

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 1518, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Shaw

Shaw-MD-FS-Req#1731
2/18/2016 4:55 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1518

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

and

Shaw and Griffin of the
Senate

FLOOR SUBSTITUTE

An Act relating to criminal procedure; creating the
Justice Safety Valve Act; providing short title;
authorizing courts to depart from mandatory minimum
sentencing requirements under certain circumstances;
providing exceptions; directing district court clerks
to submit certain report; requiring publication of
report; providing for codification; 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 to be codified
in the Oklahoma Statutes as Section 985 of Title 22, unless there is
created a duplication in numbering, reads as follows:

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

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

19 7. The offense for which the defendant was convicted is a
20 violation of the Oklahoma Antiterrorism Act as provided in Sections
21 1268 through 1268.8 of Title 21 of the Oklahoma Statutes.

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

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

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

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12 55-1-1731 MD 2/18/2016 4:55:54 PM
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