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HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2286

By: ODonnell of the House and Treat of the Senate

Title: Pardon and parole; providing certain application of earned credits; training; authorizing administrative parole; programs; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Senate amendments No.1 and No.2; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2286 CCR2 (A)
HOUSE CONFEREES

Babinec, Greg		Cleveland, Bobby	
Fetgatter, Scott		Ford, Ross	
Humphrey, Justin		Lepak, Mark	
Loring, Ben		McDugle, Kevin	
Newton, Carl		Ownbey, Pat	
Renegar, Brian		Ritze, Mike	
Rosecrants, Jacob		Virgin, Emily	
West, Tammy		Williams, Cory	

HB2286 CCR2 A

SENATE CONFEREES

Treat

Fry

Thompson

Jech

Shaw

Floyd

Matthews

[Handwritten signatures over lines]
Treat
Fry
Thompson
Jech
Shaw
Floyd
Matthews

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

AUTHOR(s)/COAUTHOR(s)CURRENTLY IN THE QUEUE for HB2286

As of 5/26/2017 9:29:40 AM

Add as coauthor Senator Sharp

Remove as coauthor Senator Pittman

Add as coauthor Senator Jech

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2286

By: O'Donnell of the House

and

Treat, Sharp and Jech of
the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to pardon and parole; amending 57 O.S. 2011, Sections 332.2, as amended by Section 1, Chapter 124, O.S.L. 2013 and 332.7, as amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2017, Sections 332.2 and 332.7), which relate to parole eligibility requirements; directing the Pardon and Parole Board to provide administrative parole docket to district attorneys; establishing parole eligibility requirements for crimes committed after a date certain; providing for administrative paroles under certain circumstances; providing internal statutory references; stating time limitation when parole consideration dates are calculated pursuant to certain eligibility requirements; authorizing administrative parole under certain circumstances; establishing notification requirement; authorizing Pardon and Parole Board to grant administrative parole without conducting a hearing; providing for parole supervision for administrative paroles; granting Pardon and Parole Board the power to parole certain prisoners; directing Pardon and Parole Board to use certain risk-assessment instruments; authorizing aging prisoners to request parole under certain circumstances; providing parole hearing procedures; authorizing Pardon and Parole Board to grant parole upon certain findings; defining terms; amending 57 O.S. 2011, Section 571, as amended by

1 Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp.
2 2017, Section 571), which relates to definitions;
3 providing statutory references for listed crimes;
4 providing for codification; providing for
5 noncodification; and providing an effective date.

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

7 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.2, as
8 amended by Section 1, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2017,
9 Section 332.2), is amended to read as follows:

10 Section 332.2 A. The Pardon and Parole Board, which shall meet
11 only on the call of the Chairman, is authorized, if and when an
12 application made to the Governor for a reprieve, commutation,
13 parole, pardon, or other act of clemency is certified thereto by the
14 Governor, to examine into the merits of said application and make
15 recommendations to the Governor in relation thereto, said
16 recommendation being advisory to the Governor and not binding
17 thereon.

18 B. Any consideration for commutation shall be made only after
19 application is made to the Pardon and Parole Board pursuant to the
20 procedures set forth in this section. The Pardon and Parole Board
21 shall provide a copy of the application to the district attorney,
22 the victim or representative of the victim and the Office of the
23 Attorney General within ten (10) business days of receipt of such
24 application.

1 C. An application for commutation must be sent to the trial
2 officials, who shall have twenty (20) business days to provide a
3 written recommendation or protest prior to consideration of the
4 application. Trial officials shall include:

5 1. The current elected judge of the court where the conviction
6 was had;

7 2. The current elected district attorney of the jurisdiction
8 where the conviction was had; or

9 3. The chief or head administrative officer of the arresting
10 law enforcement agency.

11 D. In cases resolved prior to the tenure of the present
12 officeholders, the recommendation or protest of persons holding such
13 offices at the time of conviction may also be considered by the
14 Board.

