SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

_____

No. _____

_____
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1363, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

_____

Senator Nichols

Nichols-MD-FS-Req#3287
3/13/2012 2:11 PM

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

FLOOR SUBSTITUTE
FOR
SENATE BILL NO. 1363 By: Nichols of the Senate

and

Martin (Scott) of the House

FLOOR SUBSTITUTE

An Act relating to the Pardon and Parole Board; amending 57 O.S. 2011, Section 332.2, which relates to meetings of the Pardon and Parole Board; requiring additional notice for certain sentences; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.2, is amended to read as follows:

Section 332.2. A. The Pardon and Parole Board, which shall meet only on the call of the ~~Chairman~~ Chair, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said recommendation being advisory to the Governor and not binding thereon.

B. The Pardon and Parole Board shall provide a copy of their regular docket to each district attorney in this state at least twenty (20) days before such docket is considered by the ~~board~~ Board, or in the case of a supplemental, addendum or special docket, at least ten (10) days before such docket is considered by the ~~board~~ Board, and shall notify the district attorney of any recommendations for commutations or paroles no later than twenty (20) days after the docket is considered by the ~~board~~ Board. The Pardon and Parole Board shall also provide similar notice to the Attorney General when the docket contains an inmate being considered who has been sentenced pursuant to Section 13.1 of Title 21 of the Oklahoma Statutes.

C. The Pardon and Parole Board shall notify all victims or victim's representatives in writing at least twenty (20) days before an inmate is considered by the ~~board~~ Board provided the ~~board~~ Board has received a request from the victim or victim's representatives for notice. The ~~board~~ Board shall provide all victims or victim's representative with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the ~~board~~ Board regarding the inmate or the crime. If requested by the victim or victim's representative, the ~~board~~ Board shall allow the victim or victim's representative to testify at the parole hearing of the inmate for at least five (5) minutes.

D. The Pardon and Parole Board shall notify all victims or victim's representatives in writing of the ~~board's~~ Board's decision no later than twenty (20) days after the inmate is considered by the ~~board~~ Board.

E. Any notice required to be provided to the victims or the victim's representatives shall be mailed by first-class mail to the last-known address of the victim or victim's representatives. It is the responsibility of the victims or victim's representatives to provide the Pardon and Parole Board a current mailing address. The district attorney's victim-witness coordinator shall assist the victims or victim's representatives with supplying their address to the ~~board~~ Board if they wish to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided, the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the Board's recommendation for parole. The Pardon and Parole Board may reconsider previous action and may rescind a recommendation if deemed appropriate as determined by the Board.

F. For purposes of this section, "victim" shall mean all persons who have suffered direct or threatened physical or emotional harm, or financial loss as the result of the commission or attempted commission of criminally injurious conduct, and "victim's

representatives" shall mean those persons who are members of a victim's immediate family, including stepparents, stepbrothers, stepsisters, and stepchildren.

G. All meetings of the Pardon and Parole Board shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes; provided that the ~~board~~ Board shall have the authority to limit the number of persons attending in support of, or in opposition to, any inmate being considered for parole and shall have the authority to exclude persons from attendance in accordance with prison security regulations and the capacity of the meeting room. Persons excluded from attending the meeting under this provision shall be informed of their right to be informed of the ~~board's~~ Board's vote in accordance with Section 312 of Title 25 of the Oklahoma Statutes. Provided further, nothing in this section shall be construed to prevent any member of the press or any public official from attending any meeting of the Pardon and Parole Board, except as provided by the Oklahoma Open Meeting Act~~, Section 301 et seq. of Title 25 of the Oklahoma Statutes~~.

H. All victim information maintained by the Department of Corrections and the Pardon and Parole Board shall be confidential and shall not be released.

SECTION 2. This act shall become effective November 1, 2012.

53-2-3287 MD 3/13/2012 2:11:26 PM