

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1680

By: Wright

COMMITTEE SUBSTITUTE

An Act relating to crime victims; amending 21 O.S. 2011, Section 142A-13, which relates to the Oklahoma Victim's Rights Act; directing the Department of Corrections to send notification of inmate release to designated service provider; establishing time limitation for providing notice; directing Oklahoma Court of Criminal Appeals to provide notice of opinions prior to publication; amending 57 O.S. 2011, Section 510.9, as last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp. 2016, Section 510.9), which relates to the Electronic Monitoring Program; changing agency responsible for disseminating certain notification; establishing time limitation for providing notice; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 142A-13, is amended to read as follows:

Section 142A-13. A. Upon the granting of a parole by the Governor, and release of the inmate to the community, the Pardon and Parole Board shall provide written notification to any victim of the crime for which the parolee was convicted by mailing the

1 notification to the last-known address of the victim, if such
2 information is requested by the victim. The Pardon and Parole Board
3 shall not give the address of the parolee to any victim of the crime
4 for which the parolee was convicted.

5 B. Upon the granting of a pardon by the Governor, the Pardon
6 and Parole Board shall provide written notification to any victim of
7 the crime for which the person receiving the pardon was convicted by
8 mailing the notification to the last-known address of the victim, if
9 such information is requested by the victim. The Pardon and Parole
10 Board shall not give the address of the person receiving the pardon
11 to any victim of the crime for which the person receiving the pardon
12 was convicted.

13 C. The notification requirements provided for in subsections A
14 and B of this section shall be made on a monthly basis by the tenth
15 day of the month following the granting of the pardon or parole.

16 D. The Department of Corrections shall give notice of the
17 projected date of release of the inmate to the designated Oklahoma
18 victim notification service provider. The notice shall be given to
19 the victim notification service provider within sixty (60) days but
20 not less than seven (7) days prior to the projected date of release
21 of the inmate.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1071.1 of Title 22, unless there
24 is created a duplication in numbering, reads as follows:

1 Opinions of the Oklahoma Court of Criminal Appeals designated
2 for official publication shall be published on the Oklahoma State
3 Courts Network website. The Oklahoma Court of Criminal Appeals is
4 hereby requested to provide notice of release of its opinion to all
5 subscribers of record who have requested copies of opinions not less
6 than two (2) business days prior to publication of the opinion on
7 the website. Notice to said parties shall be made via electronic
8 mail or on the website of the Oklahoma State Courts Network.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 360.1 of Title 57, unless there
11 is created a duplication in numbering, reads as follows:

12 The Department of Corrections shall give notice of the projected
13 date of release of the inmate to the designated Oklahoma victim
14 notification service provider. The notice shall be given to the
15 victim notification service provider within sixty (60) days but not
16 less than seven (7) days prior to the projected date of release of
17 the inmate.

18 SECTION 4. AMENDATORY 57 O.S. 2011, Section 510.9, as
19 last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp.
20 2016, Section 510.9), is amended to read as follows:

21 Section 510.9 A. There is hereby created the Electronic
22 Monitoring Program for inmates in the custody of the Department of
23 Corrections who are sentenced for a nonviolent offense not included
24 as a violent offense defined in Section 571 of this title. The

1 Department is authorized to use an electronic monitoring global
2 positioning device to satisfy its custody duties and
3 responsibilities.

4 B. After an inmate has been processed and received through a
5 Department Assessment and Reception Center, has been incarcerated
6 for a minimum of ninety (90) days, and has met the criteria
7 established in subsection C of Section 521 of this title, the
8 Director of the Department of Corrections may assign the inmate, if
9 eligible, to the Electronic Monitoring Program. Nothing shall
10 prohibit the Director from assigning an inmate to the Electronic
11 Monitoring Program while assigned to the accredited halfway house or
12 transitional living facility. The following inmates, youthful
13 offenders, and juveniles shall not be eligible for assignment to the
14 program:

15 1. Any inmate serving a sentence of more than five (5) years
16 who has eleven (11) months or more left on the sentence or any
17 inmate serving a sentence of five (5) years or less whose initial
18 custody assessment requires placement above the minimum security
19 level;

20 2. Inmates convicted of a violent offense within the previous
21 ten (10) years pursuant to Section 571 of this title;

22 3. Inmates convicted of any violation of the provisions of the
23 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
24 of the Oklahoma Statutes;

1 4. Inmates denied parole within the previous twelve (12) months
2 pursuant to Section 332.7 of this title;

3 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
4 the Oklahoma Statutes who are not receptive to substance abuse
5 treatment and follow-up treatment;

6 6. Inmates removed from the Electronic Monitoring Program or
7 any other alternative to incarceration authorized by law for
8 violation of any rule or condition of the program and reassigned to
9 imprisonment in a correctional facility;

10 7. Inmates deemed by the Department to be a security risk or
11 threat to the public;

12 8. Inmates requiring educational, medical or other services or
13 programs not available in a community setting as determined by the
14 Department;