15 E. The recommendation for commutation of a sentence by a trial
16 official may include the following:

17 1. A statement that the penalty now appears to be excessive;

18 2. A recommendation of a definite term now considered by the
19 official as just and proper; and

20 3. A statement of the reasons for the recommendation based upon
21 facts directly related to the case which were not available to the
22 court or jury at the time of the trial or based upon there having
23 been a statutory change in penalty for the crime which makes the
24 original penalty appear excessive.

1 F. The Pardon and Parole Board shall schedule the application
2 on a commutation docket in compliance with the notice requirements
3 set forth herein. The Board shall provide the victim or
4 representative of the victim at least twenty (20) days to offer
5 recommendations or protests before consideration of the application.

6 G. Applications for commutation shall be given impartial review
7 as required in Section 10 of Article VI of the Oklahoma
8 Constitution.

9 H. Any consideration for pardon shall be made only after
10 application is made to the Pardon and Parole Board. Upon receipt of
11 an application for pardon, the Board shall provide a copy of the
12 application to the district attorney, the victim or representative
13 of the victim and the Office of the Attorney General within twenty
14 (20) business days of receipt of such application. The district
15 attorney and the victim or representative of the victim shall have
16 twenty (20) business days to provide written recommendation or
17 protest prior to the consideration of the application. The Board
18 shall schedule the application on a pardon docket in compliance with
19 the notice requirements set forth herein.

20 I. In accordance with Section 10 of Article VI of the Oklahoma
21 Constitution, the Board shall communicate to the Legislature, at
22 each regular session, by providing a summary of the activities of
23 the Board. This summary shall include, but not be limited to, the
24 following Board activity:

1 1. The approval or recommendation rates of the Board for both
2 violent and nonviolent offenses;

3 2. The parole approval rates for each individual Board member
4 for both violent and nonviolent offenses; and

5 3. The percentage of public comments to and personal
6 appearances before the Board including victim protests and personal
7 appearances, district attorney protests and personal appearances,
8 and delegate recommendations and personal appearances on behalf of
9 the offender.

10 This summary shall be made available to the public through
11 publication on the website of the Pardon and Parole Board.

12 J. The Pardon and Parole Board shall provide a copy of their
13 regular docket and administrative parole docket to each district
14 attorney in this state at least twenty (20) days before such docket
15 is considered by the Board, or in the case of a supplemental,
16 addendum or special docket, at least ten (10) days before such
17 docket is considered by the Board, and shall notify the district
18 attorney of any recommendations for commutations or paroles no later
19 than twenty (20) days after the docket is considered by the Board.

20 K. The Pardon and Parole Board shall notify all victims or
21 representatives of the victim in writing at least twenty (20) days
22 before an inmate is considered by the Board provided the Board has
23 received a request from the victim or representatives of the victim
24 for notice. The Board shall provide all victims or representatives

1 of the victim with the date, time and place of the scheduled meeting
2 and rules for attendance and providing information or input to the
3 Board regarding the inmate or the crime. If requested by the victim
4 or representatives of the victim, the Board shall allow the victim
5 or representatives of the victim to testify at the parole hearing of
6 the inmate for at least five (5) minutes.

7 L. The Pardon and Parole Board shall notify all victims or
8 representatives of the victim in writing of the decision of the
9 Board no later than twenty (20) days after the inmate is considered
10 by the Board.

11 M. Any notice required to be provided to the victims or the
12 representatives of the victim shall be mailed by first-class mail to
13 the last-known address of the victim or representatives of the
14 victim. It is the responsibility of the victims or representatives
15 of the victim to provide the Pardon and Parole Board a current
16 mailing address. The victim-witness coordinator of the district
17 attorney shall assist the victims or representatives of the victim
18 with supplying their address to the Board if they wish to be
19 notified. Upon failure of the Pardon and Parole Board to notify a
20 victim who has requested notification and has provided a current
21 mailing address, the final decision of the Board may be voidable,
22 provided, the victim who failed to receive notification requests a
23 reconsideration hearing within thirty (30) days of the
24 recommendation by the Board for parole. The Pardon and Parole Board

1 may reconsider previous action and may rescind a recommendation if
2 deemed appropriate as determined by the Board.

