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AS AMENDED

By: O'Donnell of the House

Treat and Pittman of the
Senate

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

It is the intent of this Legislature that the Pardon and Parole Board as well as the Governor shall consider parole to be an essential public safety mechanism used to incentivize compliance in programs and treatment in prison and to provide effective supervision upon release from prison. Parole shall be a means of safely releasing in a timely fashion compliant inmates with the skills and resources necessary to be successful in the community.

SECTION 2. AMENDATORY 57 O.S. 2011, Section 138, as last amended by Section 4, Chapter 360, O.S.L. 2015 (57 O.S. Supp. 2016, Section 138), is amended to read as follows:

1 Section 138. A. Except as otherwise provided by law, every
2 inmate of a state correctional institution shall have their term of
3 imprisonment reduced monthly, based upon the class level to which
4 they are assigned. Earned credits may be subtracted from the total
5 credits accumulated by an inmate, upon recommendation of the
6 institution's disciplinary committee, following due process, and
7 upon approval of the warden or superintendent. Each earned credit
8 is equivalent to one (1) day of incarceration. Lost credits may be
9 restored by the warden or superintendent upon approval of the
10 classification committee. If a maximum and minimum term of
11 imprisonment is imposed, the provisions of this subsection shall
12 apply only to the maximum term. No deductions shall be credited to
13 any inmate serving a sentence of life imprisonment; however, a
14 complete record of the inmate's participation in work, school,
15 vocational training, or other approved program shall be maintained
16 by the Department for consideration by the paroling authority. No
17 earned credit deductions shall be credited or recorded for any
18 inmate serving any sentence for a criminal act which resulted in the
19 death of a police officer, a law enforcement officer, an employee of
20 the Department of Corrections, or an employee of a private prison
21 contractor and the death occurred while the police officer, law
22 enforcement officer, employee of the Department of Corrections, or
23 employee of a private prison contractor was acting within the scope
24 of their employment. No earned credit deductions shall be credited

1 or recorded for any person who is referred to an intermediate
2 revocation facility for violating any of the terms and conditions of
3 probation.

4 B. The Department of Corrections is directed to develop a
5 written policy and procedure whereby inmates shall be assigned to
6 one of four class levels determined by an adjustment review
7 committee of the facility to which the inmate is assigned. The
8 policies and procedures developed by the Department shall include,
9 but not be limited to, written guidelines pertaining to awarding
10 credits for rehabilitation, obtaining job skills and educational
11 enhancement, participation in and completion of alcohol/chemical
12 abuse programs, incentives for inmates to accept work assignments
13 and jobs, work attendance and productivity, conduct record,
14 participation in programs, cooperative general behavior, and
15 appearance. When assigning inmates to a class level the adjustment
16 review committee shall consider all aspects of the policy and
17 procedure developed by the Department including but not limited to
18 the criteria for awarding credits required by this subsection.

19 C. If an inmate is subject to misconduct, nonperformance or
20 disciplinary action, earned credits may be removed according to the
21 policies and procedures developed by the Department. Earned credits
22 removed for misconduct, nonperformance or disciplinary action may be
23 restored as provided by Department policy, if any.

24 D. 1. Class levels shall be as follows:

- 1 a. Class level 1 shall include inmates not eligible to
2 participate in class levels 2 through 4, and shall
3 include, but not be limited to, inmates on escape
4 status.
- 5 b. Class level 2 shall include an inmate who has been
6 given a work, education, or program assignment, has
7 received a good evaluation for participation in the
8 work, education, or program assignment, and has
9 received a good evaluation for personal hygiene and
10 maintenance of living area.
- 11 c. Class level 3 shall include an inmate who has been
12 incarcerated at least three (3) months, has received
13 an excellent work, education, or program evaluation,
14 and has received an excellent evaluation for personal
15 hygiene and maintenance of living area.
- 16 d. Class level 4 shall include an inmate who has been
17 incarcerated at least eight (8) months, has received
18 an outstanding work, education, or program evaluation,
19 and has received an outstanding evaluation for
20 personal hygiene and maintenance of living area.

- 21 2. a. Until November 1, 2001, class level corresponding
22 credits are as follows:

23 Class 1 - 0 Credits per month;

24 Class 2 - 22 Credits per month;

1 Class 3 - 33 Credits per month;

2 Class 4 - 44 Credits per month.

3 b. Class level corresponding credits beginning November
4 1, 2001, for inmates who have ever been convicted as
5 an adult or a youthful offender or adjudicated
6 delinquent as a juvenile for a felony offense
7 enumerated in subsection E of this section are as
8 follows:

9 Class 1 - 0 Credits per month;

10 Class 2 - 22 Credits per month;

11 Class 3 - 33 Credits per month;

12 Class 4 - 44 Credits per month.

13 c. Class level corresponding credits beginning November
14 1, 2001, for inmates who have never been convicted as
15 an adult or a youthful offender or adjudicated
16 delinquent as a juvenile for a felony offense
17 enumerated in subsection E of this section are as
18 follows:

19 Class 1 - 0 Credits per month;

20 Class 2 - 22 Credits per month;

21 Class 3 - 45 Credits per month;

22 Class 4 - 60 Credits per month.

23 Each inmate shall receive the above specified monthly credits
24 for the class to which he or she is assigned. In determining the

1 prior criminal history of the inmate, the Department of Corrections
2 shall review criminal history records available through the Oklahoma
3 State Bureau of Investigation, Federal Bureau of Investigation, and
4 National Crime Information Center to determine the reported felony
5 convictions of all inmates. The Department of Corrections shall
6 also review the Office of Juvenile Affairs Juvenile On-line Tracking
7 System for inmates who were adjudicated delinquent or convicted as a
8 youthful offender for a crime that would be an offense enumerated in
9 subsection E of this section.

10 3. In addition to the criteria established for each class in
11 paragraph 1 of this subsection, the following requirements shall
12 apply to each of levels 2 through 4 as listed in paragraph 1 of this
13 subsection:

- 14 a. satisfactory participation in the work, education, or
15 program assignment at the standard required for the
16 particular class level,
- 17 b. maintenance of a clean and orderly living area and
18 personal hygiene at the standard required for the
19 particular class level,
- 20 c. cooperative behavior toward facility staff and other
21 inmates, and
- 22 d. satisfactory participation in the requirements of the
23 previous class level.

1 4. The evaluation scale for assessing performance shall be as
2 follows:

- 3 a. Outstanding - For inmates who display consistently
4 exceptional initiative, motivation, and work habits.
- 5 b. Excellent - For inmates who display above-average work
6 habits with only minor errors and rarely perform below
7 expectations.
- 8 c. Good - For inmates who perform in a satisfactory
9 manner and complete tasks as required, doing what is
10 expected, with only occasional performance above or
11 below expectations.
- 12 d. Fair - For inmates who may perform satisfactorily for
13 some periods of time, but whose performance is marked
14 by obviously deficient and weak areas and could be
15 improved.
- 16 e. Poor - For inmates whose performance is unsatisfactory
17 and falls below expected and acceptable standards.

18 E. No person ever convicted as an adult or a youthful offender
19 or adjudicated delinquent as a juvenile in this state for any felony
20 offense enumerated in this subsection or a similar felony offense
21 pursuant to the provisions of another state, the United States, or a
22 military court shall be eligible for the credits provided by the
23 provisions of subparagraph c of paragraph 2 of subsection D of this
24 section.

- 1 1. Assault, battery, or assault and battery with a dangerous
2 weapon as defined by Section 645, subsection C of Section 652 of
3 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;
- 4 2. Aggravated assault and battery on a police officer, sheriff,
5 highway patrolman, or any other officer of the law as defined by
6 Section 650, subsection C of Section 650.2, 650.5, subsection B of
7 Section 650.6, or subsection C of Section 650.7 of Title 21 of the
8 Oklahoma Statutes;
- 9 3. Poisoning with intent to kill as defined by Section 651 of
10 Title 21 of the Oklahoma Statutes;
- 11 4. Shooting with intent to kill as defined by Section 652 of
12 Title 21 of the Oklahoma Statutes;
- 13 5. Assault with intent to kill as defined by Section 653 of
14 Title 21 of the Oklahoma Statutes;
- 15 6. Assault with intent to commit a felony as defined by Section
16 681 of Title 21 of the Oklahoma Statutes;
- 17 7. Assaults while masked or disguised as defined by Section
18 1303 of Title 21 of the Oklahoma Statutes;
- 19 8. Entering premises of another while masked as defined by
20 Section 1302 of Title 21 of the Oklahoma Statutes;
- 21 9. Murder in the first degree as defined by Section 701.7 of
22 Title 21 of the Oklahoma Statutes;
- 23 10. Solicitation for Murder in the first degree as defined by
24 Section 701.16 of Title 21 of the Oklahoma Statutes;

1 11. Murder in the second degree as defined by Section 701.8 of
2 Title 21 of the Oklahoma Statutes;

3 12. Manslaughter in the first degree as defined by Section 711,
4 712 or 714 of Title 21 of the Oklahoma Statutes;

5 13. Manslaughter in the second degree as defined by Section 716
6 or 717 of Title 21 of the Oklahoma Statutes;

7 14. Kidnapping as defined by Section 741 of Title 21 of the
8 Oklahoma Statutes;

9 15. Burglary in the first degree as defined by Section 1431 of
10 Title 21 of the Oklahoma Statutes;

11 16. Burglary with explosives as defined by Section 1441 of
12 Title 21 of the Oklahoma Statutes;

13 17. Kidnapping for extortion as defined by Section 745 of Title
14 21 of the Oklahoma Statutes;

15 18. Maiming as defined by Section 751 of Title 21 of the
16 Oklahoma Statutes;

17 19. Robbery as defined by Section 791 of Title 21 of the
18 Oklahoma Statutes;

19 20. Robbery in the first degree as defined by Section 797 of
20 Title 21 of the Oklahoma Statutes;

21 21. Robbery in the second degree as defined by Section 797 of
22 Title 21 of the Oklahoma Statutes;

23 22. Armed robbery as defined by Section 801 of Title 21 of the
24 Oklahoma Statutes;

1 23. Robbery by two or more persons as defined by Section 800 of
2 Title 21 of the Oklahoma Statutes;

3 24. Robbery with dangerous weapon or imitation firearm as
4 defined by Section 801 of Title 21 of the Oklahoma Statutes;

5 25. Any crime against a child provided for in Section 843.5 of
6 Title 21 of the Oklahoma Statutes;

7 26. Wiring any equipment, vehicle or structure with explosives
8 as defined by Section 849 of Title 21 of the Oklahoma Statutes;

9 27. Forcible sodomy as defined by Section 888 of Title 21 of
10 the Oklahoma Statutes;

11 28. Rape in the first degree as defined by Sections 1111 and
12 1114 of Title 21 of the Oklahoma Statutes;

13 29. Rape in the second degree as defined by Sections 1111 and
14 1114 of Title 21 of the Oklahoma Statutes;

15 30. Rape by instrumentation as defined by Section 1111.1 of
16 Title 21 of the Oklahoma Statutes;

17 31. Lewd or indecent proposition or lewd or indecent act with a
18 child as defined by Section 1123 of Title 21 of the Oklahoma
19 Statutes;

20 32. Sexual battery of a person over 16 as defined by Section
21 1123 of Title 21 of the Oklahoma Statutes;

22 33. Use of a firearm or offensive weapon to commit or attempt
23 to commit a felony as defined by Section 1287 of Title 21 of the
24 Oklahoma Statutes;

1 34. Pointing firearms as defined by Section 1289.16 of Title 21
2 of the Oklahoma Statutes;

