STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2516 By: Toure

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 982a, which relates to judicial review of sentencing or probation revocation; modifying time period; providing for continuing jurisdiction; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 982a, is amended to read as follows:

Section 982a. A. Any time within ~~one hundred twenty (120)~~ one hundred eighty (180) days after a sentence is imposed or within ~~one hundred twenty (120)~~ one hundred eighty (180) days after probation has been revoked, the court imposing sentence or revocation of probation may modify such by directing that another penalty be imposed if the court is satisfied that the best interests of the public will not be jeopardized. If an application for sentence review or an order setting a hearing regarding sentence review is filed within the initial one hundred eighty (180) days, the court imposing sentence or revocation of probation shall have continuing jurisdiction of the matter for an additional one hundred eighty (180) days or until an order regarding the modification has been entered, whichever occurs first. This section shall not apply to

convicted felons who have been in confinement in any state prison system for any previous felony conviction during the ten-year period preceding the date that the sentence this section applies to was imposed.

B. The Department of Corrections shall provide the court imposing sentence or revocation of probation with the report by the Lexington Assessment and Reception Center and any other information the Department can supply on an inmate. The court shall consider such reports when modifying the sentence or revocation of probation.

C. If the court considers modification of the sentence or revocation of probation, a hearing shall be made in open court. The clerk of the court imposing sentence or revocation of probation shall give notice of the hearing and provide a copy of the report by the Lexington Assessment and Reception Center to the inmate, the inmate's legal counsel and the district attorney of the county in which the inmate was convicted not less than twenty-one (21) days prior to the hearing.

D. If an appeal is taken which results in a modification of the sentence or revocation of probation of the defendant, such sentence may be further modified in the manner hereinbefore described within ~~one hundred twenty (120)~~ <u>one hundred eighty (180)</u> days after the receipt by the clerk of the district court of the mandate from the Supreme Court or the Court of Criminal Appeals.

SECTION 2. This act shall become effective November 1, 1996.

45-2-7961 LAC