

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1518

By: Peterson

AS INTRODUCED

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".

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

A. When sentencing a person convicted of a criminal offense for which there is a mandatory minimum sentence of imprisonment, the court may depart from the applicable sentence if the court finds

1 substantial and compelling reasons on the record, after giving due  
2 regard to the nature of the crime, history and character of the  
3 defendant and his or her chances of successful rehabilitation, that:

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

6 2. The mandatory minimum sentence of imprisonment is not  
7 necessary for the protection of the public.

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

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

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

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

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

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

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

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

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

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