

1 **SENATE FLOOR VERSION**

2 April 3, 2014

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1056

6 By: McDaniel (Jeannie), Shelton  
7 and Pittman of the House

8 and

9 Coates of the Senate

10 **[ prisons and reformatories - Parole of Aging  
11 Prisoners Act - codification ]**

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

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

16 A. Sections 1 through 4 of this act shall be known and may be  
17 cited as the "Parole of Aging Prisoners Act".

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

- 21 1. Are sixty-five (65) years of age or older;
- 22 2. Have served at least ten (10) years in prison, or one-third  
23 (1/3) of the total term or terms of imprisonment;
- 24

1           3. Pose minimal public safety risks warranting continued  
2 incarceration;

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

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

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

11           For the purposes of this act:

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

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

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

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

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

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

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

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

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

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

20 1. The Pardon and Parole Board shall grant parole to a prisoner  
21 if the Board finds by a preponderance of the evidence that the  
22 prisoner, if released, can live and remain at liberty without posing  
23 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.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
April 3, 2014 - DO PASS AS AMENDED