklahomans already use payday loans at a higher rate than residents of any other state, and a new form of predatory lending will simply make us worse off.

WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to reject any bills that would expand predatory lending practices. Also ask them to increase consumer protections for borrowers to prevent debt traps.

To join the grassroots coalition of Oklahomans working to connect Oklahoma values with better budget and tax priorities, visit www.togetherok.org. To receive SMS advocacy alerts on important economic security issues, text OKECON to 51555.
Increase renter protections from landlords who fail to maintain safe properties or file frivolous evictions

BACKGROUND
Tens of thousands of Oklahoma families face eviction each year. Despite relatively low housing costs, Tulsa and Oklahoma City have some of the highest rates of eviction among the country’s metropolitan areas. Low-income Oklahomans, especially poor women of color with children and victims of domestic violence, are the most vulnerable to eviction. Eviction causes long-lasting instability for families, as adults find it more difficult to find and keep work and children are more at risk of dropping out of school.

Many Oklahomans at risk of eviction live in substandard housing that poses serious health risks, but they have little ability to force landlords to maintain healthy, safe housing. For example, a family living in a house with sewage backup may try to withhold rent until their landlord addresses the problem. Under current law, tenants may only withhold $100 from their rent to fix an issue that a landlord fails to address, an amount that is inadequate for many health-threatening problems that can arise in poorly maintained housing.

THE SOLUTION
The Legislature should amend the Landlord and Tenant Acts to give more power to renters. After the time has expired for landlords to address an issue, tenants should have the right to repair conditions and deduct the full costs of repairs from their rent. The law should also be amended to allow fines and other punitive measures for landlords who fail to provide habitable premises.

The Legislature should also consider increasing filing fees on small claims cases. Most small claims cases are evictions filed by landlords, who sometimes file month after month against the same tenant as a means of collecting exorbitant fees. This practice is devastating to low-income families. Because virtually no defendant in an eviction case can afford legal representation, very few know their rights or can help themselves through the legal system. Raising the small claims filing fee could discourage frivolous eviction filings while helping to finance the courts or legal help for low-income defendants in civil cases.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to increase renter protections in the Landlord and Tenant Acts. Ask them to protect renters who withhold rent when landlords fail to maintain safe housing, and ask them to increase the filing fee on small claims cases to prevent frivolous eviction filings.

You can look up your Senator and Representative on our website under the “Advocacy” tab on our main menu. You can also call the House switchboard at 405-521-2711, and the Senate switchboard at 405-524-0126.

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“Eviction causes long-lasting instability for families, as adults find it more difficult to find and keep work and children are more at risk of dropping out of school.”

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Increase PK-12 state aid funding to restore school staffing and programs

BACKGROUND
The revenue measures passed in April 2018 as HB1010xx were a historic win for educators, funding an average $6,100 teacher salary increase. However, after accounting for the funds that must be dedicated to this pay increase, state aid to schools remains $165 million less than FY 2009, even as enrollment has grown by over 50,000 students.

Without a substantial increase in state aid, schools will be unable to reduce class sizes, hire additional school counselors, bring back art and music classes, or make other investments needed to revitalize our schools.

Oklahoma educators are being asked to do more with less, and until these conditions are improved, schools will continue to struggle to attract and retain well-trained teachers.

THE SOLUTION
Restoring Pre-K through 12th grade state aid funding is critical for reaching the outcomes we hope for our children and ensuring long-term prosperity for our state. Oklahoma needs a plan to restore PK-12 state aid funding that is backed by identified recurring revenue.

This should include prioritizing growth revenue for education and guarding against giving away revenue with any new tax cuts or tax breaks. Lawmakers should resist pressure to reverse any of the hard-won revenue measures passed in recent years.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to restore state aid funding to our schools. Tell them your story to remind them that without this funding, our schools cannot reduce class sizes, bring back art and music instruction, or attract the teachers we need.

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“Oklahoma educators are being asked to do more with less, and until these conditions are improved, schools will continue to struggle to attract and retain well-trained teachers.”

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Restore higher education funding to ensure a well-educated workforce

BACKGROUND

Maintaining a robust system of higher education is vital to Oklahoma’s economic prosperity. Insufficient funding hampers Oklahoma’s ability to increase college degree earners and cultivate the productive workforce that is needed to keep Oklahoma economically competitive.

