

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 1056

6 By: McDaniel (Jeannie)

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to prisons and reformatories;
9 providing short title; creating the Parole of Aging
10 Prisoners Act; stating legislative purpose; defining
11 terms; stating authority of the Pardon and Parole
12 Board; authorizing certain prisoners to request
13 parole; providing hearing procedures; providing
14 procedures for granting and denying parole requests;
15 providing for codification; and providing an
16 effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 332.21 of Title 57, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Sections 1 through 5 of this act shall be known and may be
22 cited as the "Parole of Aging Prisoners Act".

23 B. The purpose of the Parole of Aging Prisoners Act is to
24 reduce unnecessary costs to state taxpayers by empowering the Pardon
25 and Parole Board to parole prisoners who:

26 1. Are sixty-five (65) years of age or older;

1 2. Have served at least ten (10) years in prison, or one-third
2 (1/3) of the total term or terms of imprisonment;

3 3. Pose minimal public safety risks warranting continued
4 incarceration;

5 4. Are not incarcerated for a crime pursuant to Section 13.1 of
6 Title 21 of the Oklahoma Statutes; and

7 5. Have not been convicted of a crime that would require the
8 person to be subject to the registration requirements of the Sex
9 Offenders Registration Act.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 332.22 of Title 57, unless there
12 is created a duplication in numbering, reads as follows:

13 For the purposes of this act:

14 1. "Aging prisoner" means any person incarcerated by the
15 Department of Corrections who is sixty-five (65) years of age or
16 older; and

17 2. "Evidence-based" means policies, procedures, programs and
18 practices that scientific research demonstrates is an accurate
19 assessment of the risks a prisoner poses to public safety when
20 placed on conditional release.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 332.23 of Title 57, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The authority to grant parole under Section 4 of this act
2 shall rest with the Pardon and Parole Board.

3 B. The Pardon and Parole Board shall use an evidence-based risk
4 assessment instrument to assess the public safety risk posed by
5 aging prisoners upon release.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 332.24 of Title 57, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Unless eligible for release at an earlier date, an aging
10 prisoner who has been committed to the Department of Corrections for
11 a term or terms of imprisonment shall have the ability to request a
12 parole hearing before the Pardon and Parole Board if the prisoner
13 has served, in actual custody, the shorter of:

- 14 1. Ten (10) years of the term or terms of imprisonment; or
- 15 2. One-third (1/3) of the total term or terms of imprisonment.

16 B. Once a prisoner requests a parole hearing under subsection A
17 of this section, the Pardon and Parole Board shall place the inmate
18 on the next available docket.

19 1. The Pardon and Parole Board shall grant parole to a prisoner
20 if the Board finds by a preponderance of the evidence that the
21 prisoner, if released, can live and remain at liberty without posing
22 a substantial risk to public safety.

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2. The Pardon and Parole Board shall use the selected evidence-based risk assessment instrument to make the determination provided for in paragraph 1 of this subsection.

3. The Pardon and Parole Board shall provide to the prisoner the opportunity to speak on his or her own behalf and the option of having counsel present at the parole hearing.

SECTION 5. This act shall become effective November 1, 2013.

54-1-7185 GRS 02/20/13