

1 ENGROSSED HOUSE
2 BILL NO. 1518

By: Peterson, Virgin, Ritze,
Shelton, McDaniel
(Jeannie), Sherrer and
Hoskin of the House

and

Shaw of the Senate

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8 An Act relating to criminal procedure; creating the
Justice Safety Valve Act; providing short title;
9 authorizing courts to depart from mandatory minimum
sentencing requirements under certain circumstances;
10 providing exceptions; directing district court clerks
to submit certain report; requiring publication of
11 report; providing for codification; and providing an
effective date.
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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 985 of Title 22, unless there is
17 created a duplication in numbering, reads as follows:

18 Sections 2 and 3 of this act shall be known and may be cited as
19 the "Justice Safety Valve Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 985.1 of Title 22, unless there
22 is created a duplication in numbering, reads as follows:

23 A. When sentencing a person convicted of a criminal offense for
24 which there is a mandatory minimum sentence of imprisonment, the

1 court may depart from the applicable sentence if the court finds
2 substantial and compelling reasons on the record, after giving due
3 regard to the nature of the crime, history and character of the
4 defendant and his or her chances of successful rehabilitation, that:

5 1. The mandatory minimum sentence of imprisonment is not
6 necessary for the protection of the public and imposition of the
7 mandatory minimum sentence of imprisonment would result in
8 substantial injustice to the defendant; or

9 2. The mandatory minimum sentence of imprisonment is not
10 necessary for the protection of the public and the defendant, based
11 on a risk and needs assessment, is eligible for an alternative
12 court, a diversion program or community sentencing, without regard
13 to exclusions because of previous convictions, and has been accepted
14 to the same, pending sentencing.

15 B. The court shall not have the discretion to depart from the
16 applicable mandatory minimum sentence of imprisonment on convictions
17 for criminal offenses under the following circumstances:

18 1. The offense for which the defendant was convicted is among
19 those crimes listed in Section 571 of Title 57 of the Oklahoma
20 Statutes as excepted from the definition of "nonviolent offense";

21 2. The offense for which the defendant was convicted was a sex
22 offense and will require the defendant to register as a sex offender
23 pursuant to the provisions of the Sex Offenders Registration Act;
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1 3. The offense for which the defendant was convicted involved
2 the use of a firearm;

3 4. The offense for which the defendant was convicted is a crime
4 listed in Section 13.1 of Title 21 of the Oklahoma Statutes
5 requiring the defendant to serve not less than eighty-five percent
6 (85%) of any sentence of imprisonment imposed by the judicial system
7 prior to becoming eligible for consideration for parole;

8 5. The offense for which the defendant was convicted is a
9 violation of the Trafficking in Illegal Drugs Act as provided in
10 Sections 2-414 through 2-420 of Title 63 of the Oklahoma Statutes;
11 or

12 6. The defendant was the leader, manager or supervisor of
13 others in a continuing criminal enterprise.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 985.2 of Title 22, unless there
16 is created a duplication in numbering, reads as follows:

17 The district court clerk of each county shall submit a report of
18 the departures in sentencing to the Clerk of the Court of Criminal
19 Appeals on or before the first day of February of each year. On or
20 before the first day of March of each year the Clerk of the Court of
21 Criminal Appeals shall make available, in digital electronic format
22 and on the website of the Oklahoma Court of Criminal Appeals, a
23 report as to the number of departures from mandatory minimum
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1 sentences made by each judge in the state during the previous
2 calendar year.

3 SECTION 4. This act shall become effective November 1, 2015.

4 Passed the House of Representatives the 11th day of March, 2015.

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6 _____
7 Presiding Officer of the House
8 of Representatives

9 Passed the Senate the ____ day of _____, 2015.

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12 Presiding Officer of the Senate
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