

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1035

By: Shaw

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5
6 AS INTRODUCED

7 An Act relating to sentencing modification; amending
8 22 O.S. 2011, Section 982a, as last amended by
9 Section 1, Chapter 127, O.S.L. 2015 (22 O.S. Supp.
10 2015, Section 982a), which relates to judicial
11 review; providing for certain offenders to be
12 considered for a sentence reduction; stipulating
13 which offenders can be considered; providing for
14 qualifications; 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 last amended by Section 1, Chapter 127, O.S.L. 2015 (22 O.S. Supp.
18 2015, 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21 months after probation has been revoked, the court imposing sentence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
jeopardized; provided, however, the court shall not impose a

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

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

16 3. Notwithstanding the 24-month time period provided for in
17 paragraph 1 of this subsection, an inmate with the following
18 qualifications as of the effective date of this act shall be
19 eligible to apply for consideration of sentence modification:

- 20 a. the inmate was originally tried as an adult,
 - 21 b. the inmate had no prior or subsequent convictions,
 - 22 c. the inmate was sentenced to imprisonment for a term of
23 more than fifteen (15) years for the offense,
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1 d. the inmate has served at least fifteen (15) years of
2 the sentence, and

3 e. the inmate has successfully completed every program
4 available to the inmate while in custody of the
5 Department of Corrections and has maintained a level-
6 four, best behavior status for not less than ten (10)
7 years.

8 4. This section shall not apply to convicted felons who have
9 been in confinement in any state or federal prison system for any
10 previous felony conviction during the ten-year period preceding the
11 date that the sentence this section applies to was imposed.

12 Further, without the consent of the district attorney, this section
13 shall not apply to sentences imposed pursuant to a plea agreement or
14 jury verdict.

15 B. For purposes of judicial review, upon court order or written
16 request from the sentencing judge, the Department of Corrections
17 shall provide the court imposing sentence or revocation of probation
18 with a report to include a summary of the offender's assessed needs,
19 any progress made by the offender in addressing his or her assessed
20 needs, and any other information the Department can supply on the
21 inmate. The court shall consider such reports when modifying the
22 sentence or revocation of probation. The court shall allow the
23 Department of Corrections at least twenty (20) days after receipt of
24 a request or order from the court to prepare the required reports.

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

12 D. If an appeal is taken from the original sentence or from a
13 revocation of probation which results in a modification of the
14 sentence or modification to the revocation of probation of the
15 defendant, such sentence may be further modified in the manner
16 described in paragraph 1 of subsection A of this section within
17 twenty-four (24) months after the receipt by the clerk of the
18 district court of the mandate from the Supreme Court or the Court of
19 Criminal Appeals.

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

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