3 35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of
4 the Oklahoma Statutes;

5 36. Inciting to riot as defined by Section 1320.2 of Title 21
6 of the Oklahoma Statutes;

7 37. Arson in the first degree as defined by Section 1401 of
8 Title 21 of the Oklahoma Statutes;

9 38. Endangering human life during arson as defined by Section
10 1405 of Title 21 of the Oklahoma Statutes;

11 39. Injuring or burning public buildings as defined by Section
12 349 of Title 21 of the Oklahoma Statutes;

13 40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of
14 Title 21 of the Oklahoma Statutes;

15 41. Extortion as defined by Section 1481 or 1486 of Title 21 of
16 the Oklahoma Statutes;

17 42. Obtaining signature by extortion as defined by Section 1485
18 of Title 21 of the Oklahoma Statutes;

19 43. Seizure of a bus, discharging firearm or hurling missile at
20 bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;

21 44. Mistreatment of a vulnerable adult as defined by Section
22 843.1 of Title 21 of the Oklahoma Statutes;

23 45. Sex offender providing services to a child as defined by
24 Section 404.1 of Title 10 of the Oklahoma Statutes;

1 46. A felony offense of domestic abuse as defined by subsection
2 C of Section 644 of Title 21 of the Oklahoma Statutes;

3 47. Prisoner placing body fluid on government employee as
4 defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

5 48. Poisoning food or water supply as defined by Section 832 of
6 Title 21 of the Oklahoma Statutes;

7 49. Trafficking in children as defined by Section 866 of Title
8 21 of the Oklahoma Statutes;

9 50. Incest as defined by Section 885 of Title 21 of the
10 Oklahoma Statutes;

11 51. Procure, produce, distribute, or possess juvenile
12 pornography as defined by Section 1021.2 of Title 21 of the Oklahoma
13 Statutes;

14 52. Parental consent to juvenile pornography as defined by
15 Section 1021.3 of Title 21 of the Oklahoma Statutes;

16 53. Soliciting minor for indecent exposure as defined by
17 Section 1021 of Title 21 of the Oklahoma Statutes;

18 54. Distributing obscene material or child pornography as
19 defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

20 55. Child prostitution as defined by Section 1030 of Title 21
21 of the Oklahoma Statutes;

22 56. Procuring a minor for prostitution or other lewd acts as
23 defined by Section 1087 of Title 21 of the Oklahoma Statutes;

24

1 57. Transporting a child under 18 for purposes of prostitution
2 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

3 58. Inducing a minor to engage in prostitution as defined by
4 Section 1088 of Title 21 of the Oklahoma Statutes;

5 59. A felony offense of stalking as defined by subsection D of
6 Section 1173 of Title 21 of the Oklahoma Statutes;

7 60. Spread of infectious diseases as defined by Section 1192 of
8 Title 21 of the Oklahoma Statutes;

9 61. Advocate overthrow of government by force, commit or
10 attempt to commit acts to overthrow the government, organize or
11 provide assistance to groups to overthrow the government as defined
12 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma
13 Statutes;

14 62. Feloniously discharging a firearm as defined by Section
15 1289.17A of Title 21 of the Oklahoma Statutes;

16 63. Possession, use, manufacture, or threat of incendiary
17 device as defined by Section 1767.1 of Title 21 of the Oklahoma
18 Statutes;

19 64. Causing a personal injury accident while driving under the
20 influence as defined by Section 11-904 of Title 47 of the Oklahoma
21 Statutes; or

22 65. Using a motor vehicle to facilitate the discharge of a
23 firearm as defined by Section 652 of Title 21 of the Oklahoma
24 Statutes.

1 F. The policy and procedure developed by the Department of
2 Corrections shall include provisions for adjustment review
3 committees of not less than three members for each such committee.
4 Each committee shall consist of a classification team supervisor who
5 shall act as chairman, the case manager for the inmate being
6 reviewed or classified, a correctional officer or inmate counselor,
7 and not more than two other members, if deemed necessary, determined
8 pursuant to policy and procedure to be appropriate for the specific
9 adjustment review committee or committees to which they are
10 assigned. At least once every four (4) months the adjustment review
11 committee for each inmate shall evaluate the class level status and
12 performance of the inmate and determine whether or not the class
13 level for the inmate should be changed.

14 Any inmate who feels aggrieved by a decision made by an
15 adjustment review committee may utilize normal grievance procedures
16 in effect with the Department of Corrections and in effect at the
17 facility in which the inmate is incarcerated.

18 G. Inmates granted medical leaves for treatment that cannot be
19 furnished at the penal institution where incarcerated shall be
20 allowed the time spent on medical leave as time served. Any inmate
21 placed into administrative segregation for nondisciplinary reasons
22 by the institution's administration may be placed in Class 2. The
23 length of any jail term served by an inmate before being transported
24 to a state correctional institution pursuant to a judgment and

1 sentence of incarceration shall be deducted from the term of
2 imprisonment at the state correctional institution. Inmates
3 sentenced to the Department of Corrections and detained in a county
4 jail as a result of the Department's reception scheduling procedure
5 shall be awarded earned credits as provided for in subparagraph b of
6 paragraph 1 of subsection D of this section, beginning on the date
7 of the judgment and sentence, unless the inmate is convicted of a
8 misdemeanor or felony committed in the jail while the inmate is
9 awaiting transport to the Lexington Assessment and Reception Center
10 or other assessment and reception location determined by the
11 Director of the Department of Corrections.

12 H. Additional achievement earned credits for successful
13 completion of departmentally approved programs or for attaining
14 goals or standards set by the Department shall be awarded as
15 follows:

16 Bachelor's degree.....200 credits;
17 Associate's degree.....100 credits;
18 High School Diploma or High School
19 Equivalency Diploma.....90 credits;
20 Certification of Completion of
21 Vocational Training.....80 credits;
22 Successful completion of
23 Alcohol/Chemical Abuse Treatment
24

1 Program of not less than four (4)
2 months continuous participation.....70 credits;
3 Successful completion of other
4 Educational Accomplishments or
5 other programs not specified in
6 this subsection.....10-30 credits~~+~~.

7 Achievement earned credits are subject to loss and restoration in
8 the same manner as earned credits.

9 I. The accumulated time of every inmate shall be tallied
10 ~~monthly and maintained by the institution where the term of~~
11 ~~imprisonment is being served.~~ A record of said accumulated time
12 shall be~~+~~

13 ~~1. Sent to the administrative office of the Department of~~
14 ~~Corrections on a quarterly basis; and~~

15 ~~2. Provided~~ provided to the inmate.

16 J. For a crime committed on or after November 1, 2017, any
17 person in the custody of the Department of Corrections must serve
18 one-fourth (1/4) of the sentence before the application of earned
19 credits or any other type of credits. The application of credits
20 shall not have the effect of reducing the length of the sentence to
21 less than one-fourth (1/4) of the sentence imposed.

22 SECTION 3. AMENDATORY 57 O.S. 2011, Section 332.1A, is
23 amended to read as follows:
24

1 Section 332.1A A. Each member of the Pardon and Parole Board
2 shall receive at least twelve (12) hours of training for the first
3 year and six (6) hours of training per year thereafter on matters
4 relating to the duties of the Board. ~~The training shall be provided~~
5 ~~by personnel of the Pardon and Parole Board according to guidelines~~
6 ~~adopted by the Board.~~

7 B. Each member of the Pardon and Parole Board shall complete
8 annual training based on guidance from the National Institute of
9 Corrections, the Association of Paroling Authorities International
10 or the American Probation and Parole Association. Annual training
11 curriculum shall include, but not be limited to, identifying,
12 understanding and targeting criminogenic needs, the principles of
13 effective intervention, core correctional practices and how to
14 support and encourage offender behavior change.

15 SECTION 4. AMENDATORY 57 O.S. 2011, Section 332.1B, is
16 amended to read as follows:

17 Section 332.1B A. To be eligible for appointment as a Pardon
18 and Parole Board member, a person shall possess ~~at least one of the~~
19 ~~following minimum qualifications:~~

20 ~~1. A bachelor's degree in the social sciences from an~~
21 ~~accredited college or university and five (5) years of experience in~~
22 ~~the criminal justice field;~~

23 ~~2. A master's degree and four (4) years of experience in the~~
24 ~~criminal justice field; or~~

1 ~~3. A juris doctorate and three (3) years of experience in the~~
2 ~~criminal justice field~~ a bachelor's degree from an accredited
3 college or university and have at least five (5) years of experience
4 in one or more of the following fields: criminal justice, parole,
5 probation, corrections, criminal law, law enforcement, mental health
6 services, substance abuse services or social work.

7 B. At least two members of the Pardon and Parole Board shall
8 have five (5) years of training or experience in mental health
9 services, substance abuse services or social work.

10 SECTION 5. AMENDATORY 57 O.S. 2011, Section 332.2, as
11 amended by Section 1, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
12 Section 332.2), is amended to read as follows:

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

21 B. Any consideration for commutation shall be made only after
22 application is made to the Pardon and Parole Board pursuant to the
23 procedures set forth in this section. The Pardon and Parole Board
24 shall provide a copy of the application to the district attorney,

1 the victim or representative of the victim and the Office of the
2 Attorney General within ten (10) business days of receipt of such
3 application.

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

8 1. The current elected judge of the court where the conviction
9 was had;

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

12 3. The chief or head administrative officer of the arresting
13 law enforcement agency.

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

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

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

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

23 3. A statement of the reasons for the recommendation based upon
24 facts directly related to the case which were not available to the

1 court or jury at the time of the trial or based upon there having
2 been a statutory change in penalty for the crime which makes the
3 original penalty appear excessive.

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

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

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

23 I. In accordance with Section 10 of Article VI of the Oklahoma
24 Constitution, the Board shall communicate to the Legislature, at

1 each regular session, by providing a summary of the activities of
2 the Board. This summary shall include, but not be limited to, the
3 following Board activity:

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

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

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

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

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

23 K. The Pardon and Parole Board shall notify all victims or
24 representatives of the victim in writing at least twenty (20) days

1 before an inmate is considered by the Board provided the Board has
2 received a request from the victim or representatives of the victim
3 for notice. The Board shall provide all victims or representatives
4 of the victim with the date, time and place of the scheduled meeting
5 and rules for attendance and providing information or input to the
6 Board regarding the inmate or the crime. If requested by the victim
7 or representatives of the victim, the Board shall allow the victim
8 or representatives of the victim to testify at the parole hearing of
9 the inmate for at least five (5) minutes.

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

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

1 provided, the victim who failed to receive notification requests a
2 reconsideration hearing within thirty (30) days of the
3 recommendation by the Board for parole. The Pardon and Parole Board
4 may reconsider previous action and may rescind a recommendation if
5 deemed appropriate as determined by the Board.

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

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

1 meeting of the Pardon and Parole Board, except as provided by the
2 Oklahoma Open Meeting Act.

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

6 SECTION 6. AMENDATORY 57 O.S. 2011, Section 332.7, as
7 amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
8 Section 332.7), is amended to read as follows:

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

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

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

23 3. Has reached eighty-five percent (85%) of the midpoint of the
24 time of imprisonment that would have been imposed for an offense

1 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
2 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable
3 matrix; provided, however, no inmate serving a sentence of life
4 imprisonment without parole shall be eligible to be considered for
5 parole pursuant to this paragraph; or

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

12 B. For a crime committed on or after July 1, 1998, and before
13 November 1, 2017, any person in the custody of the Department of
14 Corrections shall be eligible for consideration for parole who has
15 completed serving one-third (1/3) of the sentence; provided,
16 however, no inmate serving a sentence of life imprisonment without
17 parole shall be eligible to be considered for parole pursuant to
18 this subsection.

