

**BILL SUMMARY**  
1<sup>st</sup> Session of the 55<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1518</b>
<b>Version:</b>	<b>SAHB</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Rep. Peterson</b>
<b>Date:</b>	<b>4/28/2015</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

SA to HB 1518 creates the Justice Safety Valve Act. The measure allows the court to depart from the applicable minimum mandatory criminal sentence if the court finds substantial and compelling reasons that the imposition of the minimum mandatory sentence would result in substantial injustice to the defendant and that the minimum mandatory sentence is not necessary for the protection of the public and would result in substantial injustice to the defendant or if, based on a risk and needs assessment, the offender is eligible for an alternative court, a diversion program or community sentencing and the offender has been accepted into such an alternative. The measure prevents the court from departing from the minimum mandatory sentence if the crime involved physical force or serious injury to another person, the crime was a sex offense, the crime involved a firearm that caused injury, the defendant was previously convicted for the same offense within the last 10 years, if the defendant was the leader of others in a continuing criminal enterprise or if the offense was a violation of the Oklahoma Antiterrorism Act. The measure requires that departures from minimum mandatory sentencing be reported to the Clerk of the Court of Criminal Appeals and be available on the Court of Criminal Appeals website.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

Upon review of the measure, it has been determined to have no measureable revenue or fiscal considerations. The Senate Amendment could have potential savings for the State, as it would give the Courts flexibility when sentencing a person convicted of a criminal offense for which there is a mandatory minimum sentence of imprisonment.

Prepared By: Joshua Maxey

**Other Considerations**

Cost of incarceration with the DOC (FT14 Actual Expenditures)		
<u>Type</u>	<u>Daily</u>	<u>Annual</u>
Maximum	100.80	36,791
Medium	47.47	17,328
Minimum	44.01	16,063
Community	46.44	16,950