3 N. For purposes of this section, "victim" shall mean all
4 persons who have suffered direct or threatened physical or emotional
5 harm, or financial loss as the result of the commission or attempted
6 commission of criminally injurious conduct, and "representatives of
7 the victim" shall mean those persons who are members of the
8 immediate family of the victim, including stepparents, stepbrothers,
9 stepsisters, and stepchildren.

10 O. All meetings of the Pardon and Parole Board shall comply
11 with Section 301 et seq. of Title 25 of the Oklahoma Statutes;
12 provided that the Board shall have the authority to limit the number
13 of persons attending in support of, or in opposition to, any inmate
14 being considered for parole and shall have the authority to exclude
15 persons from attendance in accordance with prison security
16 regulations and the capacity of the meeting room. Persons excluded
17 from attending the meeting under this provision shall be informed of
18 their right to be informed of the vote of the Board in accordance
19 with Section 312 of Title 25 of the Oklahoma Statutes. Provided
20 further, nothing in this section shall be construed to prevent any
21 member of the press or any public official from attending any
22 meeting of the Pardon and Parole Board, except as provided by the
23 Oklahoma Open Meeting Act.

1 P. All victim information maintained by the Department of
2 Corrections and the Pardon and Parole Board shall be confidential
3 and shall not be released.

4 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.7, as
5 amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2017,
6 Section 332.7), is amended to read as follows:

7 Section 332.7 A. For a crime committed prior to July 1, 1998,
8 any person in the custody of the Department of Corrections shall be
9 eligible for consideration for parole at the earliest of the
10 following dates:

11 1. Has completed serving one-third (1/3) of the sentence;

12 2. Has reached at least sixty (60) years of age and also has
13 served at least fifty percent (50%) of the time of imprisonment that
14 would have been imposed for that offense pursuant to the applicable
15 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
16 1997; provided, however, no inmate serving a sentence for crimes
17 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
18 O.S.L. 1997, or serving a sentence of life imprisonment without
19 parole shall be eligible to be considered for parole pursuant to
20 this paragraph;

21 3. Has reached eighty-five percent (85%) of the midpoint of the
22 time of imprisonment that would have been imposed for an offense
23 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
24 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable

1 matrix; provided, however, no inmate serving a sentence of life
2 imprisonment without parole shall be eligible to be considered for
3 parole pursuant to this paragraph; or

4 4. Has reached seventy-five percent (75%) of the midpoint of
5 the time of imprisonment that would have been imposed for an offense
6 that is listed in any other schedule, pursuant to the applicable
7 matrix; provided, however, no inmate serving a sentence of life
8 imprisonment without parole shall be eligible to be considered for
9 parole pursuant to this paragraph.

10 B. For a crime committed on or after July 1, 1998, and before
11 November 1, 2018, any person in the custody of the Department of
12 Corrections shall be eligible for consideration for parole who has
13 completed serving one-third (1/3) of the sentence; provided,
14 however, no inmate serving a sentence of life imprisonment without
15 parole shall be eligible to be considered for parole pursuant to
16 this subsection.

17 C. For a crime committed on or after November 1, 2018, any
18 person in the custody of the Department of Corrections shall be
19 eligible for parole after serving one-fourth (1/4) of the sentence
20 or consecutive sentences imposed, according to the following
21 criteria:

22 1. A person eligible for parole under this subsection shall be
23 eligible for administrative parole under subsection R of this
24 section once the person serves one-fourth (1/4) of the sentence or

1 consecutive sentences imposed; provided, however, no inmate serving
2 a sentence of life imprisonment without parole, a sentence for a
3 violent crime as set forth in Section 571 of this title or any crime
4 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes
5 shall be eligible for administrative parole.