19 C. For a crime committed on or after November 1, 2017, any
20 person in the custody of the Department of Corrections shall be
21 eligible for parole after serving one-fourth (1/4) of the sentence
22 or aggregate term of the consecutive sentences imposed, according to
23 the following criteria:
24

1 1. A person eligible for parole under this subsection shall be
2 eligible for administrative parole under subsection T of this
3 section once the person serves one-fourth (1/4) of the sentence or
4 the aggregate term made up of consecutive sentences imposed;
5 provided, however, no inmate serving a sentence of life imprisonment
6 without parole or a sentence for a violent crime as set forth in
7 Section 571 of this title shall be eligible for administrative
8 parole;

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

14 D. The parole hearings conducted for persons pursuant to
15 paragraph 3 of subsection A of this section or for any person who
16 was convicted of a violent crime as set forth in Section 571 of this
17 title and who is eligible for parole consideration pursuant to
18 ~~either~~ subsection B or subsection C of Section 7 of this act,
19 paragraph 1 of subsection A of this section ~~or,~~ subsection B or
20 paragraph 2 of subsection C of this section shall be conducted in
21 two stages, as follows:

22 1. At the initial hearing, the Pardon and Parole Board shall
23 review the completed report submitted by the staff of the Board and
24 shall conduct a vote regarding whether, based upon that report, the

1 Board decides to consider the person for parole at a subsequent
2 meeting of the Board; and

3 2. At the subsequent meeting, the Board shall hear from any
4 victim or representatives of the victim that want to contest the
5 granting of parole to that person and shall conduct a vote regarding
6 whether parole should be recommended for that person.

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

14 1. Within three (3) years of the denial or waiver, if the
15 person was convicted of a violent crime, as set forth in Section 571
16 of this title, and was eligible for consideration pursuant to
17 subsection B or subsection C of Section 7 of this act, paragraph 1
18 of subsection A of this section ~~or~~, subsection B of this section or
19 paragraph 2 of subsection C of this section, unless the person is
20 within one (1) year of discharge; or

21 2. Until the person has served at least one-third (1/3) of the
22 sentence imposed, if the person was eligible for consideration
23 pursuant to paragraph 3 of subsection A of this section. Thereafter
24 the person shall not be considered more frequently than once every

1 three (3) years, unless the person is within one (1) year of
2 discharge.

3 ~~E.~~ F. If the Pardon and Parole Board denies parole, the Board
4 shall state on the record the reason for denial.

5 G. If the Board denies parole for any person convicted of a
6 crime other than those set forth in Section 13.1 of Title 21 of the
7 Oklahoma Statutes, the Board shall suggest a course of remediation
8 for the inmate in preparation for the next parole consideration.

9 H. Any person in the custody of the Department of Corrections
10 for a crime committed prior to July 1, 1998, who has been considered
11 for parole on a docket created for a type of parole consideration
12 that has been abolished by the Legislature shall not be considered
13 for parole except in accordance with this section.

14 ~~F.~~ I. The Pardon and Parole Board shall promulgate rules for
15 the implementation of subsections A, B and C of this section. The
16 rules shall include, but not be limited to, procedures for
17 reconsideration of persons denied parole under this section and
18 procedure for determining what sentence a person eligible for parole
19 consideration pursuant to subsection A of this section would have
20 received under the applicable matrix.

21 ~~G.~~ J. The Pardon and Parole Board shall not recommend to the
22 Governor any person who has been convicted of three or more felonies
23 arising out of separate and distinct transactions, with three or
24 more incarcerations for such felonies, unless such person shall have

1 served the lesser of at least one-third (1/3) of the sentence
2 imposed, or ten (10) years; provided that whenever the population of
3 the prison system exceeds ninety-five percent (95%) of the capacity
4 as certified by the State Board of Corrections, the Pardon and
5 Parole Board may, at its discretion, recommend to the Governor for
6 parole any person who is incarcerated for a nonviolent offense not
7 involving injury to a person and who is within six (6) months of his
8 or her statutory parole eligibility date.

9 ~~H.~~ K. Inmates sentenced to consecutive sentences shall not be
10 eligible for parole consideration on any such consecutive sentence
11 until one-third (1/3) of the aggregate term of the consecutive
12 sentence ~~has~~ or sentences have been served or where parole has been
13 otherwise limited by law, until the minimum term of incarceration
14 has been served as required by law. Unless otherwise ordered by the
15 sentencing court, any credit for jail time served shall be credited
16 to ~~only one offense~~ reduce the aggregate term. Parole eligibility
17 for consecutive sentences shall be determined by combining
18 consecutive sentences to arrive at an aggregate term of all
19 sentences imposed.

20 ~~I.~~ L. The Pardon and Parole Board shall consider the ~~prior~~
21 ~~criminal record of inmates under consideration for parole~~
22 ~~recommendation or granting of parole~~ following factors when
23 determining the suitability of an inmate for parole:

24

1 1. The circumstances and severity of the offense for which the
2 person was convicted, and the circumstances and severity of previous
3 convictions;

4 2. Whether the inmate has a suitable residence;

5 3. Compliance by the inmate with the case plan developed in
6 accordance with Section 512 of this title;

7 4. Whether there is reasonable probability that the inmate, if
8 released on parole, will not jeopardize public safety and will
9 remain at liberty without violating the law;

10 5. An updated victim impact statement or recommendation in
11 accordance with Section 332.8 of this title;

12 6. Any testimony presented to the Board by the victim or the
13 designated representative of the victim under Section 332.2 of this
14 title; and

15 7. Any written statement from a district attorney.

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

21 ~~¶~~ N. It shall be the duty of the Pardon and Parole Board to
22 cause an examination to be made at the penal institution where the
23 person is assigned, and to make inquiry into the conduct and the
24 record of the said person during his custody in the Department of

1 Corrections, which shall be considered as a basis for consideration
2 of said person for recommendation to the Governor for parole.
3 ~~However, the~~ The Pardon and Parole Board, in consultation with the
4 Department of Corrections, shall develop a structured, publicly
5 available reporting worksheet to be compiled by employees of the
6 Board when conducting parole investigations. The Pardon and Parole
7 Board shall not be required to consider for parole any person who
8 has completed the time period provided for in this subsection if the
9 person has participated in a riot or in the taking of hostages, or
10 has been placed on escape status, while in the custody of the
11 Department of Corrections. The Pardon and Parole Board shall adopt
12 policies and procedures governing parole consideration for such
13 persons.

14 ~~K.~~ O. Any person in the custody of the Department of
15 Corrections who is convicted of an offense not designated as a
16 violent offense by Section 571 of this title, is not a citizen of
17 the United States and is subject to or becomes subject to a final
18 order of deportation issued by the United States Department of
19 Justice shall be considered for parole to the custody of the United
20 States Immigration and Naturalization Service for continuation of
21 deportation proceedings at any time subsequent to reception and
22 processing through the Department of Corrections. No person shall
23 be considered for parole under this subsection without the
24 concurrence of at least three members of the Pardon and Parole

1 Board. The vote on whether or not to consider such person for
2 parole and the names of the concurring Board members shall be set
3 forth in the written minutes of the meeting of the Board at which
4 the issue is considered.

5 ~~H.~~ P. Upon application of any person convicted and sentenced by
6 a court of this state and relinquished to the custody of another
7 state or federal authorities pursuant to Section 61.2 of Title 21 of
8 the Oklahoma Statutes, the Pardon and Parole Board may determine a
9 parole consideration date consistent with the provisions of this
10 section and criteria established by the Pardon and Parole Board.

11 ~~M.~~ Q. All references in this section to matrices or schedules
12 shall be construed with reference to the provisions of Sections 6,
13 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

14 ~~N.~~ R. Any person in the custody of the Department of
15 Corrections who is convicted of a felony sex offense pursuant to
16 Section 582 of this title who is paroled shall immediately be placed
17 on intensive supervision.

18 S. A person in the custody of the Department of Corrections
19 whose parole consideration date is calculated pursuant to subsection
20 B of this section, and is not serving a sentence of life
21 imprisonment without parole or who is not convicted of an offense
22 designated as a violent offense by Section 571 of this title shall
23 be eligible for administrative parole under subsection T of this
24 section.

1 T. The Pardon and Parole Board shall by majority vote grant
2 administrative parole to any person in the custody of the Department
3 of Corrections without a hearing, if:

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

6 2. A victim as defined in Section 332.2 of this title, or the
7 district attorney speaking on behalf of a victim, has not requested
8 a hearing;

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

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

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

15 U. Any person granted parole pursuant to subsection T of this
16 section shall be released from the institution at the time of the
17 parole eligibility date of the person as calculated under subsection
18 B or subsection C of this section.

19 V. No less than ninety (90) days prior to the parole
20 eligibility date of the person, the Department shall notify the
21 Pardon and Parole Board in writing of the compliance or
22 noncompliance of the person with the case plan and any infractions
23 committed by the person.
24

1 W. A hearing before the Pardon and Parole Board shall be held
2 if:

3 1. A victim, or district attorney speaking on behalf of a
4 victim, has requested a hearing;

5 2. The Department has found that the person failed to comply
6 with the case plan, or there is insufficient information for the
7 Department to determine compliance with the case plan;

8 3. The person has been found guilty of committing a class A, or
9 a primary or secondary class disciplinary infraction within the time
10 frames specified in subsection T of this section; or

11 4. The person has been found guilty of committing a serious
12 disciplinary infraction in the intervening period following the
13 parole approval of the person under this section.

14 X. Any person who is not granted administrative parole shall be
15 otherwise eligible for parole pursuant to this section.

16 Y. Any person who is granted administrative parole under
17 subsection T of this section shall be supervised and managed by the
18 Department of Corrections in the same manner as a parolee who has
19 been granted parole pursuant to this section. The person is subject
20 to all of the rules and regulations of parole.

21 SECTION 7. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 332.7b of Title 57, unless there
23 is created a duplication in numbering, reads as follows:
24

1 A. No inmate shall be eligible for parole consideration under
2 this section who is serving a sentence for:

3 1. A felony sex offense required by law to register pursuant to
4 the Sex Offenders Registration Act;

5 2. An offense set forth in Section 13.1 of Title 21 of the
6 Oklahoma Statutes; or

7 3. A sentence of death or life without the possibility of
8 parole.

9 B. Notwithstanding subsection A, B or C of Section 332.7 of
10 Title 57 of the Oklahoma Statutes, an inmate in the custody of the
11 Department of Corrections who is at least fifty (50) years of age,
12 and who has served no less than ten (10) years of the sentence or
13 sentences imposed by the court shall be eligible for parole
14 consideration pursuant to Section 332.7 of Title 57 of the Oklahoma
15 Statutes.

16 C. 1. Notwithstanding subsection A, B or C of Section 332.7 of
17 Title 57 of the Oklahoma Statutes, an inmate serving a term or terms
18 of imprisonment in the custody of the Department of Corrections who
19 is at least sixty-five (65) years of age, and who has served no less
20 than ten (10) years of the sentence or sentences imposed by the
21 court shall be recommended by the Pardon and Parole Board for parole
22 consideration by the Governor in accordance with Section 10 of
23 Article 6 of the Oklahoma Constitution.
24

1 2. After reaching fifty-five (55) years of age, an inmate whom
2 the medical director of the Department of Corrections has determined
3 to be medically frail shall be recommended by the Pardon and Parole
4 Board for parole consideration by the Governor, after having served
5 no less than ten (10) years of the sentence or sentences imposed by
6 the court.

