

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1722
Page 2 Section 1 Lines 4
Of the printed Bill
Of the Engrossed Bill

By removing Section 1 from the bill in its entirety and inserting in lieu thereof, a new Section 1 to read as follows:

(see attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Leslie Osborn

Reading Clerk

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

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

11 B. Any consideration for commutation shall be made only after
12 application is made to the Pardon and Parole Board pursuant to the
13 procedures set forth in this section. The Pardon and Parole Board
14 shall provide a copy of the application to the district attorney,
15 the victim or representative of the victim and the Office of the
16 Attorney General within ten (10) business days of receipt of such
17 application.

18 C. An application for commutation must be sent to the trial
19 officials, who shall have twenty (20) business days to provide a
20 written recommendation or protest prior to consideration of the
21 application. Trial officials shall include:

22 1. The current elected judge of the court where the conviction
23 was had;

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1 2. The current elected district attorney of the jurisdiction
2 where the conviction was had; or

3 3. The chief or head administrative officer of the arresting
4 law enforcement agency.

5 D. In cases resolved prior to the tenure of the present
6 officeholders, the recommendation or protest of persons holding such
7 offices at the time of conviction may also be considered by the
8 Board.

9 E. The recommendation for commutation of a sentence by a trial
10 official may include the following:

11 1. A statement that the penalty now appears to be excessive;

12 2. A recommendation of a definite term now considered by the
13 official as just and proper; and

14 3. A statement of the reasons for the recommendation based upon
15 facts directly related to the case which were not available to the
16 court or jury at the time of the trial or based upon there having
17 been a statutory change in penalty for the crime which makes the
18 original penalty appear excessive.

19 F. The Pardon and Parole Board shall schedule the application
20 on a commutation docket in compliance with the notice requirements
21 set forth herein. The Board shall provide the victim or
22 representative of the victim at least twenty (20) days to offer
23 recommendations or protests before consideration of the application.

1 G. Applications for commutation shall be given impartial review
2 as required in Section 10 of Article VI of the Oklahoma
3 Constitution.

4 H. Any consideration for pardon shall be made only after
5 application is made to the Pardon and Parole Board. Upon receipt of
6 an application for pardon, the Board shall provide a copy of the
7 application to the district attorney, the victim or representative
8 of the victim and the Office of the Attorney General within twenty
9 (20) business days of receipt of such application. The district
10 attorney and the victim or representative of the victim shall have
11 twenty (20) business days to provide written recommendation or
12 protest prior to the consideration of the application. The Board
13 shall schedule the application on a pardon docket in compliance with
14 the notice requirements set forth herein.

15 I. In accordance with Section 10 of Article VI of the Oklahoma
16 Constitution, the Board shall communicate to the Legislature, at
17 each regular session, by providing a summary of the activities of
18 the Board. This summary shall include, but not be limited to, the
19 following Board activity:

20 1. The approval or recommendation rates of the Board for both
21 violent and nonviolent offenses;

22 2. The parole approval rates for each individual board member
23 for both violent and nonviolent offenses; and
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1 3. The percentage of public comments to and personal
2 appearances before the Board including victim protests and personal
3 appearances, district attorney protests and personal appearances,
4 and delegate recommendations and personal appearances on behalf of
5 the offender.

6 This summary shall be made available to the public through
7 publication on the website of the Pardon and Parole Board.

8 J. The Pardon and Parole Board shall provide a copy of their
9 regular docket to each district attorney in this state at least
10 twenty (20) days before such docket is considered by the ~~board~~
11 Board, or in the case of a supplemental, addendum or special docket,
12 at least ten (10) days before such docket is considered by the ~~board~~
13 Board, and shall notify the district attorney of any recommendations
14 for commutations or paroles no later than twenty (20) days after the
15 docket is considered by the ~~board~~ Board.

16 ~~C.~~ K. The Pardon and Parole Board shall notify all victims or
17 ~~victim's~~ representatives of the victim in writing at least twenty
18 (20) days before an inmate is considered by the ~~board~~ Board provided
19 the ~~board~~ Board has received a request from the victim or ~~victim's~~
20 representatives of the victim for notice. The ~~board~~ Board shall
21 provide all victims or ~~victim's representative~~ representatives of
22 the victim with the date, time and place of the scheduled meeting
23 and rules for attendance and providing information or input to the
24 ~~board~~ Board regarding the inmate or the crime. If requested by the

1 victim or ~~victim's representative~~ representatives of the victim, the
2 ~~board~~ Board shall allow the victim or ~~victim's representative~~
3 representatives of the victim to testify at the parole hearing of
4 the inmate for at least five (5) minutes.

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

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

3 ~~F.~~ N. For purposes of this section, "victim" shall mean all
4 persons who have suffered direct or threatened physical or emotional
5 harm, or financial loss as the result of the commission or attempted
6 commission of criminally injurious conduct, and "~~victim's~~
7 representatives of the victim" shall mean those persons who are
8 members of ~~a victim's~~ the immediate family of the victim, including
9 stepparents, stepbrothers, stepsisters, and stepchildren.

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

1 ~~H.~~ P. All victim information maintained by the Department of
2 Corrections and the Pardon and Parole Board shall be confidential
3 and shall not be released.”

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