

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1518

 By: Peterson of the House

5 and

6 Shaw of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to criminal procedure; creating the
11 Justice Safety Valve Act; providing short title;
12 authorizing courts to depart from mandatory minimum
13 sentencing requirements under certain circumstances;
14 providing exceptions; directing district court clerks
15 to submit certain report; requiring publication of
16 report; providing for codification; and providing an
17 effective date.

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

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

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

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

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

7 1. Imposition of the mandatory minimum sentence of imprisonment
8 would result in substantial injustice to the defendant; and

9 2. The mandatory minimum sentence of imprisonment is not
10 necessary for the protection of the public.

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

14 1. The offense for which the defendant was convicted involved
15 the use, attempted use or threatened use of serious physical force
16 against another person or resulted in the serious physical injury of
17 another person;

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

21 3. The offense for which the defendant was convicted involved
22 the intentional use of a firearm in a manner that caused physical
23 injury during the commission of the offense;

1 4. The defendant was previously convicted for the same offense
2 within the previous ten (10) years; or

3 5. The defendant was the leader, manager, or supervisor of
4 others in a continuing criminal enterprise.

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

8 Upon a departure from a mandatory minimum sentence of
9 imprisonment, the district court clerk of each county shall be
10 required to submit a report of the departure to the Clerk of the
11 Court of Criminal Appeals. On or before the first day of February
12 of each year, the Clerk of the Court of Criminal Appeals shall make
13 available, in digital electronic format and on the website of the
14 Oklahoma Court of Criminal Appeals, a report as to the number of
15 departures from mandatory minimum sentences made by each judge in
16 the state during the previous calendar year.

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

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19 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
20 dated 02/25/2015 - DO PASS, As Coauthored.
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