

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 5, 2008

House Bill No. 2954

HOUSE BILL NO. 2954 - By: TIBBS of the House and JOHNSON (CONSTANCE) of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Sections 332.8 and 332.18, as amended by Section 18, Chapter 22, O.S.L. 2002 (57 O.S. Supp. 2007, Section 332.18), which relate to conditions for parole; deleting certain condition from consideration by the Pardon and Parole Board; expanding scope of medical parole review process to include certain inmates; and providing an effective date.

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

1       SECTION 1.    AMENDATORY    57 O.S. 2001, Section 332.8, is amended to read  
2 as follows:

3       Section 332.8 No recommendations to the Governor for parole shall be made in  
4 relation to any inmate in a penal institution in the State of Oklahoma unless the Pardon  
5 and Parole Board considers the victim impact statements if presented to the jury, or the  
6 judge in the event a jury was waived, at the time of sentencing and, in every appropriate  
7 case, as a condition of parole, monetary restitution of economic loss as defined by Section  
8 991f of Title 22 of the Oklahoma Statutes, incurred by a victim of the crime for which the  
9 inmate was imprisoned. In every case, the Pardon and Parole Board shall first consider  
10 the number of previous felony convictions and the type of criminal violations leading to  
11 any such felony convictions, ~~then shall consider either suitable employment or a suitable~~

1 ~~residence~~, and finally shall mandate participation in education programs to achieve the  
2 proficiency level established in Section 510.7 of this title or, at the discretion of the Board  
3 require the attainment of a general education diploma, as a condition for release on  
4 parole. The Board shall consider the availability of programs and the waiting period for  
5 such programs in setting conditions of parole release. The Board may require any  
6 program to be completed after the inmate is released on parole as a condition of parole.  
7 A facsimile signature of the inmate on parole papers that is transmitted to the Board  
8 shall be an accepted means of acknowledgement of parole conditions. The probation and  
9 parole officer shall render every reasonable assistance to any person making application  
10 for parole, in helping to obtain suitable employment or enrollment in an education  
11 program or a suitable residence. Any inmate who fails to satisfactorily attend and make  
12 satisfactory progress in the educational program in which the inmate has been required  
13 to participate as a condition of parole, may have his or her parole revoked. If ~~an inmate's~~  
14 parole of an inmate is revoked, such inmate shall be returned to confinement in the  
15 custody of the Department of Corrections.

16 SECTION 2. AMENDATORY 57 O.S. 2001, Section 332.18, as amended by  
17 Section 18, Chapter 22, O.S.L. 2002 (57 O.S. Supp. 2007, Section 332.18), is amended to  
18 read as follows:

19 Section 332.18 A. The Director of the Department of Corrections shall have the  
20 authority to request the Executive Director of the Pardon and Parole Board to place an  
21 inmate on the Pardon and Parole Board docket for a medical reason, out of the normal  
22 processing procedures. Documentation of the medical condition of such inmate shall be

1 certified by the medical director of the Department of Corrections. The Pardon and  
2 Parole Board shall have the authority to bring any such inmate before the Board at any  
3 time, except as otherwise provided in subsection B of this section.

4 B. When a request is made for a medical parole review of an inmate who is dying or  
5 is near death as certified by the medical director of the Department of Corrections or  
6 whose medical condition has rendered the inmate no longer a threat to public safety, the  
7 Executive Director shall place such inmate on the first available parole review docket for  
8 a compassionate parole consideration. Inmates who meet the criteria set out in this  
9 section are not subject to the two-stage hearing process in subsection C of Section 332.7  
10 of this title.

11 The provisions of this section shall not apply to inmates serving a sentence of life  
12 without possibility of parole. The provisions of this section shall apply to inmates serving  
13 minimum sentences under Sections 12.1 and 13.1 of Title 21 of the Oklahoma Statutes  
14 and whenever the Pardon and Parole Board makes a determination that a medical issue  
15 has rendered the inmate no longer a threat to public safety.

16 SECTION 3. This act shall become effective November 1, 2008.

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
18 dated 03-04-08 - DO PASS, As Coauthored.