

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 441

By: Brecheen of the Senate

and

Hickman of the House

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9 An Act relating to the Pardon and Parole Board;
10 amending 57 O.S. 2011, Section 332.2, which relates
11 to notice of dockets and recommendations; requiring
12 certain notice to Attorney General; updating
13 references; and providing an effective date.

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

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

17 Section 332.2. A. The Pardon and Parole Board, which shall
18 meet only on the call of the ~~Chairman~~ Chair, is authorized, if and
19 when an application made to the Governor for a reprieve,
20 commutation, parole, pardon, or other act of clemency is certified
21 thereto by the Governor, to examine into the merits of said
22 application and make recommendations to the Governor in relation
23 thereto, said recommendation being advisory to the Governor and not
24 binding thereon.

1 B. The Pardon and Parole Board shall provide a copy of their
2 regular docket to each district attorney in this state at least
3 twenty (20) days before ~~such~~ the docket is considered by the Board,
4 or in the case of a supplemental, addendum or special docket, at
5 least ten (10) days before ~~such~~ the docket is considered by the
6 Board, and shall notify the district attorney of any recommendations
7 for commutations or paroles no later than twenty (20) days after the
8 docket is considered by the Board. The Pardon and Parole Board
9 shall also provide similar notice to the Attorney General when the
10 docket contains an inmate being considered who has been sentenced
11 pursuant to Section 13.1 of Title 21 of the Oklahoma Statutes.

12 C. The Pardon and Parole Board shall notify all victims or
13 victim's representatives in writing at least twenty (20) days before
14 an inmate is considered by the Board, provided the Board has
15 received a request from the victim or victim's representatives for
16 notice. The Board shall provide all victims or victim's
17 representative with the date, time and place of the scheduled
18 meeting and rules for attendance and providing information or input
19 to the Board regarding the inmate or the crime. If requested by the
20 victim or victim's representative, the Board shall allow the victim
21 or victim's representative to testify at the parole hearing of the
22 inmate for at least five (5) minutes.

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1 D. The Pardon and Parole Board shall notify all victims or
2 victim's representatives in writing of the Board's decision no later
3 than twenty (20) days after the inmate is considered by the Board.

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

20 F. For purposes of this section, "victim" shall mean all
21 persons who have suffered direct or threatened physical or emotional
22 harm, or financial loss as the result of the commission or attempted
23 commission of criminally injurious conduct, and "victim's
24 representatives" shall mean those persons who are members of a

1 victim's immediate family, including stepparents, stepbrothers,
2 stepsisters, and stepchildren.

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

18 H. All victim information maintained by the Department of
19 Corrections and the Pardon and Parole Board shall be confidential
20 and shall not be released.

21 SECTION 2. This act shall become effective November 1, 2013.

22 COMMITTEE REPORT BY: COMMITTEE ON RULES
23 February 20, 2013 - DO PASS AS AMENDED
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