6 2. A person eligible for parole under this subsection shall be
7 eligible for parole once the person serves one-fourth (1/4) of the
8 sentence or consecutive sentences imposed; provided, however no
9 inmate serving a sentence of life imprisonment without parole is
10 eligible for parole.

11 D. The parole hearings conducted for persons pursuant to
12 paragraph 3 of subsection A of this section or for any person who
13 was convicted of a violent crime as set forth in Section 571 of this
14 title and who is eligible for parole consideration pursuant to
15 ~~either~~ paragraph 1 of subsection A of this section ~~or~~, subsection B
16 or paragraph 2 of subsection C of this section shall be conducted in
17 two stages, as follows:

18 1. At the initial hearing, the Pardon and Parole Board shall
19 review the completed report submitted by the staff of the Board and
20 shall conduct a vote regarding whether, based upon that report, the
21 Board decides to consider the person for parole at a subsequent
22 meeting of the Board; and

23 2. At the subsequent meeting, the Board shall hear from any
24 victim or representatives of the victim that want to contest the

1 granting of parole to that person and shall conduct a vote regarding
2 whether parole should be recommended for that person.

3 ~~D.~~ E. Any inmate who has parole consideration dates calculated
4 pursuant to subsection A, B or C of this section ~~shall~~ may be
5 considered ~~at the earliest such~~ up to two (2) months prior to the
6 parole eligibility date. Except as otherwise directed by the Pardon
7 and Parole Board, any person who has been considered for parole and
8 was denied parole or who has waived consideration shall not be
9 reconsidered for parole:

10 1. Within three (3) years of the denial or waiver, if the
11 person was convicted of a violent crime, as set forth in Section 571
12 of this title, and was eligible for consideration pursuant to
13 paragraph 1 of subsection A of this section ~~or~~, subsection B of this
14 section or paragraph 2 of subsection C of this section, unless the
15 person is within one (1) year of discharge; or

16 2. Until the person has served at least one-third (1/3) of the
17 sentence imposed, if the person was eligible for consideration
18 pursuant to paragraph 3 of subsection A of this section. Thereafter
19 the person shall not be considered more frequently than once every
20 three (3) years, unless the person is within one (1) year of
21 discharge.

22 ~~E.~~ F. Any person in the custody of the Department of
23 Corrections for a crime committed prior to July 1, 1998, who has
24 been considered for parole on a docket created for a type of parole

1 consideration that has been abolished by the Legislature shall not
2 be considered for parole except in accordance with this section.

3 ~~F.~~ G. The Pardon and Parole Board shall promulgate rules for
4 the implementation of subsections A, B and C of this section. The
5 rules shall include, but not be limited to, procedures for
6 reconsideration of persons denied parole under this section and
7 procedure for determining what sentence a person eligible for parole
8 consideration pursuant to subsection A of this section would have
9 received under the applicable matrix.

10 ~~G.~~ H. The Pardon and Parole Board shall not recommend to the
11 Governor any person who has been convicted of three or more felonies
12 arising out of separate and distinct transactions, with three or
13 more incarcerations for such felonies, unless such person shall have
14 served the lesser of at least one-third (1/3) of the sentence
15 imposed, or ten (10) years; provided, that whenever the population
16 of the prison system exceeds ninety-five percent (95%) of the
17 capacity as certified by the State Board of Corrections, the Pardon
18 and Parole Board may, at its discretion, recommend to the Governor
19 for parole any person who is incarcerated for a nonviolent offense
20 not involving injury to a person and who is within six (6) months of
21 his or her statutory parole eligibility date.