7 D. Notwithstanding subsection A, B or C of Section 332.7 of
8 Title 57 of the Oklahoma Statutes, an inmate in the custody of the
9 Department of Corrections who has reached fifty-five (55) years of
10 age, has been sentenced for a nonviolent offense as defined as an
11 offense not listed in Section 571 of Title 57 of the Oklahoma
12 Statutes, and who has served no less than ten (10) years of the
13 sentence or sentences imposed by the court shall be eligible for
14 administrative parole in accordance with the procedures established
15 in subsection T of Section 332.7 of Title 57 of the Oklahoma
16 Statutes.

17 SECTION 8. AMENDATORY 57 O.S. 2011, Section 332.8, as
18 amended by Section 3, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
19 Section 332.8), is amended to read as follows:

20 Section 332.8 No recommendations to the Governor for parole
21 shall be made nor any paroles granted by the Board in relation to
22 any inmate in a penal institution in the State of Oklahoma unless
23 the Pardon and Parole Board considers the victim impact statements
24 if presented to the jury, or the judge in the event a jury was

1 waived, at the time of sentencing and, in every appropriate case, as
2 a condition of parole, monetary restitution of economic loss as
3 defined by Section 991f of Title 22 of the Oklahoma Statutes,
4 incurred by a victim of the crime for which the inmate was
5 imprisoned. In every case in which the risk and needs assessment
6 identifies education as a factor increasing the likelihood of future
7 criminal activity, the Pardon and Parole Board ~~shall first consider~~
8 ~~the number of previous felony convictions and the type of criminal~~
9 ~~violations leading to any such felony convictions, then shall~~
10 ~~consider either suitable employment or a suitable residence, and~~
11 ~~finally~~ shall mandate participation in education programs to achieve
12 the proficiency level established in Section 510.7 of this title or,
13 at the discretion of the Board require the attainment of a general
14 education diploma, as a condition for release on parole. The Board
15 shall consider the availability of programs and the waiting period
16 for such programs in setting conditions of parole release. The
17 Board may require any program to be completed after the inmate is
18 released on parole as a condition of parole, and for inmates
19 convicted of crimes other than those set forth in Section 571 of
20 this title or Section 13.1 of Title 21 of the Oklahoma Statutes,
21 priority shall be given to programs in the community where they are
22 available rather than in the prison facility. Programs and
23 treatment ordered as conditions or stipulations for parole must be
24 evidence-based. For the purposes of this section, "evidence-based"

1 shall be defined as programs and treatment that have been proven
2 through peer-reviewed criminological research to reliably produce
3 reductions in recidivism. A facsimile signature of the inmate on
4 parole papers that is transmitted to the Board shall be an accepted
5 means of acknowledgement of parole conditions. The probation and
6 parole officer shall render reasonable assistance to any person
7 making application for parole, in helping to obtain suitable
8 employment or enrollment in an education program or a suitable
9 residence. Any inmate who fails to satisfactorily attend and make
10 satisfactory progress in the educational program in which the inmate
11 has been required to participate as a condition of parole, may have
12 his or her parole revoked. If an inmate's parole is revoked, such
13 inmate shall be returned to confinement in the custody of the
14 Department of Corrections.

15 SECTION 9. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 332.8a of Title 57, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Department of Mental Health and Substance Abuse Services
19 shall establish standards to ensure mental health and substance
20 abuse treatment provided to people involved in the criminal justice
21 system as a component of their supervision plan or as part of any
22 court-imposed sanction adheres to scientific research on recidivism
23 reduction.
24

1 B. The Department shall require that all public and private
2 treatment programs meet these standards required under subsection A
3 of this section.

4 ~~C. All providers under contract with the Department whose~~
5 ~~duties include supervision of felony probationers pursuant to~~
6 ~~Section 515a of Title 57 of the Oklahoma Statutes shall:~~

7 ~~1. Complete, upon hire and on a continuing basis, training~~
8 ~~courses including, but not limited to, best practices in providing~~
9 ~~treatment to the criminal justice-involved population; and~~

10 ~~2. Adopt the standards established in subsection A of this~~
11 ~~section to promote an evidence-based continuum of community-based~~
12 ~~services for individuals with substance abuse and mental illness~~
13 ~~that is intended to reduce recidivism.~~

14 SECTION 10. AMENDATORY 57 O.S. 2011, Section 350, is
15 amended to read as follows:

16 Section 350. A. Every person, hereinafter referred to as
17 "convict", who has been or who in the future may be sentenced to
18 imprisonment in any state penal institution shall, in addition to
19 any other deductions provided for by law, be entitled to a deduction
20 from his sentence for all time during which he has been or may be on
21 parole. The provisions of this section are hereby declared to be
22 both retroactive and prospective, and to apply to convicts who are
23 on parole on the effective date of this act as well as to convicts
24 who may be paroled thereafter; and, except as provided under

1 subsection D of this section, shall at the discretion of the
2 paroling authority apply to time on a parole which has been or shall
3 be revoked.

4 B. Beginning November 1, 1987, the paroling authority also
5 shall have the discretion to revoke all or any portion of the
6 parole, except as provided under subsection C of this section.

7 C. Beginning November 1, 2017, if the sentence of an offender
8 is revoked for a technical violation as defined in Section 502 of
9 this title, the paroling authority shall have the discretion to
10 revoke a portion of the parole subject to the restrictions in
11 Section 516 of this title.

12 D. Beginning November 1, 2017, if the sentence of an offender
13 on parole is revoked and the offender is returned to imprisonment in
14 any state penal institution, he or she shall be entitled to a
15 deduction from his or her sentence for the time during which he or
16 she has been on parole. The Department of Corrections shall deduct
17 the number of days the offender was on parole from the sentence
18 imposed and calculate the new discharge date.

19 SECTION 11. AMENDATORY 57 O.S. 2011, Section 502, as
20 last amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.
21 2016, Section 502), is amended to read as follows:

22 Section 502. As used in this title, unless the context
23 otherwise requires:

24 1. "Board" means the State Board of Corrections;

1 2. "Department" means the Department of Corrections of this
2 state;

3 3. "Director" means the Director of the Department of
4 Corrections;

5 4. "Halfway house" means a private facility for the placement
6 of inmates in a community setting for the purpose of reintegrating
7 into the community inmates who are nearing their release dates. The
8 term shall not include private prisons;

9 5. "Institutions" means the Oklahoma State Penitentiary located
10 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
11 Granite, Oklahoma; the Lexington Assessment and Reception Center
12 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
13 located at Lexington, Oklahoma; the Jackie Brannon Correctional
14 Center located at McAlester, Oklahoma; the Howard C. McLeod
15 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
16 Correctional Center located at Stringtown, Oklahoma; the Jim E.
17 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
18 Bassett Correctional Center located at McLoud, Oklahoma; the R.B.
19 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the
20 James Crabtree Correctional Center located at Helena, Oklahoma; the
21 Jess Dunn Correctional Center located at Taft, Oklahoma; the John
22 Lilley Correctional Center located at Boley, Oklahoma; the William
23 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.
24 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;

1 the Northeast Oklahoma Correctional Center located at Vinita,
2 Oklahoma; the Clara Waters and Kate Barnard Community Corrections
3 Centers located at Oklahoma City, Oklahoma; the Community
4 Corrections Centers located at Lawton, Enid, Oklahoma City and Union
5 City; the Charles E. "Bill" Johnson Correctional Center, located
6 east of Alva, Oklahoma; the Southern Oklahoma Resource Center
7 located at Pauls Valley, Oklahoma; and other facilities under the
8 jurisdiction and control of the Department of Corrections or
9 hereafter established by the Department of Corrections;

10 6. "Intermediate revocation facility" means a corrections
11 center operated by the Department of Corrections or a private
12 facility or public trust operating pursuant to contract with the
13 Department of Corrections which provides housing and intensive
14 programmatic services for offenders who have violated the terms or
15 conditions of probation as determined by a supervising probation
16 officer. "Intensive programmatic services" offered by the
17 Department of Corrections includes, but shall not be limited to,
18 alcohol and substance abuse counseling and treatment, mental health
19 counseling and treatment and domestic violence courses and treatment
20 programs;

21 7. "Intermediate sanctions facility" means a community
22 corrections center operated by the Department of Corrections or a
23 private facility or public trust operating pursuant to contract with
24 the Department of Corrections which provides for the housing and

1 programmatic services of offenders such as probation or parole
2 violators or community sentenced offenders placed in the facility
3 for disciplinary sanctions, work release offenders, offenders who
4 need intensive programmatic services, or offenders who have
5 demonstrated positive adjustment while in an institutional setting
6 who need additional programmatic services to enhance their reentry
7 into society upon release from a prison term; ~~and~~

8 8. "Private prison contractor" means:

- 9 a. a nongovernmental entity or public trust which,
10 pursuant to a contract with the Department of
11 Corrections, operates an institution within the
12 Department other than a halfway house or intermediate
13 sanctions facility, or provides for the housing, care,
14 and control of inmates and performs other functions
15 related to these responsibilities within a minimum,
16 medium, or maximum security level facility not owned
17 by the Department but operated by the contractor, or
18 b. a nongovernmental entity or public trust which,
19 pursuant to a contract with the United States or
20 another state, provides for the housing, care, and
21 control of minimum or medium security inmates in the
22 custody of the United States or another state, and
23 performs other functions related to these
24 responsibilities other than a halfway house or

1 intermediate sanctions facility within a facility
2 owned or operated by the contractor; and

3 9. "Risk and needs assessment" means a validated actuarial tool
4 that determines the risk of an individual to reoffend and the
5 criminal risk factors that, when addressed, reduce the risk of an
6 individual to reoffend.

7 SECTION 12. AMENDATORY 57 O.S. 2011, Section 510.9, as
8 last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp.
9 2016, Section 510.9), is amended to read as follows:

10 Section 510.9 A. There is hereby created the Electronic
11 Monitoring Program for inmates in the custody of the Department of
12 Corrections who are sentenced for a nonviolent offense not included
13 as a violent offense defined in Section 571 of this title. The
14 Department is authorized to use an electronic monitoring global
15 positioning device to satisfy its custody duties and
16 responsibilities.

17 B. After an inmate has been processed and received through a
18 Department Assessment and Reception Center, has been incarcerated
19 for a minimum of ninety (90) days, and has met the criteria
20 established in subsection C of Section 521 of this title, the
21 Director of the Department of Corrections may assign the inmate, if
22 eligible, to the Electronic Monitoring Program. Nothing shall
23 prohibit the Director from assigning an inmate to the Electronic
24 Monitoring Program while assigned to the accredited halfway house or

1 transitional living facility. The following inmates, youthful
2 offenders, and juveniles shall not be eligible for assignment to the
3 program:

4 1. Any inmate serving a sentence of more than five (5) years
5 who has ~~eleven (11)~~ twenty-four (24) months or more left on the
6 sentence or any inmate serving a sentence of five (5) years or less
7 whose initial custody assessment requires placement above the
8 minimum security level;

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

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

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

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

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

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

1 8. Inmates requiring educational, medical or other services or
2 programs not available in a community setting as determined by the
3 Department;

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

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

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

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

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

18 14. Inmates convicted pursuant to Section 650 of Title 21 of
19 the Oklahoma Statutes;

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

22 16. Inmates who currently have active misconduct actions on
23 file with the Department of Corrections.
24

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

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

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

8 3. The inmate is paroled by the Governor or by the Pardon and
9 Parole Board pursuant to Section 332.7 of this title.

