

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2273

By: West (Josh)

4  
5  
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;  
8 providing statement of legislative intent; amending  
9 57 O.S. 2011, Section 332.7, as last amended by  
10 Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.  
11 2018, Section 332.7), which relates to parole  
12 considerations for eligible persons; providing for  
13 the aggregation of consecutive sentences when  
14 determining parole eligibility; directing Pardon and  
15 Parole Board to state parole denials on the record  
16 and suggest remediation options; modifying manner in  
17 which parole eligibility is calculated for persons  
18 convicted of crimes before and after certain date;  
19 deleting postimprisonment supervision option for  
20 certain parolees; amending 57 O.S. 2011, Section 350,  
21 which relates to sentence deductions for parolees;  
22 authorizing paroling authority to revoke all or  
23 portion of parole under certain circumstances;  
24 amending 57 O.S. 2011, Section 502, as last amended  
by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.  
2018, Section 502), which relates to the Oklahoma  
Corrections Act of 1967; adding definitions; allowing  
offenders on felony probation supervision to earn  
discharge credits under certain circumstances;  
providing guidelines for awarding discharge credits;  
defining term; prohibiting certain persons from  
earning discharge credits; directing supervising  
bodies to develop written policies, procedures and  
guidelines for implementing discharge credit process;  
requiring supervising bodies to maintain record of  
credits; directing supervising bodies to report  
expected discharge date to the court; directing  
supervising bodies to discharge sentence under  
certain circumstances; providing exceptions;  
converting collection of fines, fees and costs to  
civil action upon termination of probation

1 supervision; allowing offenders released on parole  
2 supervision to earn discharge credits under certain  
3 circumstances; providing guidelines for awarding  
4 discharge credits; defining term; prohibiting certain  
5 persons from earning discharge credits; directing  
6 Department of Corrections to develop written  
7 policies, procedures and guidelines for implementing  
8 discharge credit process; requiring Department to  
9 maintain record of credits; directing Department to  
10 notify offender of parole termination date; directing  
11 Department to order final termination date of parole  
12 supervision under certain circumstances; providing  
13 exceptions; converting collection of fines, fees and  
14 costs to civil action upon termination of parole  
15 supervision; requiring notification be sent to Pardon  
16 and Parole Board of impending termination date;  
17 providing an exception; directing Supreme Court to  
18 establish rules for probation supervisors; stating  
19 requirements for development of rules; requiring  
20 probation supervisors to complete certain training;  
21 directing judicial districts to develop and  
22 administer rules for supervision providers; directing  
23 the Department to develop matrix of sanctions and  
24 incentives for parolees and probationers; authorizing  
the Department to use violation responses and  
intermediate sanction process; directing probation  
and parole officers to initiate violation response  
and intermediate sanction process after discovery of  
violation; stating procedures for initiating process;  
directing the Department to develop certain policies  
and procedures; requiring establishment of procedures  
to hear violation responses and review sanction  
plans; directing Department to provide record of  
violations to Pardon and Parole Board; establishing  
procedures for hearing officers when determining  
whether technical parole violations have occurred;  
providing for sanctions or revocation under certain  
circumstances; prohibiting revocation under certain  
circumstances; amending 57 O.S. 2011, Sections 516  
and 57 O.S. 2011, Section 517, as amended by Section  
8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018,  
Section 517), which relate to parole and probation  
violators; directing probation and parole officers to  
use sanctions matrix when parolees commit technical  
violations; authorizing Department to issue summons  
for parolee to appear before Pardon and Parole Board  
under certain circumstances; authorizing arrest

1 warrant when parolee fails to appear for hearing;  
2 establishing procedures for holding preliminary  
3 revocation hearings; providing for the continuation  
4 of parole and modification of parole terms and  
5 conditions; providing for imprisonment when Governor  
6 revokes parole for parole violations; stating periods  
7 of confinement; permitting Governor to depart from  
8 imprisonment periods under certain circumstances;  
9 establishing time limitation for holding preliminary  
10 revocation hearing after arrest of parolee;  
11 permitting Board to continue or modify conditions of  
12 parole or recommend revocation of parole; directing  
13 Governor to impose period of imprisonment for parole  
14 revocations; establishing procedures when preliminary  
15 revocation hearing is not held within certain time  
16 frame; directing the Department and Board to adopt  
17 certain rules and regulations; directing probation  
18 and parole officers to notify department of probation  
19 violations; deleting procedures for issuing warrants  
20 to arrest probation violators; establishing  
21 procedures for revoking probation for technical  
22 violations; authorizing issuance of summons for  
23 probationer to appear for revocation hearing;  
24 authorizing arrest warrant when probationer fails to  
appear; providing for incarceration of probationer in  
certain facilities; defining term; providing for  
codification; providing for noncodification; and  
providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

It is the intent of this Legislature that the Pardon and Parole  
Board as well as the Governor shall consider parole to be an  
essential public safety mechanism used to incentivize compliance in  
programming and treatment in prison and to provide effective  
supervision upon release from prison. Parole shall be a means of

1 safely releasing compliant inmates in a timely fashion with the  
2 skills and resources necessary to be successful in the community.

