

SB 698

Senate Bill No. 698
As Amended

SENATE BILL NO. 698 - By: MORGAN of the Senate and ASKINS of the House.

[criminal procedure - judicial review - removing time limitation - effective date - emergency]

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 982a, is amended to read as follows:

Section 982a. A. Any time ~~within twelve (12) months~~ after a sentence is imposed or ~~within twelve (12) months~~ after probation has been revoked, the court imposing sentence or revocation of probation may modify such sentence or revocation by directing that another lesser penalty be imposed, if the court is satisfied that the best interests of the public will not be jeopardized. ~~This section shall not apply to convicted felons who have been in confinement in any state prison system for any previous felony conviction during the ten-year period preceding the date that the sentence this section applies to was imposed.~~

B. The Department of Corrections shall provide the court imposing sentence or revocation of probation with the report by the Lexington Assessment and Reception Center and any other information

1 the Department can supply on the inmate. The court shall consider
2 such reports when modifying the sentence or revocation of probation.

3 C. If the court considers modification of the sentence or
4 revocation of probation, a hearing shall be made in open court. The
5 clerk of the court imposing sentence or revocation of probation
6 shall give notice of the hearing and provide a copy of the report by
7 the Lexington Assessment and Reception Center to the inmate, the
8 inmate's legal counsel and the district attorney of the county in
9 which the inmate was convicted not less than twenty-one (21) days
10 prior to the hearing.

11 D. If an appeal is taken which results in a modification of the
12 sentence or revocation of probation of the defendant, such sentence
13 may be further modified in the manner hereinbefore described within
14 twelve (12) months after the receipt by the clerk of the district
15 court of the mandate from the Supreme Court or the Court of Criminal
16 Appeals.

17 SECTION 2. This act shall become effective July 1, 2003.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-19-03 - DO
23 PASS, As Amended and Coauthored.