

THE HOUSE OF REPRESENTATIVES
Monday, February 16, 2009

House Bill No. 1697

HOUSE BILL NO. 1697 - By: BILLY of the House.

An Act relating to criminal procedure; 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 review of sentences; directing court clerk to request inmate reports from Department of Corrections prior to certain hearing; and providing an effective date.

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

1 SECTION 1. AMENDATORY 22 O.S. 2001, Section 982a, as amended by
2 Section 6, Chapter 358, O.S.L. 2007 (22 O.S. Supp. 2008, Section 982a), is amended to
3 read as follows:
4 Section 982a. A. Any time within twelve (12) months after a sentence is imposed or
5 within twelve (12) months after probation has been revoked, the court imposing sentence
6 or revocation of probation may modify such sentence or revocation by directing that
7 another penalty be imposed, if the court is satisfied that the best interests of the public
8 will not be jeopardized. This section shall not apply to convicted felons who have been in
9 confinement in any state prison system for any previous felony conviction during the ten-
10 year period preceding the date that the sentence this section applies to was imposed.
11 Further, without the consent of the district attorney, this section shall not apply to
12 sentences imposed pursuant to a plea agreement.

1 B. The Department of Corrections shall provide the court imposing sentence or
2 revocation of probation with the report by the Lexington Assessment and Reception
3 Center and any other information the Department can supply on the inmate. The court
4 shall consider such reports when modifying the sentence or revocation of probation.

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-12-09 - DO PASS.