22 ~~H.~~ I. Inmates sentenced to consecutive sentences shall not be
23 eligible for parole consideration on any such consecutive sentence
24 until one-third (1/3) of the consecutive sentence has been served or

1 where parole has been otherwise limited by law, until the minimum
2 term of incarceration has been served as required by law. Unless
3 otherwise ordered by the sentencing court, any credit for jail time
4 served shall be credited to only one offense.

5 ~~I.~~ J. The Pardon and Parole Board shall consider the prior
6 criminal record of inmates under consideration for parole
7 recommendation or granting of parole.

8 K. In the event the Board grants parole for a nonviolent
9 offender who has previously been convicted of an offense enumerated
10 in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571
11 of this title, such offender shall be subject to nine (9) months
12 postimprisonment supervision upon release.

13 ~~J.~~ L. It shall be the duty of the Pardon and Parole Board to
14 cause an examination to be made at the penal institution where the
15 person is assigned, and to make inquiry into the conduct and the
16 record of the said person during his custody in the Department of
17 Corrections, which shall be considered as a basis for consideration
18 of said person for recommendation to the Governor for parole.
19 However, the Pardon and Parole Board shall not be required to
20 consider for parole any person who has completed the time period
21 provided for in this subsection if the person has participated in a
22 riot or in the taking of hostages, or has been placed on escape
23 status, while in the custody of the Department of Corrections. The
24

1 Pardon and Parole Board shall adopt policies and procedures
2 governing parole consideration for such persons.

3 ~~K.~~ M. Any person in the custody of the Department of
4 Corrections who is convicted of an offense not designated as a
5 violent offense by Section 571 of this title, is not a citizen of
6 the United States and is subject to or becomes subject to a final
7 order of deportation issued by the United States Department of
8 Justice shall be considered for parole to the custody of the United
9 States Immigration and Naturalization Service for continuation of
10 deportation proceedings at any time subsequent to reception and
11 processing through the Department of Corrections. No person shall
12 be considered for parole under this subsection without the
13 concurrence of at least three members of the Pardon and Parole
14 Board. The vote on whether or not to consider such person for
15 parole and the names of the concurring Board members shall be set
16 forth in the written minutes of the meeting of the Board at which
17 the issue is considered.

18 ~~L.~~ N. Upon application of any person convicted and sentenced by
19 a court of this state and relinquished to the custody of another
20 state or federal authorities pursuant to Section 61.2 of Title 21 of
21 the Oklahoma Statutes, the Pardon and Parole Board may determine a
22 parole consideration date consistent with the provisions of this
23 section and criteria established by the Pardon and Parole Board.

1 ~~M.~~ O. All references in this section to matrices or schedules
2 shall be construed with reference to the provisions of Sections 6,
3 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

4 ~~N.~~ P. Any person in the custody of the Department of
5 Corrections who is convicted of a felony sex offense pursuant to
6 Section 582 of this title who is paroled shall immediately be placed
7 on intensive supervision.

8 Q. A person in the custody of the Department of Corrections
9 whose parole consideration date is calculated pursuant to subsection
10 B or C of this section, and is not serving a sentence of life
11 imprisonment without parole or who is not convicted of an offense
12 designated as a violent offense by Section 571 of this title or any
13 crime enumerated in Section 13.1 of Title 21 of the Oklahoma
14 Statutes shall be eligible for administrative parole under
15 subsection R of this section.

16 R. The Pardon and Parole Board shall, by majority vote, grant
17 administrative parole to any person in the custody of the Department
18 of Corrections if:

19 1. The person has substantially complied with the requirements
20 of the case plan established pursuant to Section 512 of this title;

21 2. A victim, as defined in Section 332.2 of this title, or the
22 district attorney speaking on behalf of a victim, has not submitted
23 an objection;
24

1 3. The person has not received a primary class X infraction
2 within two (2) years of the parole eligibility date;

3 4. The person has not received a secondary class X infraction
4 within one (1) year of the parole eligibility date; or

5 5. The person has not received a class A infraction within six
6 (6) months of the parole eligibility date.