Over the past decade, Oklahoma’s 25 colleges and universities have experienced some of the steepest cuts in the nation. In FY 2019, the State Regents is operating with state funding that is still a quarter below FY 2009 levels. Shrinking state funding has forced institutions to cut programs, offer fewer courses, and shift costs to students in the form of higher tuition and fees.

While all state institutions have been affected by these cuts, regional universities and community colleges that serve many rural and lower-income students have suffered the most. These disparities leave many of our students without access to the higher education they need to succeed.

Increased funding for higher education is necessary to restore degree and course offerings, hire additional faculty and staff, increase the number of students graduating on-schedule, and help ensure positive outcomes for Oklahoma’s college students.

THE SOLUTION

Restoring state funding of higher education is critical for reaching the outcomes we hope for our children and ensuring long-term prosperity for our state. Oklahoma needs a plan to restore higher education funding that is backed by identified recurring revenue. Lawmakers should guard against giving away revenue with any new tax cuts or tax breaks and resist pressure to reverse any of the hard-won revenue measures passed in recent years.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to restore higher education funding. Tell them your story to remind them that without this funding, a college degree will be out of reach for too many Oklahomans, and our whole economy will suffer for the lack of a highly educated workforce.

You can look up your Senator and Representative on our website under the “Advocacy” tab on our main menu. You can also call the House switchboard at 405-521-2711, and the Senate switchboard at 405-524-0126.

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Expand Health Coverage

BACKGROUND
Oklahoma’s uninsured rate is one of the highest in the US. The effects of having so many uninsured Oklahomans ripple across our entire health care system, driving up uncompensated care costs, stretching limited safety net resources, and putting whole families’ financial stability at risk. Without affordable health care, uninsured Oklahomans go without lifesaving preventive treatments, struggle to see a doctor and fill prescriptions, and are largely excluded from help for substance abuse and mental health disorders.

It doesn’t have to be this way. To date, 37 states have accepted federal dollars to expand access to care for the low-income uninsured, whether through Medicaid programs or by subsidizing private coverage. In those states, coverage expansions have resulted in increased access to affordable health care; improved financial security and health; positive effects on state budgets; and positive or neutral effects on employment and the labor market. In Oklahoma, expanding coverage would bring care to more than 100,000 people, mostly adults working low-paying, service sector jobs. Expanding coverage would also help pull the state’s remaining rural hospitals and other care providers back into solvency.

THE SOLUTION
States have a number of options when it comes to expanding coverage. Oklahoma could simply choose to allow the expansion population to join the state’s Medicaid program, SoonerCare, where an infusion of relatively healthy adults will help lower costs. Alternatively, the state could apply for a federal waiver to use expansion dollars to subsidize private coverage through Insure Oklahoma.

In order to ensure that expansion enrollees have access to needed care without growing state bureaucracy or unnecessarily burdening low-income families, Oklahoma should resist adding work requirements, higher copays, premiums, and other similar restrictions.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to accept federal dollars to expand access to coverage for the low-income uninsured.

To receive SMS advocacy alerts on important health care issues, text OKHEALTH to 51555.

You can look up your Senator and Representative on our website under the “Advocacy” tab on our main menu. You can also call the House switchboard at 405-521-2711, and the Senate switchboard at 405-524-0126.

“In Oklahoma, expanding coverage would bring care to more than one hundred thousand people, mostly adults working low-paying, service sector jobs.”

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Safeguard access to quality health care by rejecting ‘junk coverage’

BACKGROUND
Before 2013, widely-available junk health insurance coverage left patients at the mercy of big insurance companies, with coverage that was often useless when people needed it.

These companies had wide latitude to discriminate against patients with pre-existing conditions, to refuse to cover critical services like mental health or substance use disorder and maternity care, and to cut off coverage based on annual and lifetime dollar limits.

Now, new federal rules would give states a green light to allow junk coverage to creep back into the market, leaving Oklahomans without access to the care they need.

THE SOLUTION
Lawmakers have options to preserve access to quality health care for Oklahoma families. They should act to impose limits on short-term, limited-duration health plans by capping them at three months. They should ensure that federal subsidies go to comprehensive, quality health coverage rather than to junk coverage.

Finally, they must safeguard coverage for pre-existing conditions and protect Oklahomans from plans with arbitrary lifetime or annual limits. Oklahomans deserve access to meaningful health care, not shoddy plans that leave patients without help when they need it.
"Oklahomans deserve access to meaningful health care, not shoddy plans that leave patients without help when they need it."

