

1 STATE OF OKLAHOMA

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

3 SENATE BILL 904

By: Shortey

4
5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending Section 2, Chapter 455, O.S.L. 2009 (57 O.S.
9 Supp. 2010, Section 530.4), which relates to the
10 Oklahoma Corrections Act of 1967; providing
11 additional circumstances for revoking the release of
12 prisoners; authorizing the Director of the Department
13 of Corrections to issue arrest warrants under certain
14 circumstances; and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 2, Chapter 455, O.S.L.
17 2009 (57 O.S. Supp. 2010, Section 530.4), is amended to read as
18 follows:

19 Section 530.4 A. Notwithstanding any law to the contrary, the
20 Director of the Department of Corrections may release a prisoner to
21 the custody and control of the United States Immigration and Customs
22 Enforcement, provided the Department has received an order of
23 deportation for the prisoner from the United States Citizenship and
24 Immigration Services, the prisoner has served at least one-third
(1/3) of the total amount of incarceration imposed by the court, and
the prisoner has not been convicted of an offense as provided in

1 Section 13.1 of Title 21 of the Oklahoma Statutes. The Director
2 shall consider all sentences being served when calculating the total
3 amount of incarceration, but shall not consider the suspended
4 portion of any sentence.

5 B. If a prisoner released pursuant to this section returns
6 illegally to the United States, upon notice from any federal or
7 state law enforcement agency that the prisoner is incarcerated, in
8 custody, arrested, or detained in any manner, the Director shall
9 revoke the release of the prisoner and the prisoner shall serve the
10 remainder of the incarceration originally imposed by the court. The
11 prisoner shall not thereafter be eligible for parole on any sentence
12 affected by the release provided above. If the Director has
13 reasonable suspicion to believe the prisoner has returned to the
14 United States illegally and is not in custody, the Director may
15 issue an arrest warrant which has the force and effect as any other
16 arrest warrant provided for by Oklahoma law directing any peace
17 officer to arrest the prisoner.

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

19

20 53-1-1205 MD 1/20/2011 4:02:43 PM

21

22

23

24