3 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.7, as  
4 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.  
5 2018, Section 332.7), is amended to read as follows:

6 Section 332.7 A. For a crime committed prior to July 1, 1998,  
7 any person in the custody of the Department of Corrections shall be  
8 eligible for consideration for parole at the earliest of the  
9 following dates:

- 10 1. Has completed serving one-third (1/3) of the sentence;
- 11 2. Has reached at least sixty (60) years of age and also has  
12 served at least fifty percent (50%) of the time of imprisonment that  
13 would have been imposed for that offense pursuant to the applicable  
14 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.  
15 1997; provided, however, no inmate serving a sentence for crimes  
16 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,  
17 O.S.L. 1997, or serving a sentence of life imprisonment without  
18 parole shall be eligible to be considered for parole pursuant to  
19 this paragraph;
- 20 3. Has reached eighty-five percent (85%) of the midpoint of the  
21 time of imprisonment that would have been imposed for an offense  
22 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of  
23 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable  
24 matrix; provided, however, no inmate serving a sentence of life

1 imprisonment without parole shall be eligible to be considered for  
2 parole pursuant to this paragraph; or

3 4. Has reached seventy-five percent (75%) of the midpoint of  
4 the time of imprisonment that would have been imposed for an offense  
5 that is listed in any other schedule, pursuant to the applicable  
6 matrix; provided, however, no inmate serving a sentence of life  
7 imprisonment without parole shall be eligible to be considered for  
8 parole pursuant to this paragraph.

9 B. For a crime committed on or after July 1, 1998, and before  
10 November 1, 2018, any person in the custody of the Department of  
11 Corrections shall be eligible for consideration for parole who has  
12 completed serving one-third (1/3) of the sentence; provided,  
13 however, no inmate serving a sentence of life imprisonment without  
14 parole shall be eligible to be considered for parole pursuant to  
15 this subsection.

16 C. For a crime committed on or after November 1, 2018, any  
17 person in the custody of the Department of Corrections shall be  
18 eligible for parole after serving one-fourth (1/4) of the sentence  
19 or consecutive sentences aggregated pursuant to subsection K of this  
20 section that have been imposed, according to the following criteria:

21 1. A person eligible for parole under this subsection shall be  
22 eligible for administrative parole under subsection R of this  
23 section once the person serves one-fourth (1/4) of the sentence or  
24 consecutive sentences imposed; provided, however, no inmate serving

1 a sentence of life imprisonment without parole, a sentence for a  
2 violent crime as set forth in Section 571 of this title or any crime  
3 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes  
4 shall be eligible for administrative parole.

5 2. A person eligible for parole under this subsection shall be  
6 eligible for parole once the person serves one-fourth (1/4) of the  
7 sentence or consecutive sentences imposed; provided, however no  
8 inmate serving a sentence of life imprisonment without parole is  
9 eligible for parole.

10 D. The parole hearings conducted for persons pursuant to  
11 paragraph 3 of subsection A of this section or for any person who  
12 was convicted of a violent crime as set forth in Section 571 of this  
13 title and who is eligible for parole consideration pursuant to  
14 paragraph 1 of subsection A of this section, subsection B or  
15 paragraph 2 of subsection C of this section shall be conducted in  
16 two stages, as follows:

17 1. At the initial hearing, the Pardon and Parole Board shall  
18 review the completed report submitted by the staff of the Board and  
19 shall conduct a vote regarding whether, based upon that report, the  
20 Board decides to consider the person for parole at a subsequent  
21 meeting of the Board; and

22 2. At the subsequent meeting, the Board shall hear from any  
23 victim or representatives of the victim that want to contest the  
24

1 granting of parole to that person and shall conduct a vote regarding  
2 whether parole should be recommended for that person.

3 E. Any inmate who has parole consideration dates calculated  
4 pursuant to subsection A, B or C of this section may be considered  
5 up to two (2) months prior to the parole eligibility date. Except  
6 as otherwise directed by the Pardon and Parole Board, any person who  
7 has been considered for parole and was denied parole or who has  
8 waived consideration shall not be reconsidered for parole:

9 1. Within three (3) years of the denial or waiver, if the  
10 person was convicted of a violent crime, as set forth in Section 571  
11 of this title, and was eligible for consideration pursuant to  
12 paragraph 1 of subsection A of this section, subsection B of this  
13 section or paragraph 2 of subsection C of this section, unless the  
14 person is within one (1) year of discharge; or

15 2. Until the person has served at least one-third (1/3) of the  
16 sentence imposed, if the person was eligible for consideration  
17 pursuant to paragraph 3 of subsection A of this section. Thereafter  
18 the person shall not be considered more frequently than once every  
19 three (3) years, unless the person is within one (1) year of  
20 discharge.

21 F. If the Pardon and Parole Board denies parole, the Board  
22 shall state on the record the reason for denial.

23 G. If the Board denies parole for any person convicted of a  
24 crime other than those set forth in Section 13.1 of Title 21 of the

1 Oklahoma Statutes, the Board shall suggest a course of remediation  
2 for the inmate in preparation for the next parole consideration.

3 H. Any person in the custody of the Department of Corrections  
4 for a crime committed prior to July 1, 1998, who has been considered  
5 for parole on a docket created for a type of parole consideration  
6 that has been abolished by the Legislature shall not be considered  
7 for parole except in accordance with this section.

8 ~~G.~~ I. The Pardon and Parole Board shall promulgate rules for  
9 the implementation of subsections A, B and C of this section. The  
10 rules shall include, but not be limited to, procedures for  
11 reconsideration of persons denied parole under this section and  
12 procedure for determining what sentence a person eligible for parole  
13 consideration pursuant to subsection A of this section would have  
14 received under the applicable matrix.

