

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1232

By: Kirby

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 1991, Section 332.7, as last
amended by Section 1, Chapter 168, O.S.L. 1996 (57
O.S. Supp. 1996, Section 332.7), which relates to
parole; modifying eligibility for parole; 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
last amended by Section 1, Chapter 168, O.S.L. 1996 (57 O.S. Supp.
1996, Section 332.7), is amended to read as follows:

Section 332.7 A. ~~Upon~~ Except as provided in subsection B of
this section, upon completion of ~~one-third (1/3)~~ fifty percent (50%)
of the sentence imposed of any person in the custody of the
Department of Corrections, such person shall be eligible for
consideration for a parole, and 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)~~ fifty percent (50%) 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~~ two 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~~ at least eighty percent (80%) of the sentence imposed.

C. Any person in the custody of the Department of Corrections who is convicted of an offense not designated as a violent offense by Section 571 of ~~Title 57 of the Oklahoma Statutes~~ this title and who is not a citizen of the United States and is or becomes subject of a final order of deportation issued by the United States Department of Justice shall be considered for parole to the custody of the United States Immigration and Naturalization Service for continuation of deportation proceedings at any time subsequent to processing through the Lexington Assessment and Reception Center.

D. 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.

E. 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. This act shall become effective November 1, 1997.

46-1-5327 SD