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WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to protect Oklahomans from junk coverage and harmful insurance industry tactics.

To receive SMS advocacy alerts on important health care issues, text OKHEALTH to 51555.
Reform cash bail and court fines and fees

BACKGROUND
Since 2000, the Legislature has added dozens of new fines and fees for criminal defendants to finance our underfunded justice system. As a result, the financial costs imposed on Oklahomans involved with the court system have skyrocketed.

Thousands of people now sit in our jails, sometimes for months before trial, simply because they’re unable to find the money to buy their freedom from a bail bond agent. This situation creates a perverse incentive for many defendants to plead guilty, regardless of their innocence or guilt, just to reunite with their family and avoid the conditions of our local jails.

As of 2017, about 80 percent of all defendants were indigent and eligible for a public defender. This means that the vast majority of fines and fees levied by our courts can never be paid. A person being locked up because they can’t pay this debt doesn’t improve public safety, and these iniquities only worsen Oklahoma’s expensive incarceration crisis.

THE SOLUTION
Lawmakers should pass legislation to limit pre-trial detention to those who represent a serious flight risk or who pose a threat to public safety. Our system would be made more efficient and more fair if legislators provided practical alternatives for those who are financially unable to pay cash bail.

Oklahoma legislators should also properly fund our court system through general revenue appropriations and end the practice of incarcerating people simply because they can’t pay court fees. If court debt were more properly assessed, Oklahoma could lower the financial burden for defendants while increasing the likelihood of payment. This would also cut down on the expense of housing jail and prison inmates who pose no risk to public safety.

Reforming court fines and fees and creating non-cash bail options for pre-trial release would also help those involved with the justice system maintain employment and more easily stay connected to their children and their communities.
“A person being locked up because they can’t pay this debt doesn’t improve public safety, and these iniquities only worsen Oklahoma’s expensive incarceration crisis.”

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WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to pass reforms to court fines and fees procedures.

Urge them to remove barriers to reentry and end debtors’ prisons in Oklahoma.

To join the coalition of Oklahomans working to ensure that our criminal justice system is smarter, makes our communities safer, and gives us the return on our taxpayer dollars that we deserve, visit www.okjusticereform.org. To receive SMS advocacy alerts on important budget issues, text OKJUSTICE to 51555.

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Fund public defenders and courts to reduce caseloads and reduce reliance on fines and fees

BACKGROUND

Public defenders play a critical role in our justice system, serving as legal representation to the vast majority of criminal defendants in Oklahoma. A state agency, the Oklahoma Indigent Defense System, funds public defenders in most Oklahoma counties.

The Indigent Defense System is in crisis because funding from the state has not matched the need for years. Caseloads for public defenders have increased 50 percent since 2002. In many counties, public defender caseloads are so large that it can take days or even weeks before a defendant ever sees a lawyer, and many who can’t afford bail are forced to spend those weeks in jail.

Amid declining state appropriations, Oklahoma has also repeatedly raised fees to pay for the court system. Now 80 to 90 percent of District Court funding comes from court fees charged to civil litigants and criminal defendants. This creates a perverse incentive for our justice system in which defendants are charged fines and fees to pay for their own prosecution. Because many can’t afford to pay these fees, key government functions are severely underfunded and understaffed.

THE SOLUTION

Oklahoma lawmakers should properly fund both our court system and public defenders. This year’s revenue growth is an opportunity to properly invest in this core government service.

Providing adequate state funding of courts and public defenders can be paired with reforms to reduce reliance on fines and fees and reduce the burden of fines and fees for those who can’t afford to pay. Together these reforms would make the court system function with greater fairness and efficiency while respecting the rights of the accused.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to pass reforms to court fines and fees and to properly fund public defenders and the courts. Urge them to provide adequate court funding so that District Attorneys and Public Defenders aren’t overworked and are better able to promote justice in Oklahoma.

You can look up your Senator and Representative on our website under the “Advocacy” tab on our main menu. You can also call the House switchboard at 405-521-2711, and the Senate switchboard at 405-524-0126.

To join the coalition of Oklahomans working to ensure that our criminal justice system is smarter, makes our communities safer, and gives us the return on our taxpayer dollars that we deserve, visit www.okjusticereform.org. To receive SMS advocacy alerts on important budget issues, text OKJUSTICE to 51555.