15 ~~H.~~ J. The Pardon and Parole Board shall not recommend to the  
16 Governor any person who has been convicted of three or more felonies  
17 arising out of separate and distinct transactions, with three or  
18 more incarcerations for such felonies, unless such person shall have  
19 served the lesser of at least one-third (1/3) of the sentence  
20 imposed, or ten (10) years; provided, that whenever the population  
21 of the prison system exceeds ninety-five percent (95%) of the  
22 capacity as certified by the State Board of Corrections, the Pardon  
23 and Parole Board may, at its discretion, recommend to the Governor  
24 for parole any person who is incarcerated for a nonviolent offense



1 not involving injury to a person and who is within six (6) months of  
2 his or her statutory parole eligibility date.

3 ~~¶~~ K. Inmates sentenced to consecutive sentences shall not be  
4 eligible for parole consideration on any such consecutive sentence  
5 until one-third (1/3) of the aggregate term of the consecutive  
6 sentence sentences has been served if sentenced for a crime  
7 committed before November 1, 2018, or one-fourth (1/4) of the  
8 aggregate term of the consecutive sentences if sentenced for a crime  
9 committed on or after November 1, 2018, or where parole has been  
10 otherwise limited by law, until the minimum term of incarceration  
11 has been served as required by law. Unless otherwise ordered by the  
12 sentencing court, any credit for jail time served shall be credited  
13 to ~~only one offense~~ reduce the aggregate term. Parole eligibility  
14 for consecutive sentences shall be determined by combining  
15 consecutive sentences to arrive at an aggregate term of all  
16 sentences imposed. The provisions of this subsection shall apply to  
17 all consecutive sentences currently being served or a subsequent  
18 sentence ordered to run consecutive to an existing sentence.

19 ~~¶~~ L. The Pardon and Parole Board shall consider the prior  
20 criminal record of inmates under consideration for parole  
21 recommendation or granting of parole.

22 ~~K.~~ ~~In the event the Board grants parole for a nonviolent~~  
23 ~~offender who has previously been convicted of an offense enumerated~~  
24 ~~in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571~~

1 ~~of this title, such offender shall be subject to nine (9) months~~  
2 ~~postimprisonment supervision upon release.~~

3 H. M. It shall be the duty of the Pardon and Parole Board to  
4 cause an examination to be made at the penal institution where the  
5 person is assigned, and to make inquiry into the conduct and the  
6 record of the said person during his custody in the Department of  
7 Corrections, which shall be considered as a basis for consideration  
8 of said person for recommendation to the Governor for parole.

9 However, the Pardon and Parole Board shall not be required to  
10 consider for parole any person who has completed the time period  
11 provided for in this subsection if the person has participated in a  
12 riot or in the taking of hostages, or has been placed on escape  
13 status, while in the custody of the Department of Corrections. The  
14 Pardon and Parole Board shall adopt policies and procedures  
15 governing parole consideration for such persons.

16 M. N. Any person in the custody of the Department of  
17 Corrections who is convicted of an offense not designated as a  
18 violent offense by Section 571 of this title, is not a citizen of  
19 the United States and is subject to or becomes subject to a final  
20 order of deportation issued by the United States Department of  
21 Justice shall be considered for parole to the custody of the United  
22 States Immigration and Naturalization Service for continuation of  
23 deportation proceedings at any time subsequent to reception and  
24 processing through the Department of Corrections. No person shall

1 be considered for parole under this subsection without the  
2 concurrence of at least three members of the Pardon and Parole  
3 Board. The vote on whether or not to consider such person for  
4 parole and the names of the concurring Board members shall be set  
5 forth in the written minutes of the meeting of the Board at which  
6 the issue is considered.

7 ~~N.~~ O. Upon application of any person convicted and sentenced by  
8 a court of this state and relinquished to the custody of another  
9 state or federal authorities pursuant to Section 61.2 of Title 21 of  
10 the Oklahoma Statutes, the Pardon and Parole Board may determine a  
11 parole consideration date consistent with the provisions of this  
12 section and criteria established by the Pardon and Parole Board.

13 ~~O.~~ P. All references in this section to matrices or schedules  
14 shall be construed with reference to the provisions of Sections 6,  
15 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

16 ~~P.~~ Q. Any person in the custody of the Department of  
17 Corrections who is convicted of a felony sex offense pursuant to  
18 Section 582 of this title who is paroled shall immediately be placed  
19 on intensive supervision.

20 ~~Q.~~ R. A person in the custody of the Department of Corrections  
21 whose parole consideration date is calculated pursuant to subsection  
22 B or C of this section, and is not serving a sentence of life  
23 imprisonment without parole or who is not ~~convicted of~~ convicted of  
24 sentence for an offense designated as a violent offense by Section

1 571 of this title or any crime enumerated in Section 13.1 of Title  
2 21 of the Oklahoma Statutes shall be eligible for administrative  
3 parole under subsection R S of this section.

4 ~~R. S.~~ The Pardon and Parole Board shall, ~~by majority vote,~~  
5 grant administrative parole to any person in the custody of the  
6 Department of Corrections if:

7 1. The person has substantially complied with the requirements  
8 of the case plan established pursuant to Section 512 of this title;

9 2. A victim, as defined in Section 332.2 of this title, or the  
10 district attorney speaking on behalf of a victim, has not submitted  
11 an objection;

12 3. The person has not received a primary class X infraction  
13 within two (2) years of the parole eligibility date;

14 4. The person has not received a secondary class X infraction  
15 within one (1) year of the parole eligibility date; or

16 5. The person has not received a class A infraction within six  
17 (6) months of the parole eligibility date.

18 ~~S. T.~~ Any person granted parole pursuant to subsection R S of  
19 this section shall be released from the institution at the time of  
20 the parole eligibility date of the person as calculated under  
21 subsection B or C of this section.

