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February 16, 2017

SENATE BILL NO. 185

By: Floyd of the Senate

and

Biggs of the House

An Act relating to prisons and reformatories; creating the Parole of Aging Prisoners Act; stating legislative purpose; defining terms; stating authority of the Pardon and Parole Board; authorizing certain prisoners to request parole; providing hearing procedures; providing procedures for granting and denying parole requests; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 332.21 of Title 57, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 February 16, 2017 - DO PASS
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