

ENROLLED SENATE
BILL NO. 653

By: Sykes of the Senate

and

Billy and Tibbs of the
House

An Act relating to corrections; amending 22 O.S. 2001, Section 982a, as amended by Section 6, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2008, Section 982a), which relates to judicial modification of sentence; clarifying language; modifying certain reporting requirements; authorizing certain time to prepare certain reports; authorizing hearing after receipt of certain reports; setting time period for certain notice; requiring notice include certain reports; requiring notice to the Department of Corrections; and declaring an emergency.

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

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

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 A. Any time within twelve (12) months after a sentence is imposed or within twelve (12) months after probation has been revoked, the court imposing sentence or revocation of probation may modify such sentence or revocation by directing that another penalty be imposed, if the court is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

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

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

C. If the court considers modification of the sentence or revocation of probation, a hearing shall be made in open court after receipt of the reports required in subsection B of this section. The clerk of the court imposing sentence or revocation of probation shall give notice of the judicial review hearing to the Department of Corrections, the inmate, the inmate's legal counsel, and the district attorney of the county in which the inmate was convicted upon receipt of the reports. Such notice shall be mailed at least twenty-one (21) days prior to the hearing date and provide shall include a copy of the report by the Lexington Assessment and Reception Center to the inmate, the inmate's legal counsel and the district attorney of the county in which the inmate was convicted not less than twenty-one (21) days prior to and any other written information to be considered at the judicial review hearing.

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

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

Passed the Senate the 12th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of May, 2009.

Presiding Officer of the House
of Representatives