

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 2023, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Anderson

Anderson-MRB-FS-Req#3758
2/24/2010 2:36 PM

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 2023

6 By: Anderson of the Senate

7 and

8 Enns of the House

9 FLOOR SUBSTITUTE

10 An Act relating to crimes and punishment; amending 21
11 O.S. 2001, Sections 61.1, 61.2, 61.3, 61.4, and 61.5,
12 which relate to sentences served in penal
13 institution; providing for more than one sentence to
14 be served concurrently in certain circumstances;
15 providing for more than one sentence to be served
16 consecutively in certain circumstances; authorizing
17 the Governor to order certain sentencing in certain
18 circumstances; authorizing the court to order certain
19 sentencing in certain circumstances; authorizing the
20 court to determine if certain terms of sentencing are
21 satisfied; amending 22 O.S. 2001, Section 976, which
22 relates to concurrent sentences; requiring certain
23 sentences be served concurrently; and providing an
24 effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 61.1, is
amended to read as follows:

Section 61.1. When any person is convicted of two (2) or more
crimes in the same proceeding or court or in different proceedings

1 or courts, and the judgment and sentence for each conviction arrives
2 at a state penal institution on different dates, the sentence which
3 is first received at the institution shall commence and ~~be followed~~
4 ~~by~~ those sentences which are subsequently received at the
5 institution, ~~in the order in which they are received by the~~
6 ~~institution,~~ shall be served concurrently regardless of the order in
7 which the judgments and sentences were rendered by the respective
8 courts, unless a judgment and sentence provides that it is to run
9 ~~concurrently~~ consecutively with another judgment and sentence. This
10 section shall not affect the credits allowed under Section 138 of
11 Title 57 of the Oklahoma Statutes.

12 SECTION 2. AMENDATORY 21 O.S. 2001, Section 61.2, is
13 amended to read as follows:

14 Section 61.2. When a defendant is sentenced in an Oklahoma
15 state court and is also under sentence from a federal court or
16 another state's court, the court may direct that custody of the
17 defendant be relinquished to the federal or another state's
18 authorities and that such Oklahoma state court sentences as are
19 imposed ~~may~~ shall run concurrently with the federal or another
20 state's sentence imposed, unless the court orders a judgment and
21 sentence to run consecutively with the other jurisdiction.

22 SECTION 3. AMENDATORY 21 O.S. 2001, Section 61.3, is
23 amended to read as follows:

24

1 Section 61.3. When a defendant is on parole from a sentence
2 rendered by an Oklahoma state court and is also under sentence from
3 a federal court or another state's court, the Governor may revoke
4 the defendant's parole and direct that custody of the defendant be
5 relinquished to the federal or another state's authorities and ~~that~~
6 such parole revocation ~~may~~ shall run concurrently with the federal
7 or another state's sentence which has been imposed, unless the
8 Governor orders the parole revocation to be served consecutively
9 with the other jurisdiction. ~~The Governor may also order that a~~ A
10 parole revocation shall run concurrently with any other sentence
11 rendered by an Oklahoma state court, unless the Governor orders the
12 parole revocation to be served consecutively.

13 SECTION 4. AMENDATORY 21 O.S. 2001, Section 61.4, is
14 amended to read as follows:

15 Section 61.4. When a defendant has received a suspended
16 sentence from an Oklahoma state court and is also under sentence
17 from a federal court or another state's court, the court may revoke
18 the suspended sentence and direct that custody of the defendant be
19 relinquished to the federal or another state's authorities and ~~that~~
20 ~~the~~ such sentence ~~may~~ shall run concurrently with the federal or
21 other state's sentence which has been imposed, unless the court
22 orders a revocation to run consecutively with the other
23 jurisdiction.

24

1 SECTION 5. AMENDATORY 21 O.S. 2001, Section 61.5, is
2 amended to read as follows:

3 Section 61.5. Provided, that, after a defendant has been
4 transferred to another jurisdiction pursuant to the provisions of
5 this act, if any sentence remains to be served in the State of
6 Oklahoma, such defendant shall be returned by the sentencing court
7 to the State of Oklahoma to complete his or her sentence, unless the
8 court at the time of sentencing determines that the service of the
9 Oklahoma state court sentence is to be satisfied by service of the
10 sentence in the other jurisdiction.

11 SECTION 6. AMENDATORY 22 O.S. 2001, Section 976, is
12 amended to read as follows:

13 Section 976. If the defendant has been convicted of two or more
14 offenses, before judgment on either, the judgment ~~may~~ shall be that
15 the imprisonment ~~upon any one may commence at the expiration of the~~
16 ~~imprisonment upon any other~~ of the offenses shall be concurrent.
17 Provided, that the sentencing judge shall, at all times, have the
18 discretion to enter a sentence ~~concurrent~~ consecutively with any
19 other sentence.

20 SECTION 7. This act shall become effective November 1, 2010.

21

22 52-2-3758 MRB 2/24/2010 2:36:07 PM

23

24