

# An Act

ENROLLED HOUSE  
BILL NO. 3159

By: Hickman, Peterson, Biggs  
and Cleveland of the House

and

Griffin of the Senate

An Act relating to crimes and punishments; amending 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), which relates to required service of prison sentence for certain crimes; providing time limitation for placing persons on parole docket; modifying eligibility requirements for accumulating earned credits; providing guidelines for applying earned credits; giving Director of Department of Corrections discretionary authority over granting earned credits; and providing an effective date.

SUBJECT: Prison sentences

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

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. First degree murder as defined in Section 701.7 of this title;
2. Second degree murder as defined by Section 701.8 of this title;

3. Manslaughter in the first degree as defined by Section 711 of this title;

4. Poisoning with intent to kill as defined by Section 651 of this title;

5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of this title;

6. Assault with intent to kill as provided for in Section 653 of this title;

7. Conjoint robbery as defined by Section 800 of this title;

8. Robbery with a dangerous weapon as defined in Section 801 of this title;

9. First degree robbery as defined in Section 797 of this title;

10. First degree rape as provided for in Section 1111, 1114 or 1115 of this title;

11. First degree arson as defined in Section 1401 of this title;

12. First degree burglary as provided for in Section 1436 of this title;

13. Bombing as defined in Section 1767.1 of this title;

14. Any crime against a child provided for in Section 843.5 of this title;

15. Forcible sodomy as defined in Section 888 of this title;

16. Child pornography or aggravated child pornography as defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of this title;

17. Child prostitution as defined in Section 1030 of this title;

18. Lewd molestation of a child as defined in Section 1123 of this title;

19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes who is a resident of a nursing facility;

20. Aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

21. Aggravated assault and battery upon any person defending another person from assault and battery; or

22. Human trafficking as provided for in Section 748 of this title,

shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Not less than sixty (60) days prior to the person serving eighty-five percent (85%) of the sentence imposed, the person shall be placed on the first available parole docket of the Pardon and Parole Board.

B. Persons convicted of ~~these~~ the offenses listed in subsection A of this section shall ~~not~~ be eligible ~~for~~ to receive and accumulate earned credits or any other type of credits which have the effect of reducing the length of while serving the sentence to less than of imprisonment. In no instance shall the number of earned credits accumulated by a person exceed five percent (5%) of the total number of days of the prison sentence of the person. The Department of Corrections may apply the accumulated credits after eighty-five percent (85%) of the sentence imposed has been served; provided, however, in no instance shall the application of earned credits result in the immediate discharge of the person from custody. The granting of earned credits shall be at the discretion of the Director of the Department of Corrections based on the criteria provided for in Section 138 of Title 57 of the Oklahoma Statutes.

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

Passed the House of Representatives the 20th day of May, 2016.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 27th day of May, 2016.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_