7 S. Any person granted parole pursuant to subsection R of this
8 section shall be released from the institution at the time of the
9 parole eligibility date of the person as calculated under subsection
10 B or subsection C of this section.

11 T. No less than ninety (90) days prior to the parole
12 eligibility date of the person, the Department shall notify the
13 Pardon and Parole Board in writing of the compliance or
14 noncompliance of the person with the case plan and any infractions
15 committed by the person.

16 U. The Pardon and Parole Board shall not be required to conduct
17 a hearing before granting administrative parole pursuant to
18 subsection R of this section.

19 V. Any person who is not granted administrative parole shall be
20 otherwise eligible for parole pursuant to this section.

21 W. Any person who is granted administrative parole under
22 subsection R of this section shall be supervised and managed by the
23 Department of Corrections in the same manner as a parolee who has
24

1 been granted parole pursuant to this section. The person shall be
2 subject to all of the rules and regulations of parole.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 332.21 of Title 57, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Pardon and Parole Board is empowered to parole a
7 prisoner who:

8 1. Is sixty (60) years of age or older;

9 2. Has served, in actual custody, the shorter of ten (10) years
10 of the term or terms of imprisonment, or one-third (1/3) of the
11 total term or terms of imprisonment;

12 3. Poses minimal public safety risks warranting continued
13 imprisonment;

14 4. Is not imprisoned for a crime enumerated in Section 13.1 of
15 Title 21 of the Oklahoma Statutes or Section 571 of Title 57 of the
16 Oklahoma Statutes; and

17 5. Has not been convicted of a crime that would require the
18 person to be subject to the registration requirements of the Sex
19 Offenders Registration Act.

20 B. The authority to grant parole under Section 332.2 of Title
21 57 of the Oklahoma Statutes shall rest with the Pardon and Parole
22 Board.

1 C. The Pardon and Parole Board shall use an evidence-based
2 risk-assessment instrument to assess the public safety risk posed by
3 aging prisoners upon release.

4 D. Unless eligible for release at an earlier date, an aging
5 prisoner who has been committed to the Department of Corrections for
6 a term or terms of imprisonment shall have the ability to request a
7 parole hearing before the Pardon and Parole Board if the prisoner
8 has served, in actual custody, the shorter of:

9 1. Ten (10) years of the term or terms of actual imprisonment;
10 or

11 2. One-third (1/3) of the total term or terms of imprisonment.

12 E. Once a prisoner requests a parole hearing under subsection A
13 of this section, the Pardon and Parole Board may place the prisoner
14 on the next available docket.

15 F. The Pardon and Parole Board may grant parole to a prisoner
16 if the Board finds by a preponderance of the evidence that the
17 prisoner, if released, can live and remain at liberty without posing
18 a substantial risk to public safety.

19 G. The Pardon and Parole Board may use the selected evidence-
20 based risk-assessment instrument to make the determination provided
21 for in subsection F of this section.

22 H. The Pardon and Parole Board may provide the prisoner the
23 opportunity to speak on his or her own behalf and the option of
24 having counsel present at the parole hearing.

1 I. For purposes of this section:

2 1. "Aging prisoner" means any person imprisoned by the
3 Department of Corrections who is sixty (60) years of age or older;
4 and

5 2. "Evidence-based" means programs or practices that have been
6 scientifically tested in controlled studies and proven to be
7 effective.