22 ~~F. U.~~ No less than ninety (90) days prior to the parole  
23 eligibility date of the person, the Department shall notify the  
24 Pardon and Parole Board in writing of the compliance or

1 noncompliance of the person with the case plan and any infractions  
2 committed by the person.

3 ~~U.~~ V. The Pardon and Parole Board shall not be required to  
4 conduct a hearing before granting administrative parole pursuant to  
5 subsection ~~R~~ S of this section.

6 ~~V.~~ W. Any person who is not granted administrative parole shall  
7 be otherwise eligible for parole pursuant to this section.

8 ~~W.~~ X. Any person who is granted administrative parole under  
9 subsection ~~R~~ S of this section shall be supervised and managed by  
10 the Department of Corrections in the same manner as a parolee who  
11 has been granted parole pursuant to this section. The person shall  
12 be subject to all of the rules and regulations of parole.

13 SECTION 3. AMENDATORY 57 O.S. 2011, Section 350, is  
14 amended to read as follows:

15 Section 350. A. Every person, hereinafter referred to as  
16 "convict", who has been or who in the future may be sentenced to  
17 imprisonment in any state penal institution shall, in addition to  
18 any other deductions provided for by law, be entitled to a deduction  
19 from his or her sentence for all time during which ~~he~~ the convict  
20 has been or may be on parole. The provisions of this section are  
21 hereby declared to be both retroactive and prospective, and to apply  
22 to convicts who are on parole on the effective date of this act as  
23 well as to convicts who may be paroled thereafter; and shall at the  
24

1 discretion of the paroling authority apply to time on a parole which  
2 has been or shall be revoked.

3 B. Beginning November 1, 1987, the paroling authority ~~also~~  
4 ~~shall have the discretion to~~ may revoke all or any portion of the  
5 parole except as provided under subsection C of this section.

6 C. Beginning November 1, 2019, the paroling authority may  
7 revoke all or any portion of the parole in accordance with Section  
8 516 of this title.

9 SECTION 4. AMENDATORY 57 O.S. 2011, Section 502, as last  
10 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2018,  
11 Section 502), is amended to read as follows:

12 Section 502. As used in this title, unless the context  
13 otherwise requires:

14 1. "Board" means the State Board of Corrections;

15 2. "Department" means the Department of Corrections of this  
16 state;

17 3. "Director" means the Director of the Department of  
18 Corrections;

19 4. "Halfway house" means a private facility for the placement  
20 of inmates in a community setting for the purpose of reintegrating  
21 into the community inmates who are nearing their release dates. The  
22 term shall not include private prisons;

23 5. "Institutions" means the Oklahoma State Penitentiary located  
24 at McAlester, Oklahoma; the Oklahoma State Reformatory located at

1 Granite, Oklahoma; the Lexington Assessment and Reception Center  
2 located at Lexington, Oklahoma; the Joseph Harp Correctional Center  
3 located at Lexington, Oklahoma; the Jackie Brannon Correctional  
4 Center located at McAlester, Oklahoma; the Howard C. McLeod  
5 Correctional Center located at Farris, Oklahoma; the Mack H. Alford  
6 Correctional Center located at Stringtown, Oklahoma; the Jim E.  
7 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel  
8 Bassett Correctional Center located at McLoud, Oklahoma; the R.B.  
9 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the  
10 James Crabtree Correctional Center located at Helena, Oklahoma; the  
11 Jess Dunn Correctional Center located at Taft, Oklahoma; the John  
12 Lilley Correctional Center located at Boley, Oklahoma; the William  
13 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.  
14 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;  
15 the Northeast Oklahoma Correctional Center located at Vinita,  
16 Oklahoma; the Clara Waters and Kate Barnard Community Corrections  
17 Centers located at Oklahoma City, Oklahoma; the Community  
18 Corrections Centers located at Lawton, Enid, Oklahoma City and Union  
19 City; the Charles E. "Bill" Johnson Correctional Center, located  
20 east of Alva, Oklahoma; the Southern Oklahoma Resource Center  
21 located at Pauls Valley, Oklahoma; and other facilities under the  
22 jurisdiction and control of the Department of Corrections or  
23 hereafter established by the Department of Corrections;

24

1       6. "Intermediate revocation facility" means a corrections  
2 center operated by the Department of Corrections or a private  
3 facility or public trust operating pursuant to contract with the  
4 Department of Corrections which provides housing and intensive  
5 programmatic services for offenders who have violated the terms or  
6 conditions of probation as determined by a supervising probation  
7 officer. "Intensive programmatic services" offered by the  
8 Department of Corrections includes, but shall not be limited to,  
9 alcohol and substance abuse counseling and treatment, mental health  
10 counseling and treatment and domestic violence courses and treatment  
11 programs;

12       7. "Intermediate sanctions facility" means a community  
13 corrections center operated by the Department of Corrections or a  
14 private facility or public trust operating pursuant to contract with  
15 the Department of Corrections which provides for the housing and  
16 programmatic services of offenders such as probation or parole  
17 violators or community sentenced offenders placed in the facility  
18 for disciplinary sanctions, work release offenders, offenders who  
19 need intensive programmatic services, or offenders who have  
20 demonstrated positive adjustment while in an institutional setting  
21 who need additional programmatic services to enhance their reentry  
22 into society upon release from a prison term; ~~and~~

