

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3159

By: Hickman

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Section 13.1, as last amended by  
9 Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.  
10 2015, Section 13.1), which relates to required  
11 service of prison sentence for certain crimes;  
12 requiring placement of persons on parole docket under  
13 certain circumstances; modifying eligibility  
14 requirements for accumulating earned credits;  
15 providing guidelines for applying earned credits;  
16 giving Director of Department of Corrections  
17 discretionary authority over granting earned credits;  
18 and providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as  
21 last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.  
22 2015, Section 13.1), is amended to read as follows:

23 Section 13.1 Persons convicted of:

24 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;

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

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

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

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

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

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

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

17          10. First degree rape as provided for in Section 1111, 1114 or  
18 1115 of this title;

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

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

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

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

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

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

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

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

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

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

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

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

20 shall be required to serve not less than eighty-five percent (85%)  
21 of any sentence of imprisonment imposed by the judicial system prior  
22 to becoming eligible for consideration for parole. Once the person  
23 has served eighty-five percent (85%) of the sentence imposed, the  
24 person shall be placed on the first available parole docket of the

1 Pardon and Parole Board immediately following the date upon which  
2 the person has served the required term of imprisonment. Persons  
3 convicted of these offenses shall ~~not~~ be eligible ~~for~~ to receive and  
4 accumulate earned credits or any other type of credits ~~which have~~  
5 ~~the effect of reducing the length of~~ while serving the sentence ~~to~~  
6 ~~less than~~ of imprisonment. In no instance shall the number of  
7 earned credits accumulated by a person exceed five percent (5%) of  
8 the total number of days of the prison sentence of the person. The  
9 Department of Corrections may apply the accumulated credits after  
10 eighty-five percent (85%) of the sentence imposed has been served  
11 provided, however, in no instance shall the application of earned  
12 credits result in the immediate discharge of the person from  
13 custody. The granting of earned credits shall be at the discretion  
14 of the Director based on the criteria provided for in Section 138 of  
15 Title 57 of the Oklahoma Statutes.

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

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