

1 ENGROSSED HOUSE
2 BILL NO. 1697

By: Billy of the House

and

Sykes of the Senate

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7 An Act relating to criminal procedure; 22 O.S. 2001,
8 Section 982a, as amended by Section 6, Chapter 358,
9 O.S.L. 2007 (22 O.S. Supp. 2008, Section 982a), which
10 relates to judicial review of sentences; directing
11 court clerk to request inmate reports from Department
12 of Corrections prior to certain hearing; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2001, Section 982a, as
16 amended by Section 6, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2008,
17 Section 982a), is amended to read as follows:

18 Section 982a. A. Any time within twelve (12) months after a
19 sentence is imposed or within twelve (12) months after probation has
20 been revoked, the court imposing sentence or revocation of probation
21 may modify such sentence or revocation by directing that another
22 penalty be imposed, if the court is satisfied that the best
23 interests of the public will not be jeopardized. This section shall
24 not apply to convicted felons who have been in confinement in any
state prison system for any previous felony conviction during the

1 ten-year period preceding the date that the sentence this section
2 applies to was imposed. Further, without the consent of the
3 district attorney, this section shall not apply to sentences imposed
4 pursuant to a plea agreement.

5 B. The Department of Corrections shall provide the court
6 imposing sentence or revocation of probation with the report by the
7 Lexington Assessment and Reception Center and any other information
8 the Department can supply on the inmate. The court shall consider
9 such reports when modifying the sentence or revocation of probation.

10 C. If the court considers modification of the sentence or
11 revocation of probation, a hearing shall be made in open court. ~~The~~
12 Not less than ten (10) days prior to giving notice of the hearing,
13 the clerk of the court imposing sentence or revocation of probation
14 shall contact the Department of Corrections and request the report
15 on the inmate be completed and filed with the court. Upon receiving
16 the report from the Department of Corrections, the clerk of the
17 court shall give notice of the hearing and provide a copy of the
18 report ~~by the Lexington Assessment and Reception Center~~ to the
19 inmate, the ~~inmate's~~ inmate's legal counsel of the inmate, and the district
20 attorney of the county in which the inmate was convicted not less
21 than twenty-one (21) days prior to the hearing.

22 D. If an appeal is taken which results in a modification of the
23 sentence or revocation of probation of the defendant, such sentence
24 may be further modified in the manner hereinbefore described within

1 twelve (12) months after the receipt by the clerk of the district
2 court of the mandate from the Supreme Court or the Court of Criminal
3 Appeals.

4 SECTION 2. This act shall become effective November 1, 2009.

5 Passed the House of Representatives the 24th day of February,
6 2009.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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