

SHORT TITLE: Parole; compassionate release. Effective date.  
Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1139

By: Brown

AS INTRODUCED

An Act relating to parole; amending 57 O.S. 1991, Section 332.18 and Section 1, Chapter 115, O.S.L. 1995 (57 O.S. Supp. 1997, Section 332.19), which relate to parole for medical reasons and action by Governor on pardon application; authorizing release for certain conditions; requiring action by Pardon and Parole Board; providing for action by Governor within certain time for certain application for parole; stating effects of no action by Governor; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 332.18, is amended to read as follows:

Section 332.18 A. The Director of the Department of Corrections shall have the authority to request ~~of the Chief Administrative Officer~~ Executive Director of the Pardon and Parole Board ~~that to place~~ an inmate ~~be placed~~ on the Pardon and Parole Board docket for a medical reason, out of the normal processing procedures, ~~if documentation.~~ Documentation of the medical condition ~~is~~ of such inmate shall be certified by the medical director of the Department of Corrections. The Pardon and Parole Board shall have the authority to bring any such inmate before the

Board at any time, except as otherwise provided in subsection B of this section.

B. If a request is made for a medical parole review of an inmate who is on any life support system or an inmate who is near death, the Executive Director shall place such inmate on the first available parole review docket for a compassionate release recommendation. A compassionate release recommendation shall not be denied by the Pardon and Parole Board, except in the case where the inmate still poses a direct threat to the safety of other persons.

SECTION 2. AMENDATORY Section 1, Chapter 115, O.S.L. 1995 (57 O.S. Supp. 1997, Section 332.19), is amended to read as follows:

Section 332.19 Within thirty (30) days after approval of an application for pardon, the Pardon and Parole Board shall forward all relevant documentation to the Governor. Upon receipt, the Governor shall have ninety (90) days to grant or deny the application for pardon. If an application for pardon is not approved by the Pardon and Parole Board, the application for pardon shall be deemed denied. If no action is taken by the Governor, the application shall be deemed denied. The Pardon and Parole Board shall notify the person making application for pardon of all actions taken by the Pardon and Parole Board or the Governor regarding the application for pardon.

When the Pardon and Parole Board makes a recommendation for a compassionate release pursuant to subsection B of Section 332.18 of this title, the Board shall forward all relevant documentation to the Governor within four (4) days of the inmate's parole review. Upon receipt, the Governor shall have four (4) days to grant or deny the compassionate release and notify the Department of Corrections of such decision. If no action is taken by the Governor or the Governor fails to notify the Department of Corrections within the

four (4) days, the compassionate release shall be deemed granted and the Department of Corrections shall release the inmate.

SECTION 3. This act shall become effective July 1, 1998.

SECTION 4. 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.

46-2-1795

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