23       8. "Private prison contractor" means:  
24



- 1 a. a nongovernmental entity or public trust which,  
2 pursuant to a contract with the Department of  
3 Corrections, operates an institution within the  
4 Department other than a halfway house or intermediate  
5 sanctions facility, or provides for the housing, care,  
6 and control of inmates and performs other functions  
7 related to these responsibilities within a minimum,  
8 medium, or maximum security level facility not owned  
9 by the Department but operated by the contractor, or  
10 b. a nongovernmental entity or public trust which,  
11 pursuant to a contract with the United States or  
12 another state, provides for the housing, care, and  
13 control of minimum or medium security inmates in the  
14 custody of the United States or another state, and  
15 performs other functions related to these  
16 responsibilities other than a halfway house or  
17 intermediate sanctions facility within a facility  
18 owned or operated by the contractor;

19 9. "Risk and needs assessment" means an actuarial tool  
20 validated on the correctional population of the state that  
21 determines the risk of an individual to reoffend and the criminal  
22 risk factors that, when addressed, reduce the risk of an individual  
23 to reoffend; and  
24

1        10. "Technical violation" means a violation of the rules and  
2 conditions of supervision, other than:

3            a. commission of a new criminal offense for which felony  
4 or misdemeanor charges are filed including violation  
5 of a protective order pursuant to Section 60.6 of  
6 Title 22 of the Oklahoma Statutes,

7            b. absconding, defined as failing to initially report or  
8 missing assigned reporting requirement for an excess  
9 of sixty (60) days, or

10           c. any violation of the specialized sex offender rules  
11 created by the Department.

12        SECTION 5.        NEW LAW        A new section of law to be codified  
13 in the Oklahoma Statutes as Section 512.1 of Title 57, unless there  
14 is created a duplication in numbering, reads as follows:

15        A. Every offender on felony probation supervision under Section  
16 515a of Title 57 of the Oklahoma Statutes shall be eligible to earn  
17 discharge credits for compliance with the terms and conditions of  
18 probation supervision to reduce the term of supervision and the  
19 overall term of the sentence. For every calendar month of  
20 compliance with the terms and conditions of probation supervision,  
21 the supervising body, defined for the purposes of this section as  
22 the Department of Corrections, district attorney or private  
23 supervision provider responsible for the supervision of felony  
24 probationers, shall award the offender earned discharge credits

1 equal to thirty (30) calendar days to be applied towards a reduction  
2 of the probation supervision term ordered under Section 991a of  
3 Title 22 of the Oklahoma Statutes. For every calendar month of  
4 compliance with the terms and conditions of probation supervision,  
5 the supervising body shall award an offender earned discharge  
6 credits equal to fifteen (15) calendar days to be applied towards a  
7 reduction of the overall term of the probation sentence ordered  
8 under Section 991a of Title 22 of the Oklahoma Statutes. For the  
9 purposes of this section, "compliance" shall be defined as the  
10 absence of a violation report submitted by the supervising body  
11 during a calendar month.

12 B. No person convicted of an offense under Section 13.1 of  
13 Title 21 of the Oklahoma Statutes or subsections C, D, E, F, G or J  
14 of Section 644 of Title 21 of the Oklahoma Statutes shall be  
15 eligible for earned discharge credits under this section.

16 C. Every supervising body shall develop written policies and  
17 procedures necessary for the implementation of earned discharge  
18 credits for offenders on felony probation supervision as authorized  
19 under this section. The policies and procedures developed by the  
20 supervising bodies shall include, but not be limited to, the process  
21 to earn discharge credits and the application of the credits toward  
22 the reduction of the term of supervision or term of the sentence and  
23 the collection of data related to who earns credit, how much is  
24

1 applied and how much of the supervision period or sentence term is  
2 reduced at the point of discharge.

3 D. Every supervising body shall maintain a record of credits  
4 earned by an offender under this section. At least every six (6)  
5 months from the date the offender is placed on probation, the  
6 supervising body shall notify the offender of the current discharge  
7 date for the term of supervision and the overall sentence of the  
8 offender.

9 E. Every supervising body shall notify the court not less than  
10 thirty (30) days prior to the expected discharge date. However,  
11 nothing in this section shall prohibit the supervising body from  
12 requesting termination of the sentence earlier than the termination  
13 date of the sentence authorized in subsection F of this section.

14 F. Once a combination of time served in custody, if applicable,  
15 time served on any form of probation, parole or post-release  
16 supervision and earned discharge credits satisfy the total sentence,  
17 the supervising body shall order the discharge of the sentence of  
18 the offender unless it is determined that termination would  
19 interrupt the completion of a necessary treatment program. If the  
20 supervising body finds that termination of the sentence would  
21 interrupt the completion of a necessary treatment program, the  
22 offender shall complete the treatment program and then have his or  
23 her sentence discharged. Upon termination of the offender from  
24

1 probation supervision, all outstanding fines, fees or costs,  
2 excluding restitution, shall be converted into a civil action.

3 SECTION 6. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Every offender released to parole supervision pursuant to  
7 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible  
8 to earn discharge credits for compliance with the terms and  
9 conditions of parole supervision that reduce the term of supervision  
10 of the offender. For every calendar month of compliance with the  
11 terms and conditions of parole supervision, the Department of  
12 Corrections shall award an offender earned discharge credits equal  
13 to thirty (30) calendar days to be applied towards a reduction of  
14 the parole supervision period. For the purposes of this section,  
15 "compliance" shall be defined as the absence of an initial violation  
16 report submitted by a probation and parole officer during a calendar  
17 month. No person convicted of an offense under Section 13.1 of  
18 Title 21 of the Oklahoma Statutes or subsections C, D, E, F, G or J  
19 of Section 644 of Title 21 of the Oklahoma Statutes shall be  
20 eligible for earned discharge credits under this section.

