

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 487

BY: HOBSON of the SENATE

and

HAMILTON (James) of the
HOUSE

AS INTRODUCED

AN ACT RELATING TO PRISONS AND REFORMATORIES;

AMENDING SECTION 8, CHAPTER 310, O.S.L. 1988, AS
LAST AMENDED BY SECTION 2, CHAPTER 105, O.S.L.
1990, AND SECTION 4, CHAPTER 306, O.S.L. 1989 (57
O.S. SUPP. 1990, SECTIONS 365 AND 574.1), WHICH
RELATE TO PREPAROLE CONDITIONAL SUPERVISION PROGRAM
AND ASSESSMENT OF CONDUCT AND RECORD BY PARDON AND
PAROLE BOARD; DELETING DEFINITIONAL REFERENCE AND
EMERGENCY TIME CREDITS; PROVIDING FOR PAROLE BOARD
TO ASSESS RECORDS FOR CERTAIN NONVIOLENT OFFENDERS;
REPEALING SECTION 1, CHAPTER 97, O.S.L. 1984,
SECTION 2, CHAPTER 97, O.S.L. 1984, AS AMENDED BY
SECTION 1, CHAPTER 275, O.S.L. 1984, SECTIONS 3 AND
4, CHAPTER 97, O.S.L. 1984, SECTION 5, CHAPTER 97,
O.S.L. 1984, AS AMENDED BY SECTION 2, CHAPTER 306,
O.S.L. 1989, SECTION 6, CHAPTER 97, O.S.L. 1984, AS
AMENDED BY SECTION 3, CHAPTER 306, O.S.L. 1989, AND
SECTION 7, CHAPTER 97, O.S.L. 1984 (57 O.S. SUPP.
1990, SECTIONS 570, 571, 572, 573, 574, 575 AND
576), WHICH RELATE TO THE OKLAHOMA PRISON
OVERCROWDING EMERGENCY POWERS ACT, DEFINITIONS,

DECLARATION OF EMERGENCY, EMERGENCY TIME CREDIT,
ADDITIONAL EMERGENCY TIME CREDIT, RESCISSION OF
EMERGENCY AND OVERCROWDING DUE TO NATURAL DISASTER;
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY Section 8, Chapter 310 , O.S.L. 1988, as last amended by Section 2, Chapter 105, O.S.L. 1990 (57 O.S. Supp. 1990, Section 365), is amended to read as follows:

Section 365. A. Whenever the population of the prison system is certified by the State Board of Corrections as exceeding ninety-five percent (95%) of its capacity, ~~as defined in Section 571 of Title 57 of the Oklahoma Statutes,~~ the Department of Corrections and the Pardon and Parole Board shall implement a Preparole Conditional Supervision Program until such time as the population is reduced to ninety-two and one-half percent (92 1/2%) of capacity, for persons in the custody of the Department of Corrections who meet the following guidelines:

1. Only inmates who are otherwise eligible for parole, pursuant to Sections 332.7 and 332.8 of Title 57 of the Oklahoma Statutes, shall be eligible to participate in this program; and

2. An inmate shall serve at least fifteen percent (15%) of his sentence of incarceration and be within one (1) year of his regularly scheduled parole consideration date or be within one (1) year of his projected release date, prior to being eligible for this program.

B. Upon an inmate becoming eligible for this program it shall be the duty of the Pardon and Parole Board, with or without

application being made, to cause an examination to be made of the criminal record of the inmate and to make inquiry into the conduct and the record of said inmate during his confinement in the custody of the Department of Corrections.

C. Upon favorable recommendation by the Pardon and Parole Board, notification shall be made to the Department of Corrections that said inmate has been recommended to be placed in this program.

D. Prior to the placement of an inmate on Preparole Conditional Supervision, the Department shall provide written notification to the sheriff and district attorney of the county in which any person on Preparole Conditional Supervision is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town. The Department also shall provide written notification of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Department of Corrections shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

E. Should an inmate violate any rule or condition during the period of community supervision, the inmate shall be subject to disciplinary proceedings as established by the Department of Corrections.

F. Any inmate who escapes from this program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Section 4, Chapter 306, O.S.L. 1989 (57 O.S. Supp. 1990, Section 574.1), is amended to read as follows:

Section 574.1 The Pardon and Parole Board, with or without application being made, shall begin assessing the conduct and record of an inmate during confinement, who ~~qualifies for emergency time credits, as follows~~ is serving a term of incarceration for a nonviolent offense, using the following criteria:

1. If the inmate has been sentenced to a maximum term of confinement of five (5) years or more, and is within ~~fifteen (15)~~ thirty (30) months of his projected release date;

2. If the inmate has been sentenced to a maximum term of confinement of three (3) years or more, but less than five (5) years, and is within ~~twelve (12)~~ twenty-five (25) months of his projected release date; and

3. If the inmate has been sentenced to a maximum term of confinement of one (1) year or more, but less than three (3) years, and is within ~~nine (9)~~ seventeen (17) months of his projected release date.

The Board shall determine whether or not the inmate shall qualify for either parole or the Preparole Conditional Supervision Program. The assessment and determination by the Board shall be completed within three (3) months. ~~Any inmate who, upon consideration by the Board, is not recommended for either parole or the Preparole Conditional Supervision Program, or who refuses consideration for either parole or the Preparole Conditional Supervision Program, shall not be eligible for further emergency time credits provided for in the Oklahoma Prison Overcrowding Emergency Powers Act.~~

SECTION 3. REPEALER Section 1, Chapter 97, O.S.L. 1984, Section 2, Chapter 97, O.S.L. 1984, as amended by Section 1, Chapter 275, O.S.L. 1984, Sections 3 and 4, Chapter 97, O.S.L. 1984, Section 5, Chapter 97, O.S.L. 1984, as amended by Section 2, Chapter 306, O.S.L. 1989, Section 6, Chapter 97, O.S.L. 1984, as amended by Section 3, Chapter 306, O.S.L. 1989, and Section 7, Chapter 97,

O.S.L. 1984 (57 O.S. Supp. 1990, Sections 570, 571, 572, 573, 574, 575 and 576), are hereby repealed.

SECTION 4. This act shall become effective September 1, 1991.

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