

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 55th Legislature (2016)

4           HOUSE BILL 3159

                              By: Hickman

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7                               AS INTRODUCED

8           An Act relating to crimes and punishments; amending  
9           21 O.S. 2011, Section 13.1, as last amended by  
10           Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.  
11           2015, Section 13.1), which relates to required  
12           service of prison sentence for certain crimes;  
13           requiring placement of persons on parole docket under  
14           certain circumstances; modifying eligibility  
15           requirements for accumulating earned credits;  
16           providing guidelines for applying earned credits;  
17           giving Director of Department of Corrections  
18           discretionary authority over granting earned credits;  
19           and providing an effective date.

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1        2. Second degree murder as defined by Section 701.8 of this  
2 title;

3        3. Manslaughter in the first degree as defined by Section 711  
4 of this title;

5        4. Poisoning with intent to kill as defined by Section 651 of  
6 this title;

7        5. Shooting with intent to kill, use of a vehicle to facilitate  
8 use of a firearm, crossbow or other weapon, assault, battery, or  
9 assault and battery with a deadly weapon or by other means likely to  
10 produce death or great bodily harm, as provided for in Section 652  
11 of this title;

12       6. Assault with intent to kill as provided for in Section 653  
13 of this title;

14       7. Conjoint robbery as defined by Section 800 of this title;

15       8. Robbery with a dangerous weapon as defined in Section 801 of  
16 this title;

17       9. First degree robbery as defined in Section 797 of this  
18 title;

19       10. First degree rape as provided for in Section 1111, 1114 or  
20 1115 of this title;

21       11. First degree arson as defined in Section 1401 of this  
22 title;

23       12. First degree burglary as provided for in Section 1436 of  
24 this title;

1 13. Bombing as defined in Section 1767.1 of this title;

2 14. Any crime against a child provided for in Section 843.5 of  
3 this title;

4 15. Forcible sodomy as defined in Section 888 of this title;

5 16. Child pornography or aggravated child pornography as  
6 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of  
7 this title;

8 17. Child prostitution as defined in Section 1030 of this  
9 title;

10 18. Lewd molestation of a child as defined in Section 1123 of  
11 this title;

12 19. Abuse of a vulnerable adult as defined in Section 10-103 of  
13 Title 43A of the Oklahoma Statutes who is a resident of a nursing  
14 facility;

15 20. Aggravated trafficking as provided for in subsection C of  
16 Section 2-415 of Title 63 of the Oklahoma Statutes;

17 21. Aggravated assault and battery upon any person defending  
18 another person from assault and battery; or

19 22. Human trafficking as provided for in Section 748 of this  
20 title,

21 shall be required to serve not less than eighty-five percent (85%)  
22 of any sentence of imprisonment imposed by the judicial system prior  
23 to becoming eligible for consideration for parole. Once the person  
24 has served eighty-five percent (85%) of the sentence imposed, the

1 person shall be placed on the first available parole docket of the  
2 Pardon and Parole Board immediately following the date upon which  
3 the person has served the required term of imprisonment. Persons  
4 convicted of these offenses shall ~~not~~ be eligible ~~for~~ to receive and  
5 accumulate earned credits or any other type of credits ~~which have~~  
6 ~~the effect of reducing the length of~~ while serving the sentence ~~to~~  
7 ~~less than~~ of imprisonment. In no instance shall the number of  
8 earned credits accumulated by a person exceed five percent (5%) of  
9 the total number of days of the prison sentence of the person. The  
10 Department of Corrections may apply the accumulated credits after  
11 eighty-five percent (85%) of the sentence imposed has been served  
12 provided, however, in no instance shall the application of earned  
13 credits result in the immediate discharge of the person from  
14 custody. The granting of earned credits shall be at the discretion  
15 of the Director based on the criteria provided for in Section 138 of  
16 Title 57 of the Oklahoma Statutes.

17 SECTION 2. This act shall become effective November 1, 2016.  
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19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
20 02/18/2016 - DO PASS.  
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