

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1470

By: Johnson (Constance)

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5
6 AS INTRODUCED

7 An Act relating to corrections; amending 57 O.S.
8 2001, Sections 332.8 and 332.18, as amended by
9 Section 18, Chapter 22, O.S.L. 2002 (57 O.S. Supp.
10 2007, Section 332.18), which relates to parole
11 consideration; removing certain requirement for
12 housing and employment; deleting certain language;
13 construing eligibility for medical parole
14 consideration; prohibiting medical parole for certain
15 inmates; amending 21 O.S. 2001, Section 13.1, as last
16 amended by Section 1, Chapter 199, O.S.L. 2007 (21
17 O.S. Supp. 2007, Section 13.1), which relates to
18 mandatory minimum sentence; providing exception for
19 medical parole; providing an effective date; and
20 declaring an emergency.

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

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

24 Section 332.8 No recommendations to the Governor for parole
shall be made in relation to any inmate in a penal institution in
the State of Oklahoma unless the Pardon and Parole Board considers
the victim impact statements if presented to the jury, or the judge
in the event a jury was waived, at the time of sentencing and, in
every appropriate case, as a condition of parole, monetary

1 restitution of economic loss as defined by Section 991f of Title 22
2 of the Oklahoma Statutes, incurred by a victim of the crime for
3 which the inmate was imprisoned. In every case, the Pardon and
4 Parole Board shall first consider the number of previous felony
5 convictions and the type of criminal violations leading to any such
6 felony convictions, ~~then shall consider either suitable employment~~
7 ~~or a suitable residence,~~ and finally shall mandate participation in
8 education programs to achieve the proficiency level established in
9 Section 510.7 of this title or, at the discretion of the Board
10 require the attainment of a general education diploma, as a
11 condition for release on parole. The Board shall consider the
12 availability of programs and the waiting period for such programs in
13 setting conditions of parole release. The Board may require any
14 program to be completed after the inmate is released on parole as a
15 condition of parole. A facsimile signature of the inmate on parole
16 papers that is transmitted to the Board shall be an accepted means
17 of acknowledgement of parole conditions. The probation and parole
18 officer shall render every reasonable assistance to any person
19 making application for parole, in helping to obtain suitable
20 employment or enrollment in an education program or a suitable
21 residence. Any inmate who fails to satisfactorily attend and make
22 satisfactory progress in the educational program in which the inmate
23 has been required to participate as a condition of parole, may have
24 his or her parole revoked. If an inmate's parole is revoked, such

1 inmate shall be returned to confinement in the custody of the
2 Department of Corrections.

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

6 Section 332.18 A. The Director of the Department of
7 Corrections shall have the authority to request the Executive
8 Director of the Pardon and Parole Board to place an inmate on the
9 Pardon and Parole Board docket for a medical reason, out of the
10 normal processing procedures. Documentation of the medical
11 condition of such inmate shall be certified by the medical director
12 of the Department of Corrections. The Pardon and Parole Board shall
13 have the authority to bring any such inmate before the Board at any
14 time, except as otherwise provided in subsection B of this section.

15 B. When a request is made for a medical parole review of an
16 inmate who is dying or is near death as certified by the medical
17 director of the Department of Corrections or whose medical condition
18 has rendered the inmate no longer a threat to public safety, the
19 Executive Director shall place such inmate on the first available
20 parole review docket for a compassionate parole consideration.
21 Inmates who meet the criteria set out in this section are not
22 subject to the two-stage hearing process in subsection C of Section
23 332.7 of this title.

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1 C. The provisions of this section shall ~~not~~ apply to all
2 inmates serving a sentence of ~~life without possibility of~~
3 incarceration notwithstanding any statutory prohibition to parole
4 consideration or parole release or the judgment and sentence;
5 provided, however, this section shall not apply to inmates sentenced
6 to death.

7 SECTION 3. AMENDATORY 21 O.S. 2001, Section 13.1, as
8 last amended by Section 1, Chapter 199, O.S.L. 2007 (21 O.S. Supp.
9 2007, Section 13.1), is amended to read as follows:

10 Section 13.1 Persons convicted of:

11 1. First degree murder as defined in Section 701.7 of this
12 title;

13 2. Second degree murder as defined by Section 701.8 of this
14 title;

15 3. Manslaughter in the first degree as defined by Section 711
16 of this title;

17 4. Poisoning with intent to kill as defined by Section 651 of
18 this title;

19 5. Shooting with intent to kill, use of a vehicle to facilitate
20 use of a firearm, crossbow or other weapon, assault, battery, or
21 assault and battery with a deadly weapon or by other means likely to
22 produce death or great bodily harm, as provided for in Section 652
23 of this title;

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- 1 6. Assault with intent to kill as provided for in Section 653
2 of this title;
- 3 7. Conjoint robbery as defined by Section 800 of this title;
- 4 8. Robbery with a dangerous weapon as defined in Section 801 of
5 this title;
- 6 9. First degree robbery as defined in Section 797 of this
7 title;
- 8 10. First degree rape as provided for in Section 1115 of this
9 title;
- 10 11. First degree arson as defined in Section 1401 of this
11 title;
- 12 12. First degree burglary as provided for in Section 1436 of
13 this title;
- 14 13. Bombing as defined in Section 1767.1 of this title;
- 15 14. Any crime against a child provided for in Section 7115 of
16 Title 10 of the Oklahoma Statutes;
- 17 15. Forcible sodomy as defined in Section 888 of this title;
- 18 16. Child pornography as defined in Section 1021.2, 1021.3 or
19 1024.1 of this title;
- 20 17. Child prostitution as defined in Section 1030 of this
21 title;
- 22 18. Lewd molestation of a child as defined in Section 1123 of
23 this title;

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1 19. Abuse of a vulnerable adult as defined in Section 10-103 of
2 Title 43A of the Oklahoma Statutes who is a resident of a nursing
3 facility; or

4 20. Aggravated trafficking as provided for in subsection C of
5 Section 2-415 of Title 63 of the Oklahoma Statutes,
6 shall be required to serve not less than eighty-five percent (85%)
7 of any sentence of imprisonment imposed by the judicial system prior
8 to becoming eligible for consideration for parole, except when the
9 person meets the criteria for medical parole consideration. Persons
10 convicted of these offenses shall not be eligible for earned credits
11 or any other type of credits which have the effect of reducing the
12 length of the sentence to less than eighty-five percent (85%) of the
13 sentence imposed.

14 SECTION 4. This act shall become effective July 1, 2008.

15 SECTION 5. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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