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**SENATE FLOOR VERSION**

April 9, 2015

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

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 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.

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

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
10 April 9, 2015 - DO PASS  
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