

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3039

By: Reynolds

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2001, Section 982a, as last amended by Section
9 1, Chapter 275, O.S.L. 2009 (22 O.S. Supp. 2009,
10 Section 982a), which relates to judicial review of
sentences; prohibiting the modification of sentences
or probation revocations; and providing an effective
date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2001, Section 982a, as
15 last amended by Section 1, Chapter 275, O.S.L. 2009 (22 O.S. Supp.
16 2009, 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19 ~~been revoked, the~~ No court imposing shall modify any sentence or
20 revocation of probation ~~may modify such sentence or revocation by~~
21 ~~directing that another sentence be imposed, if the court is~~
22 ~~satisfied that the best interests of the public will not be~~
23 ~~jeopardized; provided, however, the court shall not impose a~~
24 ~~deferred sentence. This section shall not apply to convicted felons~~

1 ~~who have been in confinement in any state prison system for any~~
2 ~~previous felony conviction during the ten year period preceding the~~
3 ~~date that the sentence this section applies to was imposed.~~

4 ~~Further, without the consent of the district attorney, this section~~
5 ~~shall not apply to sentences imposed pursuant to a plea agreement.~~

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

11 ~~C. If the court considers modification of the sentence or~~
12 ~~revocation of probation, a hearing shall be made in open court. The~~
13 ~~clerk of the court imposing sentence or revocation of probation~~
14 ~~shall give notice of the hearing and provide a copy of the report by~~
15 ~~the Lexington Assessment and Reception Center to the inmate, the~~
16 ~~inmate's legal counsel and the district attorney of the county in~~
17 ~~which the inmate was convicted not less than twenty one (21) days~~
18 ~~prior to the hearing.~~

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

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SECTION 2. This act shall become effective November 1, 2010.

52-2-9527 GRS 01/13/10