

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1596

By: Bryant

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 1991, Section 332.2, as last
amended by Section 21, Chapter 325, O.S.L. 1993 (57
O.S. Supp. 1996, Section 332.2), which relates to
the Pardon and Parole Board; clarifying language
relating to notification; and declaring an
emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 332.2, as
last amended by Section 21, Chapter 325, O.S.L. 1993 (57 O.S. Supp.
1996, Section 332.2), is amended to read as follows:

Section 332.2 A. The Pardon and Parole Board, which shall meet
only on the call of the Chairman, is authorized, if and when an
application made to the Governor for a reprieve, commutation,
parole, pardon, or other act of clemency is certified thereto by the
Governor, to examine into the merits of said application and make
recommendations to the Governor in relation thereto, said
recommendation being advisory to the Governor and not binding
thereon.

B. The Pardon and Parole Board shall provide a copy of their
regular docket to each district attorney in this state at least

twenty (20) days before such docket is considered by the Board, or in the case of a supplemental, addendum or special docket, at least ten (10) days before such docket is considered by the Board, and shall notify the district attorney of any recommendations for commutations or paroles no later than twenty (20) days after the docket is considered by the Board.

C. The Pardon and Parole Board shall notify all victims or victim's representatives in writing at least twenty (20) days before an inmate is considered by the Board provided the Board has received a request from the victim or victim's representatives for notice. The Board shall provide all victims or victim's ~~representative~~ representatives with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the Board regarding the inmate or the crime. If requested by the victim or victim's representative, the Board shall allow the victim or victim's representative to testify at the parole hearing of the inmate for at least five (5) minutes.

D. The Pardon and Parole Board shall notify all victims or victim's representatives in writing of the Board's decision no later than twenty (20) days after the inmate is considered by the Board.

E. Any notice required to be provided to the victims or the victim's representatives shall be mailed by first-class mail to the last-known address of the victim or victim's representatives. It is the responsibility of the victims or victim's representatives to provide the Pardon and Parole Board a current mailing address. The district attorney's victim-witness coordinator shall assist the victims or victim's representatives with supplying their address to the Board if they wish to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided, the victim who failed to receive notification requests a reconsideration hearing within

thirty (30) days of the Board's recommendation for parole. The Pardon and Parole Board may reconsider previous action and may rescind a recommendation if deemed appropriate as determined by the Board.

F. For purposes of this section, "victim" shall mean all persons who have suffered direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of criminally injurious conduct, and "victim's representatives" shall mean those persons who are members of a victim's immediate family.

G. All meetings of the Pardon and Parole Board shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes; provided that the Board shall have the authority to limit the number of persons attending in support of, or in opposition to, any inmate being considered for parole and shall have the authority to exclude persons from attendance in accordance with prison security regulations and the capacity of the meeting room. Persons excluded from attending the meeting under this provision shall be informed of their right to be informed of the Board's vote in accordance with Section 312 of Title 25 of the Oklahoma Statutes. Provided further, nothing in this section shall be construed to prevent any member of the press or any public official from attending any meeting of the Pardon and Parole Board, except as provided by the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

H. All victim information maintained by the Department of Corrections and the Pardon and Parole Board shall be confidential and shall not be released.

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.

46-1-5820

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