

SB 653

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 653
As Amended

SENATE BILL NO. 653 - By: Sykes of the Senate and Billy of the House.

[corrections - judicial modification of sentence -
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 A. Any time within twelve (12) months after a sentence is imposed or within twelve (12) months after probation has been revoked, the court imposing sentence or revocation of probation may modify such sentence or revocation by directing that another penalty be imposed, if the court is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.

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

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

1 ~~not less than twenty one (21) days prior to~~ and any other written
2 information to be considered at the judicial review hearing.

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
15 PASS, As Amended and Coauthored.