8 SECTION 4. AMENDATORY 57 O.S. 2011, Section 571, as
9 amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2017,
10 Section 571), is amended to read as follows:

11 Section 571. As used in the Oklahoma Statutes, unless another
12 definition is specified:

13 1. "Capacity" means the actual available bedspace as certified
14 by the State Board of Corrections subject to applicable federal and
15 state laws and the rules and regulations promulgated under such
16 laws;

17 2. "Violent crime" means any of the following felony offenses
18 and any attempts to commit or conspiracy or solicitation to commit
19 the following crimes:

20 a. assault, battery, or assault and battery with a
21 dangerous or deadly weapon~~+~~, as provided for in
22 Sections 645 and 652 of Title 21 of the Oklahoma
23 Statutes,

- 1 b. ~~shooting with intent to kill~~, assault, battery, or
2 assault and battery with a deadly weapon or by other
3 means likely to produce death or great bodily harm, as
4 provided for in Section 652 of Title 21 of the
5 Oklahoma Statutes~~;~~,
6 c. aggravated assault and battery on a police officer,
7 sheriff, highway patrolman, or any other officer of
8 the law~~;~~, as provided for in Section 650 of Title 21
9 of the Oklahoma Statutes,
10 d. poisoning with intent to kill~~;~~, as provided for in
11 Section 651 of Title 21 of the Oklahoma Statutes,
12 e. shooting with intent to kill~~;~~, as provided for in
13 Section 652 of Title 21 of the Oklahoma Statutes,
14 f. assault with intent to kill~~;~~, as provided for in
15 Section 653 of Title 21 of the Oklahoma Statutes,
16 g. assault with intent to commit a felony~~;~~, as provided
17 for in Section 681 of Title 21 of the Oklahoma
18 Statutes,
19 h. assaults with a dangerous weapon while masked or
20 disguised~~;~~, as provided for in Section 1303 of Title
21 21 of the Oklahoma Statutes,
22 i. murder in the first degree~~;~~, as provided for in
23 Section 701.7 of Title 21 of the Oklahoma Statutes,
24

- 1 j. murder in the second degree~~+~~, as provided for in
2 Section 701.8 of Title 21 of the Oklahoma Statutes,
- 3 k. manslaughter in the first degree~~+~~, as provided for in
4 Section 711 of Title 21 of the Oklahoma Statutes,
- 5 l. manslaughter in the second degree~~+~~, as provided for in
6 Section 716 of Title 21 of the Oklahoma Statutes,
- 7 m. kidnapping~~+~~, as provided for in Section 741 of Title
8 21 of the Oklahoma Statutes,
- 9 n. burglary in the first degree~~+~~, as provided for in
10 Section 1431 of Title 21 of the Oklahoma Statutes,
- 11 o. burglary with explosives~~+~~, as provided for in Section
12 1441 of Title 21 of the Oklahoma Statutes,
- 13 p. kidnapping for extortion~~+~~, as provided for in Section
14 745 of Title 21 of the Oklahoma Statutes,
- 15 q. maiming~~+~~, as provided for in Section 751 of Title 21
16 of the Oklahoma Statutes,
- 17 r. robbery~~+~~, as provided for in Section 791 of Title 21
18 of the Oklahoma Statutes,
- 19 s. robbery in the first degree~~+~~, as provided for in
20 Section 797 et seq. of Title 21 of the Oklahoma
21 Statutes,
- 22 t. robbery in the second degree~~+~~, as provided for in
23 Section 797 et seq. of Title 21 of the Oklahoma
24 Statutes,

- 1 u. armed robbery~~+~~, as provided for in Section 801 of
2 Title 21 of the Oklahoma Statutes,
- 3 v. robbery by two ~~(2)~~ or more persons~~+~~, as provided for
4 in Section 800 of Title 21 of the Oklahoma Statutes,
- 5 w. robbery with dangerous weapon or imitation firearm~~+~~,
6 as provided for in Section 801 of Title 21 of the
7 Oklahoma Statutes,
- 8 x. child abuse~~+~~, as provided for in Section 843.5 of
9 Title 21 of the Oklahoma Statutes,
- 10 y. wiring any equipment, vehicle or structure with
11 explosives~~+~~, as provided for in Section 849 of Title
12 21 of the Oklahoma Statutes,
- 13 z. forcible sodomy~~+~~, as provided for in Section 888 of
14 Title 21 of the Oklahoma Statutes,
- 15 aa. rape in the first degree~~+~~, as provided for in Section
16 1114 of Title 21 of the Oklahoma Statutes,
- 17 bb. rape in the second degree~~+~~, as provided for in Section
18 1114 of Title 21 of the Oklahoma Statutes,
- 19 cc. rape by instrumentation~~+~~, as provided for in Section
20 1111.1 of Title 21 of the Oklahoma Statutes,
- 21 dd. lewd or indecent proposition or lewd or indecent act
22 with a child~~+~~ under sixteen (16) years of age, as
23 provided for in Section 1123 of Title 21 of the
24 Oklahoma Statutes,