10 D. After an inmate has been assigned to the Electronic
11 Monitoring Program, denial of parole pursuant to Section 332.7 of
12 this title, shall not be cause for removal from the program,
13 provided the inmate has not violated the rules or conditions of the
14 program. The inmate may remain assigned to the program, if
15 otherwise eligible, until the completion of the sentence.

16 E. The Electronic Monitoring Program shall require active
17 supervision of the inmate in a community setting by a correctional
18 officer or other employee of the Department of Corrections with
19 monitoring by a global positioning device approved by the Department
20 under such rules and conditions as may be established by the
21 Department. If an inmate violates any rule or condition of the
22 program, the Department may take necessary disciplinary action
23 consistent with the rules established pursuant to this section,
24 including reassignment to a higher level of security or removing the

1 inmate from the program with reassignment to imprisonment in a
2 correctional facility. Any inmate who escapes from the Electronic
3 Monitoring Program shall be subject to the provisions of Section 443
4 of Title 21 of the Oklahoma Statutes.

5 F. Upon assignment of an inmate to the Electronic Monitoring
6 Program, the Department of Corrections shall administer a validated
7 risk and needs assessment; provided, however, a risk and needs
8 assessment shall not be required if the inmate was assessed within
9 six (6) months prior to being assigned to the Electronic Monitoring
10 Program. The Department shall use the results of the risk and needs
11 assessment to develop an individualized case plan for the inmate.

12 G. Upon an inmate assigned to the Electronic Monitoring Program
13 becoming eligible for parole consideration, pursuant to Section
14 332.7 of this title, the Department of Corrections shall deliver the
15 inmate, in person, to a correctional facility for interview,
16 together with any Department records necessary for the Pardon and
17 Parole Board's investigation. Inmates assigned to the Electronic
18 Monitoring Program shall not be allowed to waive consideration or
19 recommendation for parole.

20 ~~G.~~ H. Prior to placement of any eligible inmate assigned to the
21 Electronic Monitoring Program being placed in a community setting,
22 the Department of Corrections shall deliver a written notification
23 to the sheriff and district attorney of the county, and the chief
24 law enforcement officer of any incorporated city or town in which

1 the inmate is to be monitored and supervised under the program. The
2 district attorney shall disseminate such information to victims of
3 the crime for which the inmate is serving sentence, if any, when the
4 victims are known to live in the same city, town or county.

5 ~~H.~~ I. An inmate assigned to the Electronic Monitoring Program
6 may be required to pay the Department of Corrections for all or part
7 of any monitoring equipment or fee, substance abuse treatment
8 program or follow-up treatment expense, supervision cost, or other
9 costs while assigned to the program. The Department shall determine
10 whether the inmate has the ability to pay all or part of such fee or
11 costs. If the Department determines that an inmate is not able to
12 pay all or part of such fee or costs associated with the program,
13 the Department shall waive, subsidize or establish a payment plan
14 for the fee or costs associated with the program. No inmate may be
15 excluded from the Electronic Monitoring Program for an inability to
16 pay the fee or costs associated with the program.

17 ~~F.~~ J. The Department of Corrections shall promulgate and adopt
18 rules and procedures necessary to implement the Electronic
19 Monitoring Program, including but not limited to methods of
20 monitoring and supervision, disciplinary action, reassignment to
21 higher and lower security levels, removal from the program, and
22 costs of monitoring and supervision to be paid by the inmate, if
23 any.

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

7 SECTION 13. AMENDATORY 57 O.S. 2011, Section 512, is
8 amended to read as follows:

9 Section 512. A. Any inmate in a state penal institution who
10 has been granted a parole shall be released from the institution
11 upon the following conditions:

12 1. That he comply with specified requirements of the Division
13 of Community Services of the Department of Corrections under the
14 active supervision of a Probation and Parole Officer. Such active
15 supervision shall be for a period not to exceed three (3) years,
16 except as provided in paragraph 2 of this section.

17 2. That he be actively supervised by a Probation and Parole
18 Officer for an extended period not to exceed the expiration of the
19 maximum term or terms for which he was sentenced if convicted of a
20 sex offense or upon the determination by the Division of Community
21 Services that the best interests of the public and the parolee will
22 be served by such an extended period of supervision.

1 Provided, for the purposes of this section, the term "sex
2 offense" shall not include a violation of paragraph 1 of subsection
3 A of Section 1021 of Title 21 of the Oklahoma Statutes.

4 The Probation and Parole Officer, upon information sufficient to
5 give him reasonable grounds to believe that the parolee has violated
6 the terms of and conditions of his parole, shall notify the Deputy
7 Director of the Division of Community Services in accordance with
8 Section 516 of Title 57 of the Oklahoma Statutes.

9 B. Upon receiving an offender on parole, the Department shall:

10 1. Conduct an intake and orientation for the parolee. The
11 parolee shall present himself or herself to the Department within
12 three (3) business days of release from confinement for the purpose
13 of intake and orientation to parole supervision. The intake shall
14 consist of the personal information of the offender and shall
15 include, but not be limited to, name, address, phone numbers,
16 employment and employment history, family information and criminal
17 history. The Department shall also provide an orientation to the
18 parolee. The orientation shall explain rules and conditions,
19 reporting instructions, consequences for violations of the rules and
20 conditions which include reviewing the sanctions and incentives
21 matrix established by the Department, and expectations for the
22 parolee while on supervision;

23 2. Administer a risk and needs assessment on each individual on
24 parole within thirty (30) calendar days of release from confinement.

The results of the risk and needs assessment conducted in accordance with this paragraph shall be used to guide supervision responses consistent with evidence-based practices as to the level of supervision and the practices used to reduce recidivism. The risk and needs assessment shall be administered and scored by qualified personnel in the Department or individuals approved by the Department of Mental Health and Substance Abuse Services;

3. Develop an individualized case plan for each person assessed as moderate to high risk to reoffend;

4. Monitor the compliance or noncompliance of the offender with all monetary obligations and parole requirements ordered by the Pardon and Parole Board which may include, but not be limited to, the following:

- a. substance abuse testing,
- b. employment or education verification,
- c. criminal history background checks,
- d. verification of the payment of fines, costs, assessments, restitution, prosecution fees and supervision fees,
- e. verification of attendance and completion of community service requirements, or
- f. verification of attendance and completion of counseling or treatment programs; and

1 5. Provide sanctions in accordance with Section 20 of this act
2 in the event the offender violates the rules and conditions of
3 parole supervision which may include, but not be limited to, the
4 following:

- 5 a. increased reporting requirements,
- 6 b. increased substance abuse testing,
- 7 c. increased counseling or substance abuse meetings,
- 8 d. short-term period of incarceration in jail,
- 9 e. additional community service hours,
- 10 f. electronic monitoring or installation of an ignition
11 interlock device, or
- 12 g. revocation.

13 When recommending a short-term period of incarceration in jail,
14 additional community service hours, electronic monitoring or
15 installation of an ignition interlock device, the Department shall
16 notify the Pardon and Parole Board prior to implementing the
17 sanction.

18 C. The Department shall have the authority to implement
19 additional supervision requirements including, but not limited to,
20 the following:

21 1. Individualized case plans based upon the results of any
22 mental health or substance abuse screening or assessment, risk and
23 needs assessment and any other assessment or evaluation conducted on
24 the individual. The individualized case plan may include additional

1 reporting requirements and additional program requirements including
2 mental health and substance abuse treatment. The case plan shall be
3 developed to assist the offender with successful progress toward
4 completion of parole supervision;

5 2. Random substance abuse testing to ensure the compliance and
6 sobriety of the offender;

7 3. Progress reports as requested by the Pardon and Parole
8 Board; and

9 4. Specialized supervision or case management for violators of
10 conditions of supervision that involve a victim of domestic
11 violence.

12 SECTION 14. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 512.1 of Title 57, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Every offender on felony probation supervision under Section
16 515a of Title 57 of the Oklahoma Statutes, whether conducted by the
17 Department of Corrections, the district attorney or a private
18 supervision provider, shall be eligible to earn discharge credits
19 for compliance with the terms and conditions of probation
20 supervision to reduce the term of supervision and the overall term
21 of the sentence. For every calendar month of compliance with the
22 terms and conditions of probation supervision, the Department or
23 supervising body shall award the offender earned discharge credits
24 equal to thirty (30) calendar days to be applied towards a reduction

1 of the probation supervision term ordered under Section 991a of
2 Title 22 of the Oklahoma Statutes. For every calendar month of
3 compliance with the terms and conditions of probation supervision,
4 the Department shall award an offender earned discharge credits
5 equal to fifteen (15) calendar days to be applied towards a
6 reduction of the overall term of the sentence ordered under Section
7 991a of Title 22 of the Oklahoma Statutes. No more than twelve (12)
8 months of earned discharge credits may be accumulated by an offender
9 and applied toward a reduction of the overall term of the sentence
10 ordered or a reduction of the term of the probation supervision
11 ordered.

12 B. No person convicted of an offense under Section 13.1 or
13 subsections C, D, E, F, G or J of Section 644 of Title 21 of the
14 Oklahoma Statutes shall be eligible for earned discharge credits
15 under this section.

16 C. Every provider responsible for the supervision of felony
17 probationers, including the Department of Corrections, district
18 attorneys and private supervision providers, is directed to develop
19 written policies necessary for the implementation of earned
20 discharge credits for offenders on felony probation supervision as
21 authorized under this section. The policies developed by the
22 Department of Corrections, district attorneys and private
23 supervision providers shall include, but not be limited to, written
24 guidelines regarding the process to earn discharge credits and the

1 application of the credits toward the reduction of the term of
2 supervision, the collection of data related to who earns credit, how
3 much is applied and how much of the supervision period is reduced at
4 the point of discharge as well as information when discharge credit
5 is not earned.

6 D. Every provider responsible for the supervision of felony
7 probationers, including the Department of Corrections, district
8 attorneys and private supervision providers, shall maintain a record
9 of credits earned by an offender under this section. At least every
10 six (6) months from the date the offender is placed on probation,
11 the provider shall notify the offender of the current discharge date
12 for the term of supervision and the overall sentence of the
13 offender.

14 E. Every provider responsible for the supervision of felony
15 probationers, including the Department of Corrections, district
16 attorneys and private supervision providers, shall notify the court
17 not less than thirty (30) days prior to the expected termination
18 date. However, nothing in this section shall prohibit the
19 Department, district attorney or a private supervision provider from
20 requesting termination of the sentence earlier than the termination
21 date of the sentence authorized in subsection F of this section.

22 F. Once a combination of time served in custody, if applicable,
23 time served on any form of probation, parole or post-release
24 supervision and earned discharge credits satisfy the total sentence,

1 the supervising agency shall order the discharge of the sentence of
2 the offender unless it is determined that discharge of the sentence
3 would interrupt the completion of a necessary treatment program. If
4 the Department finds that discharging the sentence would interrupt
5 the completion of a necessary treatment program, the offender shall
6 complete the treatment program and then have his or her sentence
7 discharged. Upon termination of the offender from probation
8 supervision, all outstanding fines, fees or costs, excluding
9 restitution, shall be converted into a civil action.

