

SHORT TITLE: Sentencing; requiring certain percentage of sentence be served before becoming eligible for parole; repealing duplicate section; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1151

By: Douglass

AS INTRODUCED

An Act relating to sentencing; amending 57 O.S. 1991, Section 332.7, as amended by Section 1, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1993, Section 332.7), which relates to parole eligibility; deleting language; requiring certain percentage of sentence be served before becoming eligible for parole; requiring the jury to be told certain information; repealing 57 O.S. 1991, Section 332.7, as amended by Section 2, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1993, Section 332.7), which relates to parole eligibility and which is a duplicate section; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 332.7, as amended by Section 1, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1993, Section 332.7), is amended to read as follows:

Section 332.7 A. ~~Upon completion of one-third (1/3) of the sentence of any person in the custody of the Department of Corrections, such person shall be eligible for consideration for a parole, and it~~ Notwithstanding any other provision of law, a person shall not be eligible for consideration for parole until such person has completed at least eighty percent (80%) of the sentence. It

shall be the duty of the Pardon and Parole Board to cause an examination to be made at the penal institution where the person is assigned, and to make inquiry into the conduct and the record of the said person during his custody in the Department of Corrections, which shall be considered as a basis for consideration of said person for recommendation to the Governor for parole. ~~However, the Pardon and Parole Board shall not be required to consider for parole any person who has completed one-third (1/3) of his sentence if the person has participated in a riot or in the taking of hostages, or has been placed on escape status, while in the custody of the Department of Corrections.~~ The Pardon and Parole Board shall adopt policies and procedures governing parole consideration for such persons.

B. The Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, ~~unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided that whenever the population of the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.~~

C. Upon application of any person convicted and sentenced by a court of this state and relinquished to the custody of another state or federal authorities pursuant to Section 61.2 of Title 21 of the Oklahoma Statutes, the Pardon and Parole Board may determine a parole consideration date consistent with the provisions of this section and criteria established by the Pardon and Parole Board.

D. No person who is appearing out of the normal processing procedure shall be eligible for consideration for parole without the concurrence of at least three (3) members of the Pardon and Parole Board.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 926.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

The court shall inform the jury of the number of days or years a defendant will likely serve under the penalty prescribed for the crime which the defendant has been convicted based upon current policies of the Department of Corrections, current statutory provisions for parole or other release or community placements provisions. The court shall state the number of days or years which the defendant may be incarcerated for a minimum sentence allowable by law, a median sentence within the prescribed penalty, and the maximum sentence allowed by law.

SECTION 3. REPEALER 57 O.S. 1991, Section 332.7, as amended by Section 2, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1993, Section 332.7), is hereby repealed.

SECTION 4. This act shall become effective September 1, 1994.

44-2-2128

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