

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 352

By: Jolley

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6 AS INTRODUCED

7 An Act relating to sentencing procedures; amending 22
8 O.S. 2001, Section 982a, as last amended by Section
9 8, Chapter 2, O.S.L. 2010 (22 O.S. Supp. 2010,
10 Section 982a), which relates to judicial review;
authorizing waiver of certain time limitations under
specified circumstances; 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 8, Chapter 2, O.S.L. 2010 (22 O.S. Supp.
16 2010, 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19 been revoked, the court imposing sentence or revocation of probation
20 may modify such sentence or revocation by directing that another
21 sentence be imposed, if the court is satisfied that the best
22 interests of the public will not be jeopardized; provided, however,
23 the court shall not impose a deferred sentence. This section shall
24 not apply to convicted felons who have been in confinement in any

1 state prison system for any previous felony conviction during the
2 ten-year period preceding the date that the sentence this section
3 applies to was imposed. Further, without the consent of the
4 district attorney, this section shall not apply to sentences imposed
5 pursuant to a plea agreement. The time limitations established
6 pursuant to this subsection may be waived upon agreement of all
7 parties and only during the initial twelve-month period.

8 B. For purposes of judicial review, upon court order or written
9 request from the sentencing judge, the Department of Corrections
10 shall provide the court imposing sentence or revocation of probation
11 with a report to include a summary of the offender's assessed needs,
12 any progress made by the offender in addressing his or her assessed
13 needs, and any other information the Department can supply on the
14 inmate. The court shall consider such reports when modifying the
15 sentence or revocation of probation. The court shall allow the
16 Department of Corrections at least twenty (20) days after receipt of
17 a request or order from the court to prepare the required reports.

18 C. If the court considers modification of the sentence or
19 revocation of probation, a hearing shall be made in open court after
20 receipt of the reports required in subsection B of this section.
21 The clerk of the court imposing sentence or revocation of probation
22 shall give notice of the judicial review hearing to the Department
23 of Corrections, the inmate, the inmate's legal counsel, and the
24 district attorney of the county in which the inmate was convicted

1 upon receipt of the reports. Such notice shall be mailed at least
2 twenty-one (21) days prior to the hearing date and shall include a
3 copy of the report and any other written information to be
4 considered at the judicial review hearing.

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

12 SECTION 2. This act shall become effective November 1, 2011.

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