

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3159

By: Hickman and Peterson of the
House

7 and

Griffin of the Senate

8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2011, Section 13.1, as last amended by
13 Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.
14 2015, Section 13.1), which relates to required
15 service of prison sentence for certain crimes;
16 providing time limitation for placing persons on
17 parole docket; modifying eligibility requirements for
18 accumulating earned credits; providing guidelines for
19 applying earned credits; giving Director of
20 Department of Corrections discretionary authority
21 over granting earned credits; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as
last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.
2015, Section 13.1), is amended to read as follows:

Section 13.1 A. Persons convicted of:

- 1 1. First degree murder as defined in Section 701.7 of this
2 title;
- 3 2. Second degree murder as defined by Section 701.8 of this
4 title;
- 5 3. Manslaughter in the first degree as defined by Section 711
6 of this title;
- 7 4. Poisoning with intent to kill as defined by Section 651 of
8 this title;
- 9 5. Shooting with intent to kill, use of a vehicle to facilitate
10 use of a firearm, crossbow or other weapon, assault, battery, or
11 assault and battery with a deadly weapon or by other means likely to
12 produce death or great bodily harm, as provided for in Section 652
13 of this title;
- 14 6. Assault with intent to kill as provided for in Section 653
15 of this title;
- 16 7. Conjoint robbery as defined by Section 800 of this title;
- 17 8. Robbery with a dangerous weapon as defined in Section 801 of
18 this title;
- 19 9. First degree robbery as defined in Section 797 of this
20 title;
- 21 10. First degree rape as provided for in Section 1111, 1114 or
22 1115 of this title;
- 23 11. First degree arson as defined in Section 1401 of this
24 title;

- 1 12. First degree burglary as provided for in Section 1436 of
2 this title;
- 3 13. Bombing as defined in Section 1767.1 of this title;
- 4 14. Any crime against a child provided for in Section 843.5 of
5 this title;
- 6 15. Forcible sodomy as defined in Section 888 of this title;
- 7 16. Child pornography or aggravated child pornography as
8 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of
9 this title;
- 10 17. Child prostitution as defined in Section 1030 of this
11 title;
- 12 18. Lewd molestation of a child as defined in Section 1123 of
13 this title;
- 14 19. Abuse of a vulnerable adult as defined in Section 10-103 of
15 Title 43A of the Oklahoma Statutes who is a resident of a nursing
16 facility;
- 17 20. Aggravated trafficking as provided for in subsection C of
18 Section 2-415 of Title 63 of the Oklahoma Statutes;
- 19 21. Aggravated assault and battery upon any person defending
20 another person from assault and battery; or
- 21 22. Human trafficking as provided for in Section 748 of this
22 title,
23 shall be required to serve not less than eighty-five percent (85%)
24 of any sentence of imprisonment imposed by the judicial system prior

1 to becoming eligible for consideration for parole. Not less than
2 sixty (60) days prior to the person serving eighty-five percent
3 (85%) of the sentence imposed, the person shall be placed on the
4 first available parole docket of the Pardon and Parole Board.

5 B. Persons convicted of ~~these~~ the offenses listed in subsection

6 A of this section shall ~~not~~ be eligible ~~for~~ to receive and

7 accumulate earned credits or any other type of credits ~~which have~~

8 ~~the effect of reducing the length of~~ while serving the sentence ~~to~~

9 ~~less than~~ of imprisonment. In no instance shall the number of

10 earned credits accumulated by a person exceed five percent (5%) of

11 the total number of days of the prison sentence of the person. The

12 Department of Corrections may apply the accumulated credits after

13 eighty-five percent (85%) of the sentence imposed has been served;

14 provided, however, in no instance shall the application of earned

15 credits result in the immediate discharge of the person from

16 custody. The granting of earned credits shall be at the discretion

17 of the Director of the Department of Corrections based on the

18 criteria provided for in Section 138 of Title 57 of the Oklahoma

19 Statutes.

20 SECTION 2. This act shall become effective November 1, 2016.

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22 55-2-9947 GRS 05/09/16

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