

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 185, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Floyd

Floyd-BH-FS-Req#1557
2/28/2017 2:13 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 185

By: Floyd of the Senate

and

Biggs of the House

FLOOR SUBSTITUTE

An Act relating to prisons and reformatories;
creating the Parole of Aging Prisoners Act; stating
legislative purpose; defining terms; stating
authority of the Pardon and Parole Board; authorizing
certain prisoners to request parole; providing
hearing procedures; providing procedures for granting
and denying parole requests; 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 332.21 of Title 57, unless there
is created a duplication in numbering, reads as follows:

A. Sections 1 through 4 of this act shall be known and may be
cited as the "Parole of Aging Prisoners Act".

B. In accordance with the Parole of Aging Prisoners Act, the
Pardon and Parole Board is empowered to parole a prisoner who:

1. Is seventy (70) years of age or older;

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

4 3. Poses minimal public safety risks warranting continued
5 imprisonment;

6 4. Is not imprisoned for a crime pursuant to Section 13.1 of
7 Title 21 of the Oklahoma Statutes or Section 571 of Title 57 of the
8 Oklahoma Statutes; and

9 5. Has not been convicted of a crime that would require the
10 person to be subject to the registration requirements of the Sex
11 Offenders Registration Act.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 332.22 of Title 57, unless there
14 is created a duplication in numbering, reads as follows:

15 For the purposes of the Parole of Aging Prisoners Act:

16 1. "Aging prisoner" means any person imprisoned by the
17 Department of Corrections who is seventy (70) years of age or older;
18 and

19 2. "Evidence-based" means programs or practices that have been
20 scientifically tested in controlled studies and proven to be
21 effective.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 332.23 of Title 57, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The authority to grant parole under Section 4 of this act
2 shall rest with the Pardon and Parole Board.

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

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 332.24 of Title 57, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Unless eligible for release at an earlier date, an aging
10 prisoner who has been committed to the Department of Corrections for
11 a term or terms of imprisonment shall have the ability to request a
12 parole hearing before the Pardon and Parole Board if the prisoner
13 has served, in actual custody, the shorter of:

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

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

16 B. Once a prisoner requests a parole hearing under subsection A
17 of this section, the Pardon and Parole Board may place the prisoner
18 on the next available docket.

19 1. The Pardon and Parole Board may grant parole to a prisoner
20 if the Board finds by a preponderance of the evidence that the
21 prisoner, if released, can live and remain at liberty without posing
22 a substantial risk to public safety.

1 2. The Pardon and Parole Board may use the selected evidence-
2 based risk assessment instrument to make the determination provided
3 for in paragraph 1 of this subsection.

4 3. The Pardon and Parole Board may provide the prisoner the
5 opportunity to speak on his or her own behalf and the option of
6 having counsel present at the parole hearing.

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

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9 56-1-1557 BH 2/28/2017 2:13:21 PM

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