

ESB 653

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

ENGROSSED
Senate Bill No. 653
As Amended

ENGROSSED SENATE BILL NO. 653 - By: SYKES of the Senate and BILLY of the House.

(corrections - judicial modification of sentence - emergency)

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5 within twelve (12) months after probation has been revoked, the court imposing sentence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

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

21 D. If an appeal is taken from the original sentence or from a revocation of probation
22 which results in a modification of the sentence or modification to the revocation of

1 probation of the defendant, such sentence may be further modified in the manner
2 hereinbefore described within twelve (12) months after the receipt by the clerk of the
3 district court of the mandate from the Supreme Court or the Court of Criminal Appeals.

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

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-07-09 - DO PASS,
8 As Amended.