

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2262

By: Anderson

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6 AS INTRODUCED

7 An Act relating to crimes and punishment; amending 21
8 O.S. 2001, Sections 61.1, 61.2, 61.3, 61.4, and 61.5,
9 which relate to sentences served in penal
10 institution; providing for more than one sentence to
11 be served concurrently in certain circumstances;
12 providing for more than one sentence to be served
13 consecutively in certain circumstances; authorizing
14 the Governor to order certain sentencing in certain
15 circumstances; authorizing the court to order certain
16 sentencing in certain circumstances; authorizing the
17 court to determine if certain terms of sentencing are
18 satisfied; amending 22 O.S. 2001, Section 976, which
19 relates to concurrent sentences; requiring certain
20 sentences be served concurrently; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2001, Section 61.1, is
24 amended to read as follows:

25 Section 61.1. When any person is convicted of two (2) or more
26 crimes in the same proceeding or court or in different proceedings
27 or courts, and the judgment and sentence for each conviction arrives
28 at a state penal institution on different dates, the sentence which
29 is first received at the institution shall commence and ~~be followed~~

1 by those sentences which are subsequently received at the
2 institution, ~~in the order in which they are received by the~~
3 ~~institution,~~ shall be served concurrently regardless of the order in
4 which the judgments and sentences were rendered by the respective
5 courts, unless a judgment and sentence provides that it is to run
6 ~~concurrently~~ consecutively with another judgment and sentence. This
7 section shall not affect the credits allowed under Section 138 of
8 Title 57 of the Oklahoma Statutes.

9 SECTION 2. AMENDATORY 21 O.S. 2001, Section 61.2, is
10 amended to read as follows:

11 Section 61.2. When a defendant is sentenced in an Oklahoma
12 state court and is also under sentence from a federal court or
13 another state's court, the court may direct that custody of the
14 defendant be relinquished to the federal or another state's
15 authorities and that such Oklahoma state court sentences as are
16 imposed ~~may~~ shall run concurrently with the federal or another
17 state's sentence imposed, unless the court orders a judgment and
18 sentence to run consecutively with the other jurisdiction.

19 SECTION 3. AMENDATORY 21 O.S. 2001, Section 61.3, is
20 amended to read as follows:

21 Section 61.3. When a defendant is on parole from a sentence
22 rendered by an Oklahoma state court and is also under sentence from
23 a federal court or another state's court, the Governor may revoke
24 the defendant's parole and direct that custody of the defendant be

1 relinquished to the federal or another state's authorities and ~~that~~
2 such parole revocation ~~may~~ shall run concurrently with the federal
3 or another state's sentence which has been imposed, unless the
4 Governor orders the parole revocation to be served consecutively
5 with the other jurisdiction. ~~The Governor may also order that a~~ A
6 parole revocation shall run concurrently with any other sentence
7 rendered by an Oklahoma state court, unless the Governor orders the
8 parole revocation to be served consecutively.

9 SECTION 4. AMENDATORY 21 O.S. 2001, Section 61.4, is
10 amended to read as follows:

11 Section 61.4. When a defendant has received a suspended
12 sentence from an Oklahoma state court and is also under sentence
13 from a federal court or another state's court, the court may revoke
14 the suspended sentence and direct that custody of the defendant be
15 relinquished to the federal or another state's authorities and ~~that~~
16 ~~the~~ such sentence ~~may~~ shall run concurrently with the federal or
17 other state's sentence which has been imposed, unless the court
18 orders a revocation to run consecutively with the other
19 jurisdiction.

20 SECTION 5. AMENDATORY 21 O.S. 2001, Section 61.5, is
21 amended to read as follows:

22 Section 61.5. Provided, that, after a defendant has been
23 transferred to another jurisdiction pursuant to the provisions of
24 this act, if any sentence remains to be served in the State of

1 Oklahoma, such defendant shall be returned by the sentencing court
2 to the State of Oklahoma to complete his or her sentence, unless the
3 court at the time of sentencing determines that the service of the
4 Oklahoma state court sentence is to be satisfied by service of the
5 sentence in the other jurisdiction.

6 SECTION 6. AMENDATORY 22 O.S. 2001, Section 976, is
7 amended to read as follows:

8 Section 976. If the defendant has been convicted of two or more
9 offenses, before judgment on either, the judgment ~~may~~ shall be that
10 the imprisonment ~~upon any one may commence at the expiration of the~~
11 ~~imprisonment upon any other~~ of the offenses shall be concurrent.

12 Provided, that the sentencing judge shall, at all times, have the
13 discretion to enter a sentence ~~concurrent~~ consecutively with any
14 other sentence.

15 SECTION 7. This act shall become effective November 1, 2010.

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