- 1 ee. use of a firearm or offensive weapon to commit or
- 2 attempt to commit a felony~~+~~, as provided for in
- 3 Section 1287 of Title 21 of the Oklahoma Statutes,
- 4 ff. pointing firearms~~+~~, as provided for in Section 1279 of
- 5 Title 21 of the Oklahoma Statutes,
- 6 gg. rioting~~+~~, as provided for in Section 1311 of Title 21
- 7 of the Oklahoma Statutes,
- 8 hh. inciting to riot~~+~~, as provided for in Section 1320.2
- 9 of Title 21 of the Oklahoma Statutes,
- 10 ii. arson in the first degree~~+~~, as provided for in Section
- 11 1401 of Title 21 of the Oklahoma Statutes,
- 12 jj. injuring or burning public buildings~~+~~, as provided for
- 13 in Section 349 of Title 21 of the Oklahoma Statutes,
- 14 kk. sabotage~~+~~, as provided for in Section 1262 of Title 21
- 15 of the Oklahoma Statutes,
- 16 ll. criminal syndicalism~~+~~, as provided for in Section 1261
- 17 of Title 21 of the Oklahoma Statutes,
- 18 mm. extortion~~+~~, as provided for in Section 1481 of Title
- 19 21 of the Oklahoma Statutes,
- 20 nn. obtaining signature by extortion~~+~~, as provided for in
- 21 Section 1485 of Title 21 of the Oklahoma Statutes,
- 22 oo. seizure of a bus, discharging firearm or hurling
- 23 missile at bus~~+~~, as provided for in Section 1903 of
- 24 Title 21 of the Oklahoma Statutes,

1 pp. mistreatment of a mental patient~~+~~, as provided for in
2 Section 843.1 of Title 21 of the Oklahoma Statutes,
3 qq. using a vehicle to facilitate the discharge of a
4 weapon pursuant to Section 652 of Title 21 of the
5 Oklahoma Statutes~~+~~,
6 rr. bombing offenses as defined in Section 1767.1 of Title
7 21 of the Oklahoma Statutes~~+~~,
8 ss. child pornography or aggravated child pornography as
9 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
10 of Title 21 of the Oklahoma Statutes~~+~~,
11 tt. child prostitution as defined in Section 1030 of Title
12 21 of the Oklahoma Statutes~~+~~,
13 uu. abuse of a vulnerable adult as defined in Section 10-
14 103 of Title 43A of the Oklahoma Statutes who is a
15 resident of a nursing facility~~+~~,
16 vv. aggravated trafficking as provided for in subsection C
17 of Section 2-415 of Title 63 of the Oklahoma
18 Statutes~~+~~,
19 ww. aggravated assault and battery upon any person
20 defending another person from assault and battery~~+~~, as
21 provided for in Section 646 of Title 21 of the
22 Oklahoma Statutes,
23 xx. human trafficking as provided for in Section 748 of
24 Title 21 of the Oklahoma Statutes~~+~~, or

yy. terrorism crimes as provided in ~~Sections~~ Section 1268
et seq. of Title 21 of the Oklahoma Statutes.

Such offenses shall constitute exceptions to nonviolent offenses
pursuant to Article VI, Section 10 of the Oklahoma Constitution.

SECTION 5. This act shall become effective November 1, 2018.

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