“Because many can’t afford to pay these fees, key government functions are severely underfunded and understaffed.”

For links to additional information and to view our full list of 2019 Policy Priorities, visit us online at www.okpolicy.org/2019solutions
Add racial impact statements on criminal justice legislation to reduce disparities in the justice system

BACKGROUND
Communities of color are disproportionately affected by incarceration in Oklahoma. One in every 15 adult Black men in Oklahoma is in prison, giving us the highest rate of Black incarceration in the country. Native Americans make up about 9 percent of Oklahoma’s population, but Native American women make up about 12 percent of the incarcerated women in the state. Hispanics are also overrepresented in Oklahoma prisons, making up 9 percent of the state population and 15 percent of its prisoners.

Communities of color are also the most burdened by the fines and fees that pay for Oklahoma’s court system. When low-income defendants can’t keep up with court debt, a warrant may be issued for their arrest, leading to a cycle of incarceration that makes the climb out of poverty nearly impossible. Disparities of incarceration and court debt feeds into a multi-generational cycle of trauma and economic inequality.

THE SOLUTION
To better understand the racial impact of policy decisions, lawmakers should require an analysis of potential racial disparities resulting from any proposed criminal justice legislation. These racial impact statements would allow Oklahoma to track best practices and highlight disparities which lead to overly incarcerated communities of color. Both Iowa and Arkansas have seen positive results from racial impact analyses in recent years, and this data could be a critical resource in Oklahoma as well.

Requiring racial impact statements on criminal justice legislation will allow lawmakers to make better-informed decisions and avoid deepening racial and ethnic disparities. Reducing disparities in the justice system is critical to ensuring that all Oklahomans - especially those from historically disadvantaged groups - have a chance to prosper.
WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to add racial impact statements to criminal justice legislation. Ask them to help end racial disparities in justice outcomes by evidence-based analysis and a reliance on data to create a system which treats all Oklahomans fairly under the law.

To join the coalition of Oklahomans working to ensure that our criminal justice system is smarter, makes our communities safer, and gives us the return on our taxpayer dollars that we deserve, visit www.okjusticereform.org. To receive SMS advocacy alerts on important budget issues, text OKJUSTICE to 51555.

Disparities of incarceration and court debt feeds into a multi-generational cycle of trauma and economic inequality.”

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Make the sentencing reforms of SQ 780 retroactive

BACKGROUND
In 2016, voters approved two major justice reform initiatives, State Questions 780 and 781. SQ 780 reclassified simple drug possession and several low-level property crimes as misdemeanors instead of felonies, and SQ 781 directed the long-term savings from lower incarceration rates towards county treatment and rehabilitation services.

While these reforms have had an instant impact on our court system, thousands of Oklahomans remain in prison for offenses that today would be a misdemeanor. Between 2005 and 2015, 17,458 people were admitted to prison in Oklahoma for possession of a controlled substance. Many more – though we don’t know exactly how many – were imprisoned for low-level property crimes changed by SQ 780.

The lifelong consequences of a felony sentence also make finding a job and rebuilding a productive life outside of prison far more difficult.

THE SOLUTION
Lawmakers should make SQ 780 retroactive by creating a process through which those in prison or under supervision for SQ 780 crimes can apply to be resentenced under current law.

SQ 780 retroactivity would mean that thousands of incarcerated people in this state could apply for shorter sentences. The savings from reducing incarceration should be invested in mental health and substance abuse treatment, which has proven successful in lowering crime rates over time.
While these reforms have had an instant impact on our court system, thousands of Oklahomans remain in prison for offenses that today would be a misdemeanor.

WHAT YOU CAN DO

Contact your state Representative and Senator and urge them to make SQ 780 retroactive. Urge them to give those incarcerated before recent reforms a chance to apply for the shorter sentences available under current law.

You can look up your Senator and Representative on our website under the “Advocacy” tab on our main menu. You can also call the House switchboard at 405-521-2711, and the Senate switchboard at 405-524-0126.

To join the coalition of Oklahomans working to ensure that our criminal justice system is smarter, makes our communities safer, and gives us the return on our taxpayer dollars that we deserve, visit www.okjusticereform.org. To receive SMS advocacy alerts on important budget issues, text OKJUSTICE to 51555.

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