

1 ENGROSSED SENATE
2 BILL NO. 653

By: Sykes of the Senate

3 and

4 Billy of the House

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6
7 [corrections - judicial modification of sentence -
8 emergency]

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

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

14 Section 982a. A. Any time within twelve (12) months after a
15 sentence is imposed or within twelve (12) months after probation has
16 been revoked, the court imposing sentence or revocation of probation
17 may modify such sentence or revocation by directing that another
18 penalty be imposed, if the court is satisfied that the best
19 interests of the public will not be jeopardized. This section shall
20 not apply to convicted felons who have been in confinement in any
21 state prison system for any previous felony conviction during the
22 ten-year period preceding the date that the sentence this section
23 applies to was imposed. Further, without the consent of the

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1 district attorney, this section shall not apply to sentences imposed
2 pursuant to a plea agreement.

3 B. ~~The~~ For purposes of judicial review, upon court order or
4 written request from the sentencing judge, the Department of
5 Corrections shall provide the court imposing sentence or revocation
6 of probation with ~~the~~ a report by the Lexington Assessment and
7 Reception Center to include a summary of the offender's assessed
8 needs, any progress made by the offender in addressing his or her
9 assessed needs, and any other information the Department can supply
10 on the inmate. The court shall consider such reports when modifying
11 the sentence or revocation of probation. The court shall allow the
12 Department of Corrections at least twenty (20) days after receipt of
13 a request or order from the court to prepare the required reports.

14 C. If the court considers modification of the sentence or
15 revocation of probation, a hearing shall be made in open court after
16 receipt of the reports required in subsection B of this section.
17 The clerk of the court imposing sentence or revocation of probation
18 shall give notice of the judicial review hearing to the Department
19 of Corrections, the inmate, the inmate's legal counsel, and the
20 district attorney of the county in which the inmate was convicted
21 upon receipt of the reports. Such notice shall be mailed at least
22 twenty-one (21) days prior to the hearing date and provide shall
23 include a copy of the report by the Lexington Assessment and
24 Reception Center to the inmate, the inmate's legal counsel and the

1 ~~district attorney of the county in which the inmate was convicted~~
2 ~~not less than twenty one (21) days prior to~~ and any other written
3 information to be considered at the judicial review hearing.

4 D. If an appeal is taken from the original sentence or from a
5 revocation of probation which results in a modification of the
6 sentence or modification to the revocation of probation of the
7 defendant, such sentence may be further modified in the manner
8 hereinbefore described within twelve (12) months after the receipt
9 by the clerk of the district court of the mandate from the Supreme
10 Court or the Court of Criminal Appeals.

11 SECTION 2. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the Senate the 2nd day of March, 2009.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,
20 2009.

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Presiding Officer of the House
of Representatives

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