10 SECTION 15. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Every offender on parole supervision under Section 512 of
14 Title 57 of the Oklahoma Statutes shall be eligible to earn
15 discharge credits for compliance with the terms and conditions of
16 parole supervision that reduce the term of supervision of the
17 offender. For every calendar month of compliance with the terms and
18 conditions of parole supervision, the Department shall award an
19 offender earned discharge credits equal to thirty (30) calendar days
20 to be applied towards a reduction of the parole supervision period.
21 No more than twelve (12) months of earned discharge credits may be
22 accumulated by any offender and applied toward a reduction of the
23 parole supervision period. No person convicted of an offense under
24 Section 13.1 or subsections C, D, E, F, G or J of Section 644 of

1 Title 21 of the Oklahoma Statutes shall be eligible for earned
2 discharge credits under this section.

3 B. The Department of Corrections is directed to develop written
4 policies for the implementation of earned discharge credits
5 authorized under this section. The policies developed by the
6 Department of Corrections shall include, but not be limited to,
7 written guidelines regarding the process to earn discharge credits
8 and the application of the credits toward the reduction of the term
9 of supervision, the collection of data related to who earns credit,
10 how much is applied and how much of the supervision period is
11 reduced at the point of discharge as well as information concerning
12 when discharge credits are not earned.

13 C. The Department shall maintain a record of credits earned by
14 an offender under this section. At least every six (6) months from
15 the date the offender is placed on parole supervision, the
16 Department shall notify the offender of the current parole
17 termination date.

18 D. Once a combination of time served in custody, if applicable,
19 time served on any form of probation, parole or post-release
20 supervision and earned discharge credits satisfy the total sentence,
21 the Department shall order the final termination of the parole
22 supervision of the offender unless the Department determines that
23 termination would interrupt the completion of a necessary treatment
24 program. If the Department finds that termination of the sentence

1 would interrupt the completion of a necessary treatment program, the
2 offender shall complete the treatment program and then have his or
3 her parole supervision terminated. Upon termination of an offender
4 from probation supervision, all outstanding fines, fees or costs,
5 excluding restitution, shall be converted into a civil action.

6 E. The Department shall notify the Pardon and Parole Board of
7 the impending termination not less than thirty (30) days prior to
8 the expected termination date. However, nothing in this section
9 shall prohibit the Department from requesting parole termination
10 earlier than the termination date authorized in subsection D of this
11 section.

12 SECTION 16. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 512.3 of Title 57, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Department of Corrections may issue a certificate of
16 rehabilitation to any person who meets the eligibility requirements
17 established under subsection B of this section.

18 B. Persons authorized to apply for a certificate of
19 rehabilitation, as provided herein, must be within one of the
20 following categories:

21 1. The person has been released under administrative parole
22 pursuant to Section 332.7 of Title 57 of the Oklahoma Statutes;

23 2. The person is under the jurisdiction or supervision of the
24 Pardon and Parole Board, the Department of Corrections, a district

1 attorney or private supervision provider under conditions of parole,
2 probation or post-release supervision and has been in compliance
3 with the terms and conditions of supervision for at least six (6)
4 months. For the purposes of this section, "compliance" shall be
5 deemed the absence of a violation report submitted by a probation
6 and parole officer or supervising body; or

7 3. The person is no longer under the supervision or
8 jurisdiction of a corrections agency and can apply for a certificate
9 of rehabilitation upon a letter of support from a prior case manager
10 or parole or probation officer.

11 C. No person convicted of a violent crime set forth in Section
12 571 of Title 57 of the Oklahoma Statutes or a felony sex offense
13 required by law to register pursuant to the Sex Offenders
14 Registration Act shall be eligible to apply for a certificate of
15 rehabilitation under this section.

16 D. A licensing board may not deny, suspend or revoke an
17 occupational license or certificate for any applicant who has been
18 issued a certificate of rehabilitation solely on the basis that the
19 applicant has previously been convicted of the crime that is the
20 subject of the certificate of rehabilitation, unless the licensing
21 board determines that:

22 1. There is a direct relationship between the previous
23 conviction of the applicant and the specific occupational license or
24 certificate sought; or

1 2. The issuance of the license or certificate would involve an
2 unreasonable risk to property or to the safety or welfare of
3 specific individuals or the general public.

4 E. For the purposes of this section, a "licensing board" shall
5 be defined as any bureau, department, division, board, agency or
6 commission of this state or of a municipality in this state that
7 issues a license.

8 F. In making a determination under subsection D of this
9 section, the licensing board shall consider:

10 1. The policy of this state expressed in this section;

11 2. The specific duties and responsibilities required of a
12 licensee or certificate holder;

13 3. Whether the previous conviction of the applicant has any
14 impact on the fitness or ability of the applicant to perform the
15 duties and responsibilities authorized by the license or
16 certificate;

17 4. The age of the applicant at the time of the conviction and
18 the amount of time that has elapsed since the conviction;

19 5. The seriousness of the offense for which the applicant was
20 convicted;

21 6. Other information provided by the applicant or on behalf of
22 the applicant with regard to the rehabilitation and good conduct of
23 the applicant; and
24

1 7. The legitimate interest of the licensing board in protecting
2 property and the safety and welfare of specific individuals or the
3 general public.

4 G. At the request of any person who has been denied a license
5 or certificate, a public agency or private employer shall provide,
6 within thirty (30) days of the request, a written statement setting
7 forth the reason for the denial. Appeal of the action of the
8 licensing board may be made in accordance with the provisions of the
9 Administrative Procedures Act.

10 H. Any person whose application for a certificate of
11 rehabilitation has been denied shall have the right to appeal to the
12 Department within thirty (30) days of the written receipt of the
13 initial decision.

14 I. The Department of Corrections shall adopt policies
15 establishing an application and review process necessary for the
16 implementation of the certificate of rehabilitation authorized under
17 this section.

18 SECTION 17. AMENDATORY 57 O.S. 2011, Section 515, as
19 amended by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2016,
20 Section 515), is amended to read as follows:

21 Section 515. A. All ~~probation-parole~~ parole and probation
22 officers shall be deemed peace officers and shall possess the powers
23 granted by law to peace officers. ~~Probation-parole~~ Parole and
24 probation officers shall meet all of the training and qualifications

1 for peace officers required by Section 3311 of Title 70 of the
2 Oklahoma Statutes. Qualifications for ~~probation-parole~~ parole and
3 probation officers shall be good character and a bachelor's degree
4 from an accredited college or university including at least twenty-
5 four (24) credit hours in any combination of psychology, sociology,
6 social work, criminology, education, criminal justice
7 administration, penology or police science.

8 B. The Department shall require all parole and probation
9 officers that supervise felony offenders on probation or parole
10 supervision to undergo annual training regarding:

11 1. Identifying, understanding and targeting the criminal risk
12 factors of the individual;

13 2. Principles of effective risk intervention;

14 3. Supporting and encouraging compliance and behavior change;
15 and

16 4. Responding to violations committed by offenders on
17 supervision for an offense involving a victim of domestic violence.

18 SECTION 18. AMENDATORY Section 2, Chapter 414, O.S.L.
19 2014 (57 O.S. Supp. 2016, Section 515a), is amended to read as
20 follows:

21 Section 515a. A. Felony probation supervision, whether
22 conducted by the Department of Corrections, a district attorney or
23 private supervision provider shall incorporate all minimum
24 supervision standards provided for in subsection B of this section.

1 B. Upon receiving an offender on probation supervision, the
2 supervising agency shall:

3 1. Conduct an intake and orientation for the offender. The
4 offender shall present to the principal office of the supervising
5 agency within three (3) business days of sentencing or within three
6 (3) business days of release from confinement if any term of
7 incarceration is ordered, for the purpose of intake and orientation
8 to probation supervision. The intake shall consist of the personal
9 information of the offender and shall include, but not be limited
10 to, name, address, phone numbers, employment and employment history,
11 family information and criminal history. The supervising agency
12 shall also provide an orientation to the offender. The orientation
13 shall explain rules and conditions, reporting instructions,
14 consequences for violations of the rules and conditions pursuant to
15 Section 991b of Title 22 of the Oklahoma Statutes, and expectations
16 of the offender subject to probation supervision;

17 2. Administer a risk and needs assessment on each individual on
18 probation supervision within thirty (30) calendar days of sentencing
19 or within thirty (30) calendar days of release from confinement.
20 The results of the risk and needs assessment conducted in accordance
21 with this paragraph shall be used to guide supervision responses
22 consistent with evidence-based practices as to the level of
23 supervision and the practices used to reduce recidivism. The risk
24 and needs assessment shall be administered and scored by qualified

1 personnel in the Department or individuals approved by the
2 Department of Mental Health and Substance Abuse Services;

3 3. Develop an individualized treatment and supervision plan for
4 each person assessed as moderate or high risk to reoffend;

5 4. Require the offender to complete within ninety (90) days of
6 intake and orientation, an approved substance abuse screening or
7 assessment and evaluation, if deemed appropriate by the court;
8 provided, however, a substance abuse screening or assessment and
9 evaluation shall not be required if the offender has been previously
10 assessed within ~~one (1) year~~ six (6) months prior to the date of
11 sentencing, unless ordered by the court. Substance abuse
12 assessments and evaluations ordered by the court shall be
13 administered and scored by assessment personnel certified
14 individuals approved by the Department of Mental Health and
15 Substance Abuse Services;

16 ~~3.~~ 5. Require the offender to receive an assessment for
17 batterers through a program certified by the Office of the Attorney
18 General for batterers, if deemed appropriate by the court, within
19 sixty (60) business days of sentencing or within sixty (60) business
20 days of release from confinement. The assessment of the batterer
21 ordered by the court shall be administered and scored by qualified
22 personnel in the Department of Corrections or personnel certified by
23 the Office of the Attorney General;

1 6. Monitor the compliance or noncompliance of the offender with
2 all monetary obligations and probation requirements ordered by the
3 court which may include, but not be limited to, the following:

- 4 a. substance abuse testing,
- 5 b. employment or education verification,
- 6 c. criminal history background checks,
- 7 d. verification of the payment of fines, costs,
- 8 assessments, restitution, prosecution fees and
- 9 supervision fees,
- 10 e. verification of attendance and completion of community
- 11 service requirements, or
- 12 f. verification of attendance and completion of
- 13 counseling or treatment programs;

14 ~~4.~~ 7. Provide sanctions in accordance with paragraph 1 of
15 subsection B of Section 991b of Title 22 of the Oklahoma Statutes in
16 the event the offender violates the rules and conditions of
17 probation supervision which may include, but not be limited to, the
18 following:

- 19 a. increased reporting requirements,
- 20 b. increased substance abuse testing,
- 21 c. increased counseling or substance abuse meetings,
- 22 d. short-term period of incarceration in jail or
- 23 intermediate revocation facilities,
- 24 e. additional community service hours,

1 f. electronic monitoring or installation of an ignition
2 interlock device, or

3 g. revocation or acceleration of the suspended or
4 deferred sentence; and

5 ~~5.~~ 8. Provide a written sanction report to the court and
6 offender specifying the violation, sanction and plan to correct the
7 noncompliant behavior of the offender. When recommending a short-
8 term period of incarceration in jail, additional community service
9 hours, electronic monitoring or installation of an ignition
10 interlock device, the supervising agency shall obtain court approval
11 prior to implementing the sanction.

12 C. The supervising agency shall have the authority to implement
13 additional supervision requirements including, but not limited to,
14 the following:

15 1. Individualized ~~treatment~~ case plans based upon the results
16 of any mental health or substance abuse assessment and evaluation,
17 risk and needs assessment and any other assessment or evaluation
18 conducted on the individual. The individualized ~~treatment~~ case plan
19 may include additional reporting requirements and additional
20 ~~counseling~~ programming requirements, which may include mental health
21 and substance abuse meeting requirements treatment. The ~~treatment~~
22 case plan shall be developed to assist the offender with successful
23 progress toward completion of probation supervision;

1 2. Random substance abuse testing to ensure the compliance and
2 sobriety of the offender; ~~and~~

3 3. Progress reports as requested by the court; and

4 4. Specialized supervision or case management for violators of
5 conditions of supervision that include a victim of domestic
6 violence.

