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April 6, 2017

ENGROSSED HOUSE
BILL NO. 1680

By: Wright, Jordan and Biggs of
the House

and

Sykes of the Senate

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

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

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

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

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

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

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

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

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

21 SECTION 4. AMENDATORY 57 O.S. 2011, Section 510.9, as
22 last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp.
23 2016, Section 510.9), is amended to read as follows:

24

1 Section 510.9 A. There is hereby created the Electronic
2 Monitoring Program for inmates in the custody of the Department of
3 Corrections who are sentenced for a nonviolent offense not included
4 as a violent offense defined in Section 571 of this title. The
5 Department is authorized to use an electronic monitoring global
6 positioning device to satisfy its custody duties and
7 responsibilities.

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

19 1. Any inmate serving a sentence of more than five (5) years
20 who has eleven (11) months or more left on the sentence or any
21 inmate serving a sentence of five (5) years or less whose initial
22 custody assessment requires placement above the minimum security
23 level;
24

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

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

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

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

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

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

17 8. Inmates requiring educational, medical or other services or
18 programs not available in a community setting as determined by the
19 Department;

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

1 10. Inmates who have outstanding felony warrants or detainers
2 from another jurisdiction;

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

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

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

10 14. Inmates convicted pursuant to Section 650 of Title 21 of
11 the Oklahoma Statutes;

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

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

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

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

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

23 3. The inmate is paroled by the Governor pursuant to Section
24 332.7 of this title.

1 D. After an inmate has been assigned to the Electronic
2 Monitoring Program, denial of parole pursuant to Section 332.7 of
3 this title, shall not be cause for removal from the program,
4 provided the inmate has not violated the rules or conditions of the
5 program. The inmate may remain assigned to the program, if
6 otherwise eligible, until the completion of the sentence.

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

20 F. Upon an inmate assigned to the Electronic Monitoring Program
21 becoming eligible for parole consideration, pursuant to Section
22 332.7 of this title, the Department of Corrections shall deliver the
23 inmate, in person, to a correctional facility for interview,
24 together with any Department records necessary for the Pardon and

1 Parole Board's investigation. Inmates assigned to the Electronic
2 Monitoring Program shall not be allowed to waive consideration or
3 recommendation for parole.

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

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

1 I. The Department of Corrections shall promulgate and adopt
2 rules and procedures necessary to implement the Electronic
3 Monitoring Program, including but not limited to methods of
4 monitoring and supervision, disciplinary action, reassignment to
5 higher and lower security levels, removal from the program, and
6 costs of monitoring and supervision to be paid by the inmate, if
7 any.

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
16 April 6, 2017 - DO PASS
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