

An Act relating to criminal procedure; defining terms; authorizing asexualization of persons convicted of certain crimes; making asexualization in addition to other penalties provided by law; allowing voluntary asexualization for certain crimes; authorizing voluntary asexualization as a condition of deferred or suspended sentence, parole or postimprisonment supervision; construing authority to order asexualization; providing for hearing and evidence; allowing the hearing before judge or jury; stating conditions for jury hearing; stating conditions for judge hearing; allowing dismissal of certain hearing for failure to present aggravating evidence at hearing; allowing aggravating and mitigating evidence; requiring aggravating circumstance to outweigh mitigating circumstance; requiring evidence of deoxyribonucleic acid test for asexualization; providing for asexualization of certain offenders; requiring certain written instructions and findings; directing certain review of sentence; requiring trial clerk to transmit certain records, notice and report; stating contents of notice; providing for report by the sentencing judge; requiring certain determination; authorizing certain briefs be submitted; requiring reference to factors considered; providing review in addition to direct appeal; directing execution of the sentence under certain circumstances; directing the Department of Corrections to take certain actions; providing for the Department of Corrections to bear certain costs for certain procedure; prohibiting the Department from paying costs for voluntary asexualization; directing when procedure may be performed; relieving the Department from duty to perform asexualization for death penalty, life or life without parole sentences; providing certain exceptions; providing for selection of physician; requiring physician to perform certain functions; granting immunities to the Department of Corrections and the physician; allowing voluntary asexualization; limiting procedure to certain criteria; allowing for withdrawal of voluntary request for asexualization; prohibiting procedure after withdrawal; granting certain immunities to certain persons and agency; providing for asexualization as condition of deferred or suspended sentence or parole; stating certain criteria for consideration; making voluntary asexualization discretionary for court or Pardon and Parole Board; authorizing favorable consideration for parole; stating no guarantees for consideration, eligibility, recommendation or release; amending 21 O.S. 2001, Section 888, as amended by Section 9, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2003, Section 888), which relates to forcible sodomy; amending 21 O.S. 2001, Section 1115, as amended by Section 10, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2003, Section 1115), which relates to rape in the first degree; amending 21 O.S. 2001, Section 1116, which relates to rape in the second degree; adding penalty of asexualization under certain circumstances; authorizing voluntary asexualization of persons in custody; providing for codification; providing an effective date; and declaring an emergency.