7 SECTION 19. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 515b of Title 57, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Supreme Court shall establish regulations by rule for
11 all providers under contract with a district court whose duties
12 include supervision of felony probationers pursuant to Section 515a
13 of Title 57 of the Oklahoma Statutes. These rules shall guide the
14 supervision and management of people on probation supervision and
15 the performance of the provider. The rules and regulations
16 developed under this section shall include, but not be limited to:

17 1. The use of a risk and needs assessment as defined in Section
18 502 of Title 57 of the Oklahoma Statutes to guide supervision and
19 programming decisions and the development of an individualized case
20 plan pursuant to Section 515a of Title 57 of the Oklahoma Statutes;

21 2. The application of the earned discharge program pursuant to
22 Section 14 of this act; and
23
24

1 3. The application of the graduated sanctions and incentives
2 matrix pursuant to Section 991b of Title 22 of the Oklahoma
3 Statutes.

4 B. Any provider under contract with a district court whose
5 duties include supervision of felony probations pursuant to Section
6 515a of Title 57 of the Oklahoma Statutes shall complete, upon
7 hiring and on an annual basis, training courses, including, but not
8 limited to:

9 1. Identifying, understanding and targeting the criminal risk
10 factors of an individual;

11 2. Principles of effective risk interventions;

12 3. Supporting and encouraging compliance and behavior change;

13 4. The use of a graduated sanctions matrix developed by the
14 Department of Corrections according to Section 991b of Title 22 of
15 the Oklahoma Statutes; and

16 5. If applicable, best practices on graduated responses to
17 domestic violence offenders and victim sensitivity training.

18 C. Each judicial district shall be responsible for developing
19 and administering procedures and rules for the implementation of the
20 requirements in this section. The chief judge of each judicial
21 district shall carry out this mandate within one (1) year of the
22 effective date of this act.

1 SECTION 20. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 515c of Title 57, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Department of Corrections shall develop a matrix of
5 sanctions and incentives to address behavior committed by parolees
6 who are being supervised by the Department. The Department shall be
7 authorized to use a graduated response process based on the matrix
8 to apply to any technical violations of the terms and conditions of
9 parole.

10 B. Within four (4) working days of the discovery of the
11 violation, the parole and probation officer shall initiate the
12 graduated response process. The parole and probation officer shall
13 complete a sanction form, which shall specify the technical
14 violation, sanction and action plan to correct the noncompliant
15 behavior resulting in the technical violation. The parole and
16 probation officer shall refer to the sanctioning matrix to determine
17 the supervision, treatment and sanctions appropriate to address the
18 noncompliant behavior. The parole and probation officer shall refer
19 the violation information and recommended response with a sanction
20 plan to the Department of Corrections to be heard by a hearing
21 officer. The Department of Corrections shall develop a sanction and
22 incentive matrix, forms, policies and procedures necessary to
23 implement this provision. If the severity of the violation
24 warrants, or graduated use of sanctions has been exhausted and the

1 noncompliant behavior has continued, the parole and probation
2 officer may recommend revocation.

3 C. The Department of Corrections shall establish policies to
4 hear responses to technical violations and review sanction plans
5 including the following:

6 1. Hearing officers shall report through a chain of command
7 separate from that of the supervising parole and probation officers;

8 2. The Department shall provide the offender written notice of
9 the violation, the evidence relied upon and the reason the sanction
10 was imposed;

11 3. The hearing shall be held unless the offender waives the
12 right to the hearing;

13 4. The hearings shall be electronically recorded; and

14 5. The Department shall provide to the Governor a record of all
15 violations and actions taken pursuant to this subsection.

16 D. The hearing officer shall determine based on a preponderance
17 of the evidence whether a technical violation occurred. Upon a
18 finding that a technical violation occurred, the hearing officer may
19 order the offender to participate in the recommended sanction plan
20 or may modify the plan. Offenders who accept the sanction plan
21 shall sign a violation response sanction form, and the hearing
22 officer shall then impose the sanction. Failure of the offender to
23 comply with the imposed sanction plan shall constitute a violation
24 of the rules and conditions of supervision that may result in a

1 revocation proceeding. If an offender does not voluntarily accept
2 the recommended sanction plan, the Department shall either both
3 impose the sanction and allow the offender to appeal to the district
4 court or request a revocation proceeding as provided by law.

5 E. Absent a finding of willful nonpayment by an offender, the
6 failure of an offender to pay fines and costs may not serve as a
7 basis for revocation.

8 SECTION 21. AMENDATORY 57 O.S. 2011, Section 516, is
9 amended to read as follows:

10 Section 516. A. Except as provided in ~~subsection~~ subsections B
11 and C of this section, the probation and parole officer shall, upon
12 information sufficient to give the officer reasonable grounds to
13 believe that the parolee has ~~violated~~ committed a violation, other
14 than a technical violation as defined in Section 502 of this title,
15 of the terms of and conditions of parole, notify the Department of
16 Corrections. If it is determined that the facts justify revocation
17 action, the Department shall issue a warrant for the arrest of the
18 parolee and the warrant shall have the force and effect of any
19 warrant of arrest issued by a district court in this state. The
20 parolee shall, after arrest, be immediately incarcerated in the
21 nearest county jail, intermediate sanctions facility, or a
22 Department of Corrections facility to await action by the Governor
23 as to whether the parole will be revoked. Parole time shall cease
24 to run after the issuance of a warrant for arrest by the Department

1 of Corrections for a parolee who has absconded, and earned credits
2 shall not be accrued during any period of time when the parolee is
3 incarcerated pending revocation action by the Governor.

4 B. The probation and parole officer shall, upon information
5 sufficient to give the officer reasonable grounds to believe that
6 the parolee has committed a technical violation of the terms and
7 conditions of parole, as defined in Section 502 of this title,
8 notify the Department of Corrections. If the options within the
9 sanctions and incentive matrix established in Section 20 of this act
10 have been exhausted and the Department has determined that the facts
11 justify revocation of parole, the Department shall issue a summons
12 requiring the parolee to appear before the Pardon and Parole Board
13 for a preliminary revocation hearing. If the parolee fails to
14 appear at the preliminary revocation hearing, or if the Department
15 finds that a warrant is justified for the protection of public
16 safety, the Department shall issue a warrant for the arrest of the
17 parolee and the warrant shall have the force and effect of any
18 warrant of arrest issued by a district court in this state, and the
19 parolee shall be held in accordance with subsection A of this
20 section.

21 C. If a parolee is issued a summons pursuant to subsection B of
22 this section, the Pardon and Parole Board shall hold the preliminary
23 revocation hearing within twenty (20) calendar days from the date
24 the summons is issued. The Board may, in its discretion, continue

1 parole and modify the terms and conditions of parole or forward the
2 decision on to the Governor. If the Governor revokes parole for a
3 technical violation of the terms or conditions of parole, as defined
4 in Section 502 of the title, the Governor shall impose a period of
5 imprisonment of not more than fifteen (15) days for the first
6 application for revocation, not more than thirty (30) days for the
7 second application for revocation and not more than sixty (60) days
8 for the third application for revocation. For the fourth and
9 subsequent application for revocation for a technical violation, the
10 Governor may impose a period of imprisonment of not more than five
11 (5) years or the remainder of the sentence, whichever is less.

12 D. If a parolee is arrested and detained on a warrant pursuant
13 to subsection B of this section, the Pardon and Parole Board shall
14 hold the preliminary revocation hearing within ten (10) calendar
15 days from the date the parolee is detained on the warrant. The
16 Board may, in its discretion, continue parole and modify the terms
17 and conditions of parole or forward the decision to the Governor.
18 If the Governor revokes parole for a technical violation, the
19 Governor shall impose a period of imprisonment as required under
20 subsection C of this section.

21 E. If the Board does not hold a preliminary revocation hearing
22 within ten (10) calendar days as required under subsection D of this
23 section, the parolee shall be released from a county jail,
24 intermediate sanctions facility or a Department of Corrections

1 facility and shall return to parole status. The Pardon and Parole
2 Board may subsequently hold a preliminary revocation hearing within
3 a reasonable time frame. The Board may, in its discretion, continue
4 parole and modify the terms and conditions of parole or forward the
5 decision to the Governor. If the Governor revokes parole for a
6 technical violation, the Governor shall impose a period of
7 imprisonment as required under subsection C of this section.

8 F. The Governor may depart from the periods of imprisonment
9 required under subsection C of this section if the offender is on
10 parole supervision for an offense under Section 13.1 of Title 21 of
11 the Oklahoma Statutes.

12 G. Any parolee determined to have violated any terms or
13 conditions of parole by the supervising parole officer may be given
14 the option, at the discretion of the Department of Corrections, to
15 be placed in an intermediate sanctions facility for disciplinary
16 sanction and programmatic services in lieu of revocation or when
17 revocation action by the Governor is deemed unnecessary for the
18 nature of the violation. Any parolee for whom a warrant for arrest
19 issues as provided in subsection A of this section may, at the
20 discretion of the Department or the Governor, be placed in an
21 intermediate sanctions facility pending or following any action by
22 the Governor as to revocation of parole or required additional
23 conditions to remain on parole. A parolee may be received and
24 processed into the custody of the Department on an expedited basis

1 through any facility serving such purpose or may be processed
2 directly by the intermediate sanctions facility.

3 H. The Department and the Pardon and Parole Board shall develop
4 written policies and procedures related to this section.

5 SECTION 22. AMENDATORY 57 O.S. 2011, Section 517, as
6 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2016,
7 Section 517), is amended to read as follows:

8 Section 517. A. A Probation and Parole Officer, upon
9 information sufficient to give the officer reasonable grounds to
10 believe that a probationer has been charged with or found guilty of
11 committing a felony or misdemeanor offense, or has escaped from
12 custody as provided in Section 443 of Title 21 of the Oklahoma
13 Statutes, shall notify the Department. If it is determined that the
14 facts justify revocation action, the Department shall issue a
15 warrant for the arrest of the probationer and the warrant shall have
16 the force and effect of any warrant of arrest issued by a district
17 court in this state. A probationer ~~shall~~ may, after arrest, be
18 immediately incarcerated in the nearest county jail or intermediate
19 sanctions facility to await action by the court as to whether the
20 probation will be revoked.

21 B. A Probation and Parole Officer, upon information sufficient
22 to give the officer reasonable grounds to believe that a probationer
23 has ~~violated the terms or conditions of probation, may notify the~~
24 ~~Department. If it is determined that the facts justify disciplinary~~

1 ~~sanctions, the Department shall issue a warrant for the arrest of~~
2 ~~the probationer and the warrant shall have the force and effect of~~
3 ~~any warrant of arrest issued by a district court in this state. The~~
4 ~~probationer shall, after arrest, be immediately incarcerated in the~~
5 ~~nearest county jail or intermediate sanction facility to await~~
6 ~~action by the court as to whether disciplinary sanctions shall be~~
7 ~~imposed. Upon approval of the court and the Department of~~
8 ~~Corrections, the probationer shall be placed in an intermediate~~
9 ~~revocation facility for disciplinary sanction and intensive~~
10 ~~programmatic services in lieu of a first revocation. Repeated~~
11 ~~violations by the probationer of the terms and conditions of~~
12 ~~probation may result in a revocation proceeding~~ committed a
13 technical violation of the terms or conditions of probation, as
14 defined in Section 502 of this title, may notify the Department. If
15 it is determined that the facts justify revocation action, the
16 Department shall issue a summons requiring the probationer to appear
17 at a revocation hearing. The district attorney may petition the
18 court to issue a warrant in place of a summons for a compelling
19 reason in the interest of public safety. If the probationer fails
20 to appear at the hearing ordered by the summons, or if the court
21 approves the district attorney's petition for a warrant, the
22 Department shall issue a warrant for the arrest of the probationer
23 and the warrant shall have the force and effect of any warrant
24 issued by a district court in this state. The probationer may,

1 after arrest, be immediately incarcerated in the nearest county jail
2 or intermediate sanction facility to await action by the court as to
3 whether disciplinary sanctions will be imposed.