21 B. The Department shall develop written policies and procedures  
22 for the implementation of earned discharge credits authorized under  
23 this section. The policies and procedures developed by the  
24 Department shall include, but not be limited to, the process to earn

1 discharge credits and the application of the credits toward the  
2 reduction of the term of supervision, the collection of data related  
3 to who earns credit and how much is applied and how much of the  
4 supervision period is reduced at the point of discharge.

5 C. The Department shall maintain a record of credits earned by  
6 an offender under this section. At least every six (6) months from  
7 the date the offender is placed on parole supervision, the  
8 Department shall notify the offender of the current parole  
9 termination date.

10 D. Once a combination of time served in custody, if applicable,  
11 time served on any form of probation, parole or post-release  
12 supervision and earned discharge credits satisfy the total sentence,  
13 the Department shall order the final termination of parole  
14 supervision of an offender unless the Department determines that  
15 termination would interrupt the completion of a necessary treatment  
16 program. If the Department finds that the termination would  
17 interrupt the completion of a necessary treatment program, the  
18 offender shall complete the treatment program and then have his or  
19 her parole supervision terminated. Upon termination of an offender  
20 from parole supervision, any outstanding fines, fees or costs,  
21 excluding restitution, shall be converted into a civil action.

22 E. The Department shall notify the Pardon and Parole Board of  
23 the impending termination not less than thirty (30) days prior to  
24 the expected termination date. However, nothing in this section

1 shall prohibit the Department from requesting parole termination  
2 earlier than the termination date authorized in subsection D of this  
3 section.

4 SECTION 7. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 515b of Title 57, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. The Supreme Court, in coordination with the Department of  
8 Corrections, shall establish regulations by rule for all providers  
9 under contract with a district court whose duties include  
10 supervision of felony probationers pursuant to Section 515a of Title  
11 57 of the Oklahoma Statutes. The rules shall guide the supervision  
12 and management of those persons on probation supervision and the  
13 performance of the provider. The rules developed under this section  
14 shall include, but not be limited to:

15 1. The use of a risk and needs assessment, as defined in  
16 Section 502 of Title 57 of the Oklahoma Statutes, to guide  
17 supervision and programming decisions and the development of an  
18 individualized case plan pursuant to Section 515a of Title 57 of the  
19 Oklahoma Statutes;

20 2. The application of the earned discharge program pursuant to  
21 Section 5 of this act;

22 3. The application of the graduated sanctions and incentives  
23 matrix pursuant to Section 991b of Title 22 of the Oklahoma  
24 Statutes; and

1 4. The collection and reporting of data as required under  
2 Sections 5 and 6 of this act.

3 B. Any provider under contract with a district court whose  
4 duties include supervision of felony probationers pursuant to  
5 Section 515a of Title 57 of the Oklahoma Statutes shall complete,  
6 upon hiring and on an annual basis, training courses including, but  
7 not limited to:

8 1. Identifying, understanding, targeting and effectively  
9 addressing the criminal risk and need factors of an individual and  
10 barriers to successful completion of supervision;

11 2. Supporting and encouraging compliance and behavior change;

12 3. The use of a graduated sanctions matrix developed by the  
13 Department of Corrections according to Section 991b of Title 22 of  
14 the Oklahoma Statutes; and

15 4. If applicable, best practices on graduated responses to  
16 domestic violence offenders and victim sensitivity training.

17 C. Each judicial district shall be responsible for developing  
18 and administering procedures by rule for the implementation of the  
19 requirements in this section. The presiding judge of each judicial  
20 administrative district shall carry out this mandate within one (1)  
21 year of the effective date of this act.

22 SECTION 8. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 515c of Title 57, unless there  
24 is created a duplication in numbering, reads as follows:



1           A. The Department of Corrections shall develop a matrix of  
2 sanctions and incentives to address behavior committed by parolees  
3 and probationers who are being supervised by the Department. The  
4 Department shall be authorized to use a violation response and  
5 intermediate sanction process based on the matrix to apply to any  
6 technical violations of the terms and conditions of parole and  
7 probation, as defined in Section 502 of Title 57 of the Oklahoma  
8 Statutes. The matrix shall be used for probationers in accordance  
9 with the procedures provided in Section 991b of Title 22 of the  
10 Oklahoma Statutes, and for parolees in accordance with this section.

11           B. Within four (4) working days of the discovery of a parole  
12 violation, the probation and parole officer shall initiate the  
13 violation response and intermediate sanction process. The probation  
14 and parole officer shall complete a sanction form, which shall  
15 specify the technical violation, sanction and action plan to correct  
16 the noncompliant behavior resulting in the technical violation. The  
17 probation and parole officer shall refer to the matrix to determine  
18 the supervision, treatment and sanction appropriate to address the  
19 noncompliant behavior. The probation and parole officer shall refer  
20 the violation information and recommended response with a sanction  
21 plan to the Department to be heard by a hearing officer. The  
22 Department shall develop the policies and procedures necessary to  
23 implement this section.

24

1 C. The Department shall establish procedures to hear responses  
2 to technical violations and review sanction plans for parolees  
3 including the following:

4 1. Hearing officers shall report through a chain of command  
5 separate from that of the supervising probation and parole officers;

6 2. The Department shall provide the offender written notice of  
7 the violation, the evidence relied upon and the reason the sanction  
8 was imposed;

9 3. The hearing shall be held unless the offender waives the  
10 right to the hearing;

11 4. The hearing shall be electronically recorded; and

12 5. The Department shall provide to the Pardon and Parole Board  
13 a record of all violations and actions taken pursuant to this  
14 subsection.

