

ENGROSSED HOUSE
BILL NO. 1003

By: Askins, Glover, Beutler,
Dank, Eddins, Hager,
Hiett, Perry, Pettigrew,
Smaligo, Wells, Boyd
(Laura), Case, Hastings,
Hefner, Hilliard, Kirby,
Leist, Pope (Tim),
Reese, Seikel, Voskuhl
and Widener of the House

and

Wilkerson and Helton of
the Senate

(Preparole Conditional Supervision Program - amending 57
O.S., Section 365 - participation by inmates - emergency
)

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 365, as
amended by Section 7, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1994,
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 this title, 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 this title, shall be eligible to participate in this program;

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 twenty-one (21) months of his projected release date, prior to being eligible for this program; ~~and~~

3. Only inmates who have attained the proficiency level established by Section ~~3~~ 510.7 of this ~~act~~ title, unless exempted by said section, or who comply with education requirements as provided in subsection C of Section ~~4~~ 510.8 of this ~~act~~ title shall be eligible for participation in this program; and

4. Only inmates incarcerated for nonviolent offenses, as defined by Section 571 of this title, shall be 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.

G. Any inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of eligibility for this program shall have his or her eligibility for this program revoked. Any such inmate shall be returned to confinement in the custody of the Department of Corrections.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 15th day of February, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate