

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1514

By: Martin

AS INTRODUCED

An Act relating to district attorneys; amending 19 O.S. 2001, Section 215.39, which relates to narrative report on arrest, conviction and sentence; including in certain report factors not presented at trial; directing certain report be provided to defendant and defendant's attorney; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.39, is amended to read as follows:

Section 215.39 A. Upon the arrest, conviction and sentencing of any defendant to the custody of the Department of Corrections, the district attorney of the county in which the crime was committed shall prepare a written narrative report describing the commission of the offense and any factors which might enhance or diminish the gravity of the offender's conduct including factors that were not presented at trial.

B. The report shall be provided to the Department of Corrections and the Pardon and Parole Board, together with the judgment and sentence in the case and any victim impact statements presented to the court in the case. The defendant and defendant's attorney shall be provided a copy of the report.

C. The form to be used for this report shall be developed and distributed by the District Attorneys Council.

D. The provisions of this section shall not apply to offenders sentenced to terms of incarceration of two (2) years or less.

E. No allegations or recitations of alleged facts contained in any narrative submitted pursuant to the requirements of this section shall give rise to any cause of action by the defendant against the submitting agency unless the defendant shall first object to such allegation or recitation in writing, with notice to the submitting agency. The submitting agency shall be given thirty (30) days following such notice to withdraw or amend any such allegation or recitation ~~objected to~~. Nothing contained herein shall be construed as creating a cause of action.

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.

48-2-2710

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