15 D. The hearing officer shall determine based on a preponderance  
16 of the evidence whether a technical parole violation occurred. Upon  
17 a finding that a technical violation occurred, the hearing officer  
18 may order the offender to participate in the recommended sanction  
19 plan or may modify the plan. Offenders who accept the sanction plan  
20 shall sign a violation response sanction form, and the hearing  
21 officer shall then impose the sanction. Failure of the offender to  
22 comply with the imposed sanction plan shall constitute a violation  
23 of the rules and conditions of supervision that may result in a  
24 revocation proceeding. If an offender does not voluntarily accept

1 the recommended sanction plan, the Department shall either impose  
2 the sanction and allow the offender to appeal to the Pardon and  
3 Parole Board or request a revocation proceeding as provided by law.

4 E. Absent a finding by a probation and parole officer of the  
5 willful nonpayment of fines and costs by an offender, said failure  
6 to pay such fines and costs may not serve as a basis for revocation.

7 SECTION 9. AMENDATORY 57 O.S. 2011, Section 516, is  
8 amended to read as follows:

9 Section 516. A. Except as provided in ~~subsection~~ subsections B  
10 and C of this section, the probation and parole officer shall, upon  
11 information sufficient to give the officer reasonable grounds to  
12 believe that the parolee has ~~violated~~ committed a violation, other  
13 than a technical violation as defined in Section 502 of this title,  
14 of the terms of and conditions of parole, notify the Department of  
15 Corrections. If it is determined that the facts justify revocation  
16 action, the Department shall issue a warrant for the arrest of the  
17 parolee and the warrant shall have the force and effect of any  
18 warrant of arrest issued by a district court in this state. The  
19 parolee shall, after arrest, be immediately incarcerated in the  
20 nearest county jail, intermediate sanctions facility, or a  
21 Department of Corrections facility to await action by the Governor  
22 as to whether the parole will be revoked. Parole time shall cease  
23 to run after the issuance of a warrant for arrest by the Department  
24 ~~of Corrections,~~ for a parolee who has absconded and earned credits

1 shall not be accrued during any period of time when the parolee is  
2 incarcerated pending revocation action by the Governor.

3       B. The probation and parole officer shall, upon information  
4 sufficient to give the officer reasonable grounds to believe that  
5 the parolee has committed a technical violation of the terms and  
6 conditions of parole as defined in Section 502 of this title,  
7 respond in accordance with the procedures established in Section 8  
8 of this act for use of the sanctions matrix. If the severity of a  
9 violation warrants a more severe response, intermediate sanctions  
10 within the sanctions matrix have been exhausted and the Department  
11 has determined that the facts justify revocation of parole, the  
12 Department shall issue a summons requiring the parolee to appear  
13 before the Pardon and Parole Board for a preliminary revocation  
14 hearing. If the parolee fails to appear at the preliminary  
15 revocation hearing or if the Department finds that a warrant is  
16 justified for the protection of public safety, the Department shall  
17 issue a warrant for the arrest of the parolee. The warrant shall  
18 have the force and effect of any warrant of arrest issued by a  
19 district court in this state, and the parolee shall be held in  
20 accordance with subsection A of this section.

21       C. If a parolee is issued a summons pursuant to subsection B of  
22 this section, the Pardon and Parole Board shall hold the preliminary  
23 revocation hearing within twenty (20) calendar days from the date  
24 the summons is issued. The Board may, in its discretion, continue

1 parole and modify the terms and conditions of parole or forward the  
2 decision to revoke parole on to the Governor. If the Governor  
3 revokes parole for a technical violation of the terms or conditions  
4 of parole, as defined in Section 502 of this title, the Governor  
5 shall impose a period of imprisonment of not more than fifteen (15)  
6 days for the first revocation, not more than thirty (30) days for  
7 the second revocation and not more than sixty (60) days for the  
8 third revocation. For the fourth and subsequent revocation for a  
9 technical violation, the Governor may revoke parole and impose a  
10 period of imprisonment of not more than two (2) years or for the  
11 remainder of the sentence, whichever is less. The Governor may  
12 depart from the periods of imprisonment required under this  
13 subsection if the offender is on parole supervision for an offense  
14 under Section 13.1 of Title 21 of the Oklahoma Statutes.

15 D. If a parolee is arrested and detained on a warrant pursuant  
16 to subsection A or subsection B of this section, the Pardon and  
17 Parole Board shall hold the preliminary revocation hearing within  
18 fifteen (15) calendar days from the date the parolee is detained on  
19 the warrant. The Board may, in its discretion, continue parole and  
20 modify the terms and conditions of parole or forward the decision to  
21 revoke parole to the Governor, who may deliberate for a further  
22 fifteen (15) days. If the Governor revokes parole for a technical  
23 violation, the Governor shall impose a period of imprisonment as  
24 required under subsection C of this section.

1       E. If the Board does not hold a preliminary revocation hearing  
2 within fifteen (15) calendar days as required under subsection D of  
3 this section, the parolee shall be released from the county jail,  
4 intermediate sanctions facility or Department of Corrections  
5 facility and shall return to parole status. The Pardon and Parole  
6 Board may subsequently hold a preliminary revocation hearing within  
7 a reasonable timeframe. The Board may, in its discretion, continue  
8 parole and modify the terms and conditions of parole or forward the  
9 decision to revoke parole to the Governor. If the Governor revokes  
10 parole for a technical violation, the Governor shall impose a period  
11 of imprisonment as required under subsection C of this section.

