

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1517

By: Wilkerson, Kerr and
Robinson of the Senate

and

Askins and Braddock of the
House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; creating the Reintegration and Resentencing Act; providing short title; creating judicial authority to review, modify and resentence certain criminal offenders after certain time; establishing certain criteria for consideration of certain review; granting the judge discretion to review and resentence certain offenders; providing for notification of certain persons; providing for certain objections; authorizing withdrawal of certain motion; providing for participation in certain programs as reintegration or consideration for resentencing; directing offender to pay certain costs; allowing legal representation at review hearing; prohibiting increase of sentence; making certain decision final and not appealable; construing certain provisions of act; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 982b of Title 22, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Reintegration and Resentencing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 982b-1 of Title 22, unless there is created a duplication in numbering, reads as follows:

The district court having original jurisdiction of a felony criminal case may at any time after two (2) years from the date of

judgment and sentencing, at the discretion of a district judge, review and modify any prior sentence of an offender to reduce the term of incarceration or provide an alternate sentence authorized by law for the offense. Pursuant to the provisions of this section, the offender must meet the following criteria for consideration of such review and modification to a reduced sentence:

1. The offender is a felony offender currently serving a sentence of incarceration pursuant to the laws of this state in a state prison facility or private prison facility;
2. The offender has exhausted all appeals and postconviction relief or waived such rights to appeal or postconviction relief;
3. The offender has been sentenced to a term of incarceration for a period of two (2) years or more and is currently incarcerated;
4. The offender is not sentenced to death or incarceration for a term of life without parole; and
5. The offender does not have any pending prosecution or criminal arrests in any jurisdiction in this state or any other state of the United States.

The court may on its own motion initiate a review, modification and resentencing of any offender deemed, in its discretion, appropriate for such review. When a case is selected for review notice shall be given to the offender, the Department of Corrections, the district attorney, and the victims, if a victim has a victim impact statement or order for restitution in the record. The district attorney may object at the review hearing on grounds the offender is not eligible for consideration as provided in this section. Any victim may file a written objection prior to the review hearing, and, in such case, the court may withdraw its motion for review. The court shall have authority to order the offender at the time of the hearing to participate in any treatment program or service authorized by law for the offense or as provided by Section 991a of Title 22 of the Oklahoma Statutes for the purpose of

reintegration or as a condition of resentencing. The offender shall be responsible for any costs for treatment and supervision based upon ability to pay. At the review hearing, the defendant may be represented by private legal counsel, and if not represented by private legal counsel, the defendant shall be represented by a public defender. The court may, in its discretion, request information from the Department of Corrections or others concerning the offender's progress since the judgment and sentence. The judge may decide at the review hearing to reduce the sentence, but is prohibited from increasing any sentence. The judge's decision shall be final and not appealable. Nothing in this section shall be construed to alter or supersede the authority of the Pardon and Parole Board in making a recommendation to the Governor for a commutation, pardon or parole while the offender is incarcerated. The provisions of this section shall be construed to preserve the judicial authority of an original sentence only for the purpose of review and resentencing specified in this act and nothing in this act shall be construed to provide any additional rights or extend any time for appeals or postconviction relief.

SECTION 3. This act shall become effective July 1, 2002.

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.

48-2-3538

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