

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1056

By: McDaniel (Jeannie)

7 COMMITTEE SUBSTITUTE

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 requiring victims be notified of request; providing
16 for codification; and providing an effective date.

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

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

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

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

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

5 2. Have served at least ten (10) years in prison, or one-third
6 (1/3) of the total term or terms of imprisonment;

7 3. Pose minimal public safety risks warranting continued
8 incarceration;

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

11 5. Have not been convicted of a crime that would require the
12 person to be subject to the registration requirements of the Sex
13 Offenders Registration Act.

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

17 For the purposes of this act:

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

21 2. "Evidence-based" means policies, procedures, programs and
22 practices that scientific research demonstrates is an accurate
23

1 assessment of the risks a prisoner poses to public safety when
2 placed on conditional release.

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

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

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

11 C. The Pardon and Parole Board shall establish a procedure by
12 which victims are notified of the request for release and provided
13 an opportunity to object to the release.

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

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

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

24

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

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

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

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

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

15
16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
17 02/28/2013 - DO PASS, As Amended.

18
19
20
21
22
23
24