

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   1st Session of the 55th Legislature (2015)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 1548

  By: Biggs and Hickman

7  
8   COMMITTEE SUBSTITUTE

9                   An Act relating to criminal procedure; amending 22  
10                   O.S. 2011, Section 982a, as amended by Section 3,  
11                   Chapter 228, O.S.L. 2012 (22 O.S. Supp. 2014, Section  
12                   982a), which relates to judicial review; authorizing  
13                   courts to review and modify sentences under certain  
14                   circumstances; and providing an effective date.

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

16                   SECTION 1.            AMENDATORY            22 O.S. 2011, Section 982a, as  
17                   amended by Section 3, Chapter 228, O.S.L. 2012 (22 O.S. Supp. 2014,  
18                   Section 982a), is amended to read as follows:

19                   Section 982a.   A.   1.   Any time within twenty-four (24) months  
20                   after the initial sentence is imposed or within twenty-four (24)  
21                   months after probation has been revoked, the court imposing sentence  
22                   or revocation of probation may modify such sentence or revocation by  
23                   directing that another sentence be imposed, if the court is  
24                   satisfied that the best interests of the public will not be

1 jeopardized; provided, however, the court shall not impose a  
2 deferred sentence. Any application for sentence modification that  
3 is filed and ruled upon beyond twelve (12) months of the initial  
4 sentence being imposed must be approved by the district attorney who  
5 shall provide written notice to any victims in the case which is  
6 being considered for modification.

7 2. The court imposing sentence may modify the sentence of any  
8 inmate who was originally sentenced for a drug charge and ordered to  
9 complete the Drug Offender Work Camp at the Bill Johnson  
10 Correctional Facility and direct that another sentence be imposed,  
11 if the court is satisfied that the best interests of the public will  
12 not be jeopardized; provided, however, the court shall not impose a  
13 deferred sentence. An application for sentence modification  
14 pursuant to this paragraph may be filed and ruled upon beyond the  
15 initial twenty-four-month time period provided for in paragraph 1 of  
16 this subsection.

17 3. This section shall not apply to convicted felons who have  
18 been in confinement in any state or federal prison system for any  
19 previous felony conviction during the ten-year period preceding the  
20 date that the sentence this section applies to was imposed.  
21 Further, without the consent of the district attorney, this section  
22 shall not apply to sentences imposed pursuant to a plea agreement or  
23 jury verdict.  
24

1 B. For purposes of judicial review, upon court order or written  
2 request from the sentencing judge, the Department of Corrections  
3 shall provide the court imposing sentence or revocation of probation  
4 with a report to include a summary of the offender's assessed needs,  
5 any progress made by the offender in addressing his or her assessed  
6 needs, and any other information the Department can supply on the  
7 inmate. The court shall consider such reports when modifying the  
8 sentence or revocation of probation. The court shall allow the  
9 Department of Corrections at least twenty (20) days after receipt of  
10 a request or order from the court to prepare the required reports.

11 C. If the court considers modification of the sentence or  
12 revocation of probation, a hearing shall be made in open court after  
13 receipt of the reports required in subsection B of this section.  
14 The clerk of the court imposing sentence or revocation of probation  
15 shall give notice of the judicial review hearing to the Department  
16 of Corrections, the inmate, the inmate's legal counsel, and the  
17 district attorney of the county in which the inmate was convicted  
18 upon receipt of the reports. Such notice shall be mailed at least  
19 twenty-one (21) days prior to the hearing date and shall include a  
20 copy of the report and any other written information to be  
21 considered at the judicial review hearing.

22 D. If an appeal is taken from the original sentence or from a  
23 revocation of probation which results in a modification of the  
24 sentence or modification to the revocation of probation of the

1 defendant, such sentence may be further modified in the manner  
2 described in paragraph 1 of subsection A of this section within  
3 twenty-four (24) months after the receipt by the clerk of the  
4 district court of the mandate from the Supreme Court or the Court of  
5 Criminal Appeals.

6 SECTION 2. This act shall become effective November 1, 2015.  
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8 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
9 dated 02/25/2015 - DO PASS, As Amended and Coauthored.  
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