

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1306

By: Johnson (Constance)

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 982a, which relates to judicial
9 review; deleting nonapplication of provision allowing
10 modification of sentence or probation revocation to
11 certain felons and sentences; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 982a, is
15 amended to read as follows:

16 Section 982a. A. Any time within twelve (12) months after a
17 sentence is imposed or within twelve (12) months after probation has
18 been revoked, the court imposing sentence or revocation of probation
19 may modify such sentence or revocation by directing that another
20 sentence be imposed, if the court is satisfied that the best
21 interests of the public will not be jeopardized; provided, however,
22 the court shall not impose a deferred sentence. ~~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. For purposes of judicial review, upon court order or written
5 request from the sentencing judge, the Department of Corrections
6 shall provide the court imposing sentence or revocation of probation
7 with a report to include a summary of the offender's assessed needs,
8 any progress made by the offender in addressing his or her assessed
9 needs, and any other information the Department can supply on the
10 inmate. The court shall consider such reports when modifying the
11 sentence or revocation of probation. The court shall allow the
12 Department of Corrections at least twenty (20) days after receipt of
13 a request or order from the court to prepare the required reports.

14 C. If the court considers modification of the sentence or
15 revocation of probation, a hearing shall be made in open court after
16 receipt of the reports required in subsection B of this section.
17 The clerk of the court imposing sentence or revocation of probation
18 shall give notice of the judicial review hearing to the Department
19 of Corrections, the inmate, the inmate's legal counsel, and the
20 district attorney of the county in which the inmate was convicted
21 upon receipt of the reports. Such notice shall be mailed at least
22 twenty-one (21) days prior to the hearing date and shall include a
23 copy of the report and any other written information to be
24 considered at the judicial review hearing.

1 D. If an appeal is taken from the original sentence or from a
2 revocation of probation which results in a modification of the
3 sentence or modification to the revocation of probation of the
4 defendant, such sentence may be further modified in the manner
5 hereinbefore described within twelve (12) months after the receipt
6 by the clerk of the district court of the mandate from the Supreme
7 Court or the Court of Criminal Appeals.

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

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