

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1518
Page 1 Section 2 Lines 22
Of the printed Bill
Of the Engrossed Bill

By removing Sections 2 and 3 from the bill in their entirety and inserting in lieu thereof, new Sections 2 and 3 to read as follows:

(see attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Pam Peterson

Adopted: _____

Reading Clerk

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

4 A. When sentencing a person convicted of a criminal offense for
5 which there is a mandatory minimum sentence of imprisonment, the
6 court may depart from the applicable sentence if the court finds
7 substantial and compelling reasons on the record, after giving due
8 regard to the nature of the crime, history and character of the
9 defendant and his or her chances of successful rehabilitation, that:

10 1. The mandatory minimum sentence of imprisonment is not
11 necessary for the protection of the public and imposition of the
12 mandatory minimum sentence of imprisonment would result in
13 substantial injustice to the defendant; or

14 2. The mandatory minimum sentence of imprisonment is not
15 necessary for the protection of the public and the defendant, based
16 on a risk and needs assessment, is eligible for an alternative
17 court, a diversion program or community sentencing, without regard
18 to exclusions because of previous conditions, and has been accepted
19 to the same, pending sentencing.

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

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

4 2. The offense for which the defendant was convicted was a sex
5 offense and will require the defendant to register as a sex offender
6 pursuant to the provisions of the Sex Offenders Registration Act;

7 3. The offense for which the defendant was convicted involved
8 the use of a firearm;

9 4. The offense for which the defendant was convicted is a crime
10 listed in Section 13.1 of Title 21 of the Oklahoma Statutes
11 requiring the defendant to serve not less than eighty-five percent
12 (85%) of any sentence of imprisonment imposed by the judicial system
13 prior to becoming eligible for consideration for parole;

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

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

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

23 The district court clerk of each county shall submit a report of
24 the departures in sentencing to the Clerk of the Court of Criminal

1 Appeals on or before the first day of February of each year. On or
2 before the first day of March of each year the Clerk of the Court of
3 Criminal Appeals shall make available, in digital electronic format
4 and on the website of the Oklahoma Court of Criminal Appeals, a
5 report as to the number of departures from mandatory minimum
6 sentences made by each judge in the state during the previous
7 calendar year."

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9 55-1-7120 GRS 03/09/15