SENATE FLOOR VERSION
April 7, 2015

ENGROSSED HOUSE
BILL NO. 1548

By: Biggs, Hickman, Murdock, Sherrer and Hoskin of the House

and

Sykes of the Senate

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

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

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

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twenty-four (24) months after the initial sentence is imposed or within twenty-four (24) months after probation has been revoked, the court imposing sentence or revocation of probation may modify such sentence or revocation by directing that another sentence be imposed, if the court is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

deferred sentence. Any application for sentence modification that is filed and ruled upon beyond twelve (12) months of the initial sentence being imposed must be approved by the district attorney who shall provide written notice to any victims in the case which is being considered for modification.

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

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

B. For purposes of judicial review, upon court order or written request from the sentencing judge, the Department of Corrections

shall provide the court imposing sentence or revocation of probation with a report to include a summary of the offender's assessed needs, any progress made by the offender in addressing his or her assessed needs, and any other information the Department can supply on the inmate. The court shall consider such reports when modifying the sentence or revocation of probation. The court shall allow the Department of Corrections at least twenty (20) days after receipt of a request or order from the court to prepare the required reports.

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

D. If an appeal is taken from the original sentence or from a revocation of probation which results in a modification of the sentence or modification to the revocation of probation of the defendant, such sentence may be further modified in the manner described in paragraph 1 of subsection A of this section within

twenty-four (24) months after the receipt by the clerk of the district court of the mandate from the Supreme Court or the Court of Criminal Appeals.

SECTION 2. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
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