12       F. Any parolee determined to have violated any terms or  
13 conditions of parole by the supervising parole officer may be given  
14 the option, at the discretion of the Department of Corrections, to  
15 be placed in an intermediate sanctions facility for disciplinary  
16 sanction and programmatic services in lieu of revocation or when  
17 revocation action by the Governor is deemed unnecessary for the  
18 nature of the violation. Any parolee for whom a warrant for arrest  
19 issues as provided in subsection A of this section may, at the  
20 discretion of the Department or the Governor, be placed in an  
21 intermediate sanctions facility pending or following any action by  
22 the Governor as to revocation of parole or required additional  
23 conditions to remain on parole. A parolee may be received and  
24 processed into the custody of the Department on an expedited basis

1 through any facility serving such purpose or may be processed  
2 directly by the intermediate sanctions facility.

3 G. The Department of Corrections and the Pardon and Parole  
4 Board shall adopt rules and policies related to the provisions of  
5 this section.

6 SECTION 10. AMENDATORY 57 O.S. 2011, Section 517, as  
7 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018,  
8 Section 517), is amended to read as follows:

9 Section 517. A. A Probation and Parole Officer, upon  
10 information sufficient to give the officer reasonable grounds to  
11 believe that a probationer has ~~been charged with or found guilty of~~  
12 ~~committing a felony or misdemeanor offense, or has escaped from~~  
13 ~~custody as provided in Section 443 of Title 21 of the Oklahoma~~  
14 ~~Statutes~~ committed a violation, other than a technical violation as  
15 defined in Section 502 of this title, of the terms and conditions of  
16 probation, shall notify the Department of Corrections. If it is  
17 determined that the facts justify revocation action, the Department  
18 shall issue a warrant for the arrest of the probationer and the  
19 warrant shall have the force and effect of any warrant of arrest  
20 issued by a district court in this state. A probationer ~~shall~~ may,  
21 after arrest, be immediately incarcerated in the nearest county jail  
22 or intermediate sanctions facility to await action by the court as  
23 to whether the probation will be revoked.

24

1 B. A Probation and Parole Officer, upon information sufficient  
2 to give the officer reasonable grounds to believe that a probationer  
3 ~~has violated the terms or conditions of probation, may notify the~~  
4 ~~Department. If it is determined that the facts justify disciplinary~~  
5 ~~sanctions, the Department shall issue a warrant for the arrest of~~  
6 ~~the probationer and the warrant shall have the force and effect of~~  
7 ~~any warrant of arrest issued by a district court in this state. The~~  
8 ~~probationer shall, after arrest, be immediately incarcerated in the~~  
9 ~~nearest county jail or intermediate sanction facility to await~~  
10 ~~action by the court as to whether disciplinary sanctions shall be~~  
11 ~~imposed. Upon approval of the court and the Department of~~  
12 ~~Corrections, the probationer shall be placed in an intermediate~~  
13 ~~revocation facility for disciplinary sanction and intensive~~  
14 ~~programmatic services in lieu of a first revocation. Repeated~~  
15 ~~violations by the probationer of the terms and conditions of~~  
16 ~~probation may result in a revocation proceeding committed a~~  
17 ~~technical violation of the terms or conditions of probation, as~~  
18 ~~defined in Section 502 of this title, may notify the Department. If~~  
19 ~~the Department has determined that the facts justify revocation of~~  
20 ~~probation in accordance with the procedure established in subsection~~  
21 ~~D of Section 991b of Title 22 of the Oklahoma Statutes, the~~  
22 ~~Department shall issue a summons requiring the probationer to appear~~  
23 ~~at a revocation hearing. The district attorney may petition the~~  
24 ~~court to issue a warrant in place of a summons in the interest of~~



1 public safety. If the probationer fails to appear at the hearing  
2 ordered by the summons, or if the court approves the petition for a  
3 warrant by the district attorney, the Department shall issue a  
4 warrant for the arrest of the probationer. The warrant shall have  
5 the force and effect of any warrant of arrest issued by a district  
6 court in this state. The probationer may, after arrest, be  
7 immediately incarcerated in the nearest county jail or intermediate  
8 sanction facility to await action by the court as to whether  
9 disciplinary sanctions will be imposed.

10 C. Any probationer for whom a warrant for arrest ~~issues~~ is  
11 issued as provided in subsection A or B of this section may, at the  
12 discretion of the court, be placed in an intermediate sanctions  
13 facility pending or following any action by the court as to  
14 revocation of probation or required additional conditions to remain  
15 on probation. A probationer may be processed by the Department on  
16 an expedited basis through any facility serving such purpose or may  
17 be processed directly by the intermediate sanctions facility.

18 D. Nothing in this section shall preclude a district attorney  
19 from initiating an application to revoke a suspended sentence  
20 pursuant to subsection A of this section without a recommendation  
21 from the Department or from initiating an application to revoke a  
22 suspended sentence and referring the person to an intermediate  
23 revocation facility without a recommendation from the Department  
24 pursuant to subsection B of this section, when the district attorney

1 believes that competent evidence justifies the revocation of the  
2 suspended sentence.

3 E. For purposes of this section, the term "probationer" means  
4 any offender on a deferred judgment or suspended sentence supervised  
5 by the Department of Corrections or another supervising body.

6 SECTION 11. This act shall become effective November 1, 2019.

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