

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1697

By: Billy

4  
5 AS INTRODUCED

6 An Act relating to criminal procedure; 22 O.S. 2001,  
7 Section 982a, as amended by Section 6, Chapter 358,  
8 O.S.L. 2007 (22 O.S. Supp. 2008, Section 982a), which  
9 relates to judicial review of sentences; directing  
10 court clerk to request inmate reports from Department  
11 of Corrections prior to certain hearing; and  
12 providing an effective date.

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

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

17 Section 982a. A. Any time within twelve (12) months after a  
18 sentence is imposed or within twelve (12) months after probation has  
19 been revoked, the court imposing sentence or revocation of probation  
20 may modify such sentence or revocation by directing that another  
21 penalty be imposed, if the court is satisfied that the best  
22 interests of the public will not be jeopardized. This section shall  
23 not apply to convicted felons who have been in confinement in any  
24 state prison system for any previous felony conviction during the  
ten-year period preceding the date that the sentence this section

1 applies to was imposed. Further, without the consent of the  
2 district attorney, this section shall not apply to sentences imposed  
3 pursuant to a plea agreement.

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

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

21 D. If an appeal is taken which results in a modification of the  
22 sentence or revocation of probation of the defendant, such sentence  
23 may be further modified in the manner hereinbefore described within  
24 twelve (12) months after the receipt by the clerk of the district

1 court of the mandate from the Supreme Court or the Court of Criminal  
2 Appeals.

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

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