

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2326

By: Johnson (Constance)

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5
6 AS INTRODUCED

7 An Act relating to parole; amending 57 O.S. 2001,
8 Section 332.16, which relates to time limitations for
9 acting on paroles; clarifying time limitations;
10 specifying action of the Pardon and Parole Board;
11 deeming parole recommendation granted if action not
12 taken within certain time period; providing
13 exception; requiring review and parole recommendation
14 for certain crimes; requiring certain explanations;
15 requiring disclosure of parole terms; directing Board
16 to give report; and providing an effective date.

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

18 SECTION 1. AMENDATORY 57 O.S. 2001, Section 332.16, is
19 amended to read as follows:

20 Section 332.16 A. 1. No recommendation to the Governor for
21 parole shall remain under consideration and in the possession of
22 that office for a time longer than thirty (30) consecutive calendar
23 days which shall begin on the date the Pardon and Parole Board
24 delivers the recommendation to the Office of the Governor.

2. The Pardon and Parole Board shall date stamp all
documentation delivered to the Governor.

1 B. Except as provided for in subsection C of this section, if,
2 upon expiration of the thirty-day time period, no action is taken by
3 the Governor to grant or deny parole, the recommendation for parole
4 shall be deemed granted.

5 ~~B.~~ C. The Governor shall be required to review each parole
6 recommendation and shall grant or deny parole for persons convicted
7 of the following crimes:

8 1. Assault, battery, or assault and battery with a dangerous or
9 deadly weapon as provided in Sections 645 and 652 of Title 21 of the
10 Oklahoma Statutes;

11 2. Aggravated assault and battery on a police officer, sheriff,
12 highway patrolman, or any other officer of the law as provided in
13 Sections 650, 650.2, 650.5, 650.6 and 650.7 of Title 21 of the
14 Oklahoma Statutes;

15 3. Poisoning with intent to kill as provided in Section 651 of
16 Title 21 of the Oklahoma Statutes;

17 4. Shooting with intent to kill as provided in Section 652 of
18 Title 21 of the Oklahoma Statutes;

19 5. Assault with intent to kill as provided in Section 653 of
20 Title 21 of the Oklahoma Statutes;

21 6. Assault with intent to commit a felony as provided in
22 Section 681 of Title 21 of the Oklahoma Statutes;

23 7. Assaults while masked or disguised as provided in Section
24 1303 of Title 21 of the Oklahoma Statutes;

1 8. Murder in the first degree as provided in Section 701.7 of
2 Title 21 of the Oklahoma Statutes;

3 9. Murder in the second degree as provided in Section 701.8 of
4 Title 21 of the Oklahoma Statutes;

5 10. Manslaughter in the first degree as provided in Sections
6 711, 712, 714 and 715 of Title 21 of the Oklahoma Statutes;

7 11. Manslaughter in the second degree as provided in Sections
8 716 and 717 of Title 21 of the Oklahoma Statutes;

9 12. Kidnapping as provided in Section 741 of Title 21 of the
10 Oklahoma Statutes;

11 13. Burglary in the first degree as provided in Section 1431 of
12 Title 21 of the Oklahoma Statutes;

13 14. Burglary with explosives as provided in Section 1441 of
14 Title 21 of the Oklahoma Statutes;

15 15. Kidnapping for extortion as provided in Section 745 of
16 Title 21 of the Oklahoma Statutes;

17 16. Maiming as provided in Section 751 of Title 21 of the
18 Oklahoma Statutes;

19 17. Robbery as provided in Section 791 of Title 21 of the
20 Oklahoma Statutes;

21 18. Robbery in the first degree as provided in Section 797 of
22 Title 21 of the Oklahoma Statutes;

23 19. Robbery in the second degree as provided in Section 797 of
24 Title 21 of the Oklahoma Statutes;

1 20. Robbery by two or more persons as provided in Section 800
2 of Title 21 of the Oklahoma Statutes;

3 21. Robbery with dangerous weapon or imitation firearm as
4 provided in Section 801 of Title 21 of the Oklahoma Statutes;

5 22. Child abuse as provided in Section 843.5 of Title 21 of the
6 Oklahoma Statutes;

7 23. Wiring any equipment, vehicle or structure with explosives
8 as provided in Section 849 of Title 21 of the Oklahoma Statutes;

9 24. Forcible sodomy as provided in Section 888 of Title 21 of
10 the Oklahoma Statutes;

11 25. Rape in the first degree as provided in Sections 1111 and
12 1114 of Title 21 of the Oklahoma Statutes;

13 26. Rape in the second degree as provided in Sections 1111 and
14 1114 of Title 21 of the Oklahoma Statutes;

15 27. Rape by instrumentation as provided in Section 1111.1 of
16 Title 21 of the Oklahoma Statutes;

17 28. Lewd or indecent proposition or lewd or indecent act with a
18 child as provided in Section 1123 of Title 21 of the Oklahoma
19 Statutes;

20 29. Use of a firearm or offensive weapon to commit or attempt
21 to commit a felony as provided in Section 1287 of Title 21 of the
22 Oklahoma Statutes;

23 30. Pointing firearms as provided in Section 1289.16 of Title
24 21 of the Oklahoma Statutes;

- 1 31. Rioting as provided in Sections 1311 and 1321.8 of Title 21
2 of the Oklahoma Statutes;
- 3 32. Inciting to riot as provided in Section 1320.2 of Title 21
4 of the Oklahoma Statutes;
- 5 33. Arson in the first degree as provided in Section 1401 of
6 Title 21 of the Oklahoma Statutes;
- 7 34. Injuring or burning public buildings as provided in Section
8 349 of Title 21 of the Oklahoma Statutes;
- 9 35. Sabotage as provided in Sections 1262, 1265.4 and 1265.5 of
10 Title 21 of the Oklahoma Statutes;
- 11 36. Criminal syndicalism as provided in Section 1261 of Title
12 21 of the Oklahoma Statutes;
- 13 37. Extortion as provided in Sections 1481 and 1486 of Title 21
14 of the Oklahoma Statutes;
- 15 38. Obtaining signature by extortion as provided in Section
16 1485 of Title 21 of the Oklahoma Statutes;
- 17 39. Seizure of a bus, discharging firearm or hurling a missile
18 at a bus as provided in Section 1903 of Title 21 of the Oklahoma
19 Statutes;
- 20 40. Mistreatment of a mental patient as provided in Section
21 843.1 of Title 21 of the Oklahoma Statutes;
- 22 41. Using a vehicle to facilitate the discharge of a weapon as
23 provided in Section 652 of Title 21 of the Oklahoma Statutes; or
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1 42. Aggravated drug trafficking as provided in Section 2-415 of
2 Title 63 of the Oklahoma Statutes.

3 D. Upon a denial of parole, the Governor shall provide a
4 written explanation for the denial to the Pardon and Parole Board.

5 E. The Governor shall further provide full written disclosure
6 of any terms and conditions of parole mandated by the Governor to an
7 inmate. The process shall also provide for a twenty-four-hour
8 review period prior to any affirmative action by any party that
9 would finalize the grant of parole.

10 F. The Pardon and Parole Board shall compile and submit to the
11 Governor and Legislature a yearly report of the number of paroles
12 deemed granted pursuant to the provisions of this section.

13 G. When the Pardon and Parole Board makes a recommendation for
14 a compassionate parole pursuant to subsection B of Section 332.18 of
15 this title, the Board shall forward all relevant documentation to
16 the Governor within four (4) consecutive calendar days of the parole
17 review of the inmate. Upon receipt, the Governor shall have four
18 (4) consecutive calendar days to grant or deny the compassionate
19 parole.

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

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