15 9. Inmates convicted of any violation of subsection C of
16 Section 644 of Title 21 of the Oklahoma Statutes or who have an
17 active protection order that was issued under the Protection from
18 Domestic Abuse Act, ~~Sections 60 through 60.16 of Title 22 of the~~
19 ~~Oklahoma Statutes;~~

20 10. Inmates who have outstanding felony warrants or detainers
21 from another jurisdiction;

22 11. Inmates convicted of a sex offense who, upon release from
23 incarceration, would be required by law to register pursuant to the
24 Sex Offender Registration Act;

1 12. Inmates convicted of racketeering activity as defined in
2 Section 1402 of Title 22 of the Oklahoma Statutes;

3 13. Inmates convicted pursuant to subsection F of Section 2-401
4 of Title 63 of the Oklahoma Statutes;

5 14. Inmates convicted pursuant to Section 650 of Title 21 of
6 the Oklahoma Statutes;

7 15. Inmates who have escaped from a penal or correctional
8 institution within the previous ten (10) years; or

9 16. Inmates who currently have active misconduct actions on
10 file with the Department of Corrections.

11 C. Every eligible inmate assigned to the Electronic Monitoring
12 Program shall remain in such program until one of the following
13 conditions has been met:

14 1. The inmate discharges the term of the sentence;

15 2. The inmate is removed from the Electronic Monitoring Program
16 for violation of any rule or condition of the program and reassigned
17 to imprisonment in a correctional facility; or

18 3. The inmate is paroled by the Governor pursuant to Section
19 332.7 of this title.

20 D. After an inmate has been assigned to the Electronic
21 Monitoring Program, denial of parole pursuant to Section 332.7 of
22 this title, shall not be cause for removal from the program,
23 provided the inmate has not violated the rules or conditions of the
24

1 program. The inmate may remain assigned to the program, if
2 otherwise eligible, until the completion of the sentence.

3 E. The Electronic Monitoring Program shall require active
4 supervision of the inmate in a community setting by a correctional
5 officer or other employee of the Department of Corrections with
6 monitoring by a global positioning device approved by the Department
7 under such rules and conditions as may be established by the
8 Department. If an inmate violates any rule or condition of the
9 program, the Department may take necessary disciplinary action
10 consistent with the rules established pursuant to this section,
11 including reassignment to a higher level of security or removing the
12 inmate from the program with reassignment to imprisonment in a
13 correctional facility. Any inmate who escapes from the Electronic
14 Monitoring Program shall be subject to the provisions of Section 443
15 of Title 21 of the Oklahoma Statutes.

16 F. Upon an inmate assigned to the Electronic Monitoring Program
17 becoming eligible for parole consideration, pursuant to Section
18 332.7 of this title, the Department of Corrections shall deliver the
19 inmate, in person, to a correctional facility for interview,
20 together with any Department records necessary for the Pardon and
21 Parole Board's investigation. Inmates assigned to the Electronic
22 Monitoring Program shall not be allowed to waive consideration or
23 recommendation for parole.

1 G. Prior to placement of any eligible inmate assigned to the
2 Electronic Monitoring Program being placed in a community setting,
3 the Department of Corrections shall deliver a written notification
4 to the sheriff and district attorney of the county, and the chief
5 law enforcement officer of any incorporated city or town in which
6 the inmate is to be monitored and supervised under the program. The
7 ~~district attorney~~ Department of Corrections shall ~~disseminate such~~
8 ~~information to victims of the crime for which the inmate is serving~~
9 ~~sentence, if any, when the victims are known to live in the same~~
10 ~~city, town or county~~ give notice of the projected date of release of
11 the inmate to the designated Oklahoma victim notification service
12 provider. The notice shall be given to the victim notification
13 service provider within sixty (60) days but not less than seven (7)
14 days prior to the projected date of release of the inmate.

15 H. An inmate assigned to the Electronic Monitoring Program may
16 be required to pay the Department of Corrections for all or part of
17 any monitoring equipment or fee, substance abuse treatment program
18 or follow-up treatment expense, supervision cost, or other costs
19 while assigned to the program. The Department shall determine
20 whether the inmate has the ability to pay all or part of such fee or
21 costs.

22 I. The Department of Corrections shall promulgate and adopt
23 rules and procedures necessary to implement the Electronic
24 Monitoring Program, including but not limited to methods of

1 monitoring and supervision, disciplinary action, reassignment to
2 higher and lower security levels, removal from the program, and
3 costs of monitoring and supervision to be paid by the inmate, if
4 any.

5 J. An inmate assigned to the Electronic Monitoring Program
6 shall, within thirty (30) days of being placed in a community
7 setting, report to the court clerk and the district attorney of the
8 county from which the judgment and sentence resulting in
9 incarceration arose to address payment of any fines, costs,
10 restitution and assessments owed by the inmate, if any.

11 SECTION 5. This act shall become effective November 1, 2017.

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