4 C. ~~Any probationer for whom a warrant for arrest issues as~~
5 ~~provided in subsection A of this section may, at the discretion of~~
6 ~~the court, be placed in an intermediate sanctions facility pending~~
7 ~~or following any action by the court as to revocation of probation~~
8 ~~or required additional conditions to remain on probation. The court~~
9 shall hold a revocation hearing for any probationer who is issued a
10 summons within twenty (20) calendar days from the date the summons
11 is issued. The court may, in its discretion, revoke probation or
12 continue probation and modify the terms and conditions thereof. The
13 court shall consider the employment status of the offender when
14 making a determination as to whether to revoke or continue the
15 offender on probation. Upon a finding the offender is employed and
16 a revocation sentence would result in a disruption of employment,
17 the court may, in lieu of revocation, order the probationer to serve
18 weekends in a county jail pursuant to Section 991a of Title 22 of
19 the Oklahoma Statutes, at the discretion of the court. If the court
20 revokes probation for a technical violation of the terms or
21 conditions of probation, the court shall impose a period of
22 imprisonment of not more than fifteen (15) days for the first
23 application for revocation, not more than thirty (30) days for the
24 second application for revocation and not more than sixty (60) days

1 for the third application for revocation. For the fourth and
2 subsequent application for revocation for a technical violation, the
3 court may impose a period of imprisonment of not more than five (5)
4 years or the remainder of the maximum sentence imposed, whichever is
5 less. If the court does not hold a revocation hearing within twenty
6 (20) calendar days pursuant to this section, the probationer shall
7 be returned to probation status. The court may subsequently hold a
8 revocation hearing and may revoke probation or continue probation
9 and modify the terms and conditions of probation. If the court
10 revokes probation for a technical violation, the court shall impose
11 a period of imprisonment that follows the revocation periods
12 outlined in this section.

13 D. If the court revokes probation for violations other than a
14 technical violation, the court shall follow the procedures outlined
15 in Section 991b or Section 991c of Title 22 of the Oklahoma
16 Statutes.

17 E. If the probationer has been arrested and detained on a
18 warrant and the court does not hold a revocation hearing within ten
19 (10) days, the probationer shall be released from county jail,
20 intermediate sanctions facility or Department of Corrections
21 facility and shall return to probation status. The court may
22 subsequently hold a revocation hearing and may revoke probation or
23 continue probation and modify the terms and conditions of probation.
24 If the court revokes probation for a technical violation and imposes

1 a period of imprisonment, the court shall impose a period of
2 imprisonment that follows the revocation periods outlined in this
3 section.

4 F. The judge may depart from the periods of imprisonment
5 required under subsection C of this section if the offender is on
6 probation supervision for an offense under Section 13.1 of Title 21
7 of the Oklahoma Statutes.

8 G. A probationer may be processed by the Department on an
9 expedited basis through any facility serving such purpose or may be
10 processed directly by the intermediate sanctions facility.

11 ~~D.~~ H. Nothing in this section shall preclude a district
12 attorney from initiating an application to revoke a suspended
13 sentence pursuant to subsection A of this section without a
14 recommendation from the Department or from initiating an application
15 to revoke a suspended sentence and referring the person to an
16 intermediate revocation facility without a recommendation from the
17 Department pursuant to subsection B of this section, when the
18 district attorney believes that competent evidence justifies the
19 revocation of the suspended sentence.

20 I. For purposes of this section, the term "probationer" means
21 any offender on a deferred judgment or suspended sentence supervised
22 by the Department of Corrections or another supervising body other
23 than a drug court or mental health court.

1 SECTION 23. AMENDATORY 57 O.S. 2011, Section 571, as
2 amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2016,
3 Section 571), is amended to read as follows:

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

6 1. "Capacity" means the actual available bedspace as certified
7 by the State Board of Corrections subject to applicable federal and
8 state laws and the rules and regulations promulgated under such
9 laws;

10 2. "Violent crime" means any of the following felony offenses
11 and any attempts to commit or conspiracy or solicitation to commit
12 the following crimes:

13 a. assault, battery, or assault and battery with a
14 dangerous or deadly weapon, as provided for in
15 Sections 645 and 652 of Title 21 of the Oklahoma
16 Statutes;

17 b. shooting with intent to kill, assault, battery, or
18 assault and battery with a deadly weapon or by other
19 means likely to produce death or great bodily harm, as
20 provided for in Section 652 of Title 21 of the
21 Oklahoma Statutes;

22 c. aggravated assault and battery on a police officer,
23 sheriff, highway patrolman, or any other officer of
24

1 the law, as provided for in Section 650 of Title 21 of
2 the Oklahoma Statutes;

3 d. poisoning with intent to kill, as provided for in
4 Section 651 of Title 21 of the Oklahoma Statutes;

5 e. shooting with intent to kill, as provided for in
6 Section 652 of Title 21 of the Oklahoma Statutes;

7 f. assault with intent to kill, as provided for in
8 Section 653 of Title 21 of the Oklahoma Statutes;

9 g. assault with intent to commit a felony, as provided
10 for in Section 681 of Title 21 of the Oklahoma
11 Statutes;

12 h. assaults with a dangerous weapon or other instrument
13 of punishment while masked or disguised, as provided
14 for in Section 1303 of Title 21 of the Oklahoma
15 Statutes;

16 i. murder in the first degree, as provided for in Section
17 701.7 of Title 21 of the Oklahoma Statutes;

18 j. murder in the second degree, as provided for in
19 Section 701.8 of Title 21 of the Oklahoma Statutes;

20 k. manslaughter in the first degree, as provided for in
21 Section 711 of Title 21 of the Oklahoma Statutes;

22 l. manslaughter in the second degree, as provided for in
23 Section 716 of Title 21 of the Oklahoma Statutes;

- 1 m. kidnapping, as provided for in Section 741 of Title 21
2 of the Oklahoma Statutes;
- 3 n. burglary in the first degree, as provided for in
4 Section 1431 of Title 21 of the Oklahoma Statutes;
- 5 o. burglary with explosives, as provided for in Section
6 1441 of Title 21 of the Oklahoma Statutes;
- 7 p. kidnapping for extortion, as provided for in Section
8 745 of Title 21 of the Oklahoma Statutes;
- 9 q. maiming, as provided for in Section 751 of Title 21 of
10 the Oklahoma Statutes;
- 11 r. robbery, as provided for in Section 791 of Title 21 of
12 the Oklahoma Statutes;
- 13 s. robbery in the first degree, as provided for in
14 Section 797 et seq. of Title 21 of the Oklahoma
15 Statutes;
- 16 t. robbery in the second degree, as provided for in
17 Section 797 et seq. of Title 21 of the Oklahoma
18 Statutes;
- 19 u. armed robbery, as provided for in Section 801 of Title
20 21 of the Oklahoma Statutes;
- 21 v. robbery by two (2) or more persons, as provided for in
22 Section 800 of Title 21 of the Oklahoma Statutes;
- 23
- 24

- 1 w. robbery with dangerous weapon or imitation firearm, as
2 provided for in Section 801 of Title 21 of the
3 Oklahoma Statutes;
- 4 x. child abuse, as provided for in Section 843.5 of Title
5 21 of the Oklahoma Statutes;
- 6 y. wiring any equipment, vehicle or structure with
7 explosives, as provided for in Section 849 of Title 21
8 of the Oklahoma Statutes;
- 9 z. forcible sodomy, as provided for in Section 888 of
10 Title 21 of the Oklahoma Statutes;
- 11 aa. rape in the first degree, as provided for in Section
12 1114 of Title 21 of the Oklahoma Statutes;
- 13 bb. rape in the second degree, as provided for in Section
14 1114 of Title 21 of the Oklahoma Statutes;
- 15 cc. rape by instrumentation, as provided for in Section
16 1111.1 of Title 21 of the Oklahoma Statutes;
- 17 dd. lewd or indecent proposition or lewd or indecent act
18 with a child under sixteen (16) years of age, as
19 provided for in Section 1123 of Title 21 of the
20 Oklahoma Statutes;
- 21 ee. use of a firearm or offensive weapon to commit or
22 attempt to commit a felony, as provided for in Section
23 1287 of Title 21 of the Oklahoma Statutes;
- 24

- 1 ff. pointing firearms, as provided for in Section 1279 of
2 Title 21 of the Oklahoma Statutes;
- 3 gg. rioting, as provided for in Section 1311 of Title 21
4 of the Oklahoma Statutes;
- 5 hh. inciting to riot, as provided for in Section 1320.2 of
6 Title 21 of the Oklahoma Statutes;
- 7 ii. arson in the first degree, as provided for in Section
8 1401 of Title 21 of the Oklahoma Statutes;
- 9 jj. injuring or burning public buildings, as provided for
10 in Section 349 of Title 21 of the Oklahoma Statutes;
- 11 kk. sabotage, as provided for in Section 1262 of Title 21
12 of the Oklahoma Statutes;
- 13 ll. criminal syndicalism, as provided for in Section 1261
14 of Title 21 of the Oklahoma Statutes;
- 15 mm. extortion, as provided for in Section 1481 of Title 21
16 of the Oklahoma Statutes;
- 17 nn. obtaining signature by extortion, as provided for in
18 Section 1485 of Title 21 of the Oklahoma Statutes;
- 19 oo. seizure of a bus, discharging firearm or hurling
20 missile at bus, as provided for in Section 1903 of
21 Title 21 of the Oklahoma Statutes;
- 22 pp. mistreatment of a mental patient, as provided for in
23 Section 843.1 of Title 21 of the Oklahoma Statutes;
24

1 qq. using a vehicle to facilitate the discharge of a
2 weapon pursuant to Section 652 of Title 21 of the
3 Oklahoma Statutes;
4 rr. bombing offenses as defined in Section 1767.1 of Title
5 21 of the Oklahoma Statutes;
6 ss. child pornography or aggravated child pornography as
7 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
8 of Title 21 of the Oklahoma Statutes;
9 tt. child prostitution as defined in Section 1030 of Title
10 21 of the Oklahoma Statutes;
11 uu. abuse of a vulnerable adult as defined in Section 10-
12 103 of Title 43A of the Oklahoma Statutes who is a
13 resident of a nursing facility;
14 vv. aggravated trafficking as provided for in subsection C
15 of Section 2-415 of Title 63 of the Oklahoma Statutes;
16 ww. aggravated assault and battery upon any person
17 defending another person from assault and battery, as
18 provided for in Section 646 of Title 21 of the
19 Oklahoma Statutes;
20 xx. human trafficking as provided for in Section 748 of
21 Title 21 of the Oklahoma Statutes; or
22 yy. terrorism crimes as provided in Sections 1268 et seq.
23 of Title 21 of the Oklahoma Statutes.
24

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

3 SECTION 24. This act shall become effective November 1, 2017.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 April 12, 2017 - DO PASS AS AMENDED
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