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March 1, 2018

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 919

By: Floyd

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 365, which relates to specialized parole; deleting certain requirement; modifying persons who can be considered for specialized parole; providing certain requirements for consideration; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 365, is amended to read as follows:

Section 365. A. Persons in the custody of the Department of Corrections ~~sentenced for crimes committed prior to July 1, 1998,~~ who meet the following guidelines may be considered by the Pardon and Parole Board for a specialized parole:

~~1. a. who are within one (1) year of projected release date~~

~~and are serving a sentence for a crime listed in~~

~~Schedule A, B, C, D or D-1 on the main sentencing~~

~~matrix or S-1, S-2 or S-3 on the sex crimes matrix; or~~

~~b. who are within two (2) years of projected release date~~

~~and are serving a sentence for an offense that is in a~~

~~different schedule of the main matrix or is on the
drug crimes or intoxicant crimes involving a vehicle
matrix; and~~

~~2. Who have completed at least one of the following:~~

- ~~a. general education diploma, or~~
- ~~b. adult literacy program, or~~
- ~~c. residential substance abuse program, or~~
- ~~d. participation in a prison public works program for
ninety (90) consecutive days, or~~
- ~~e. a vocational-technical education program, or~~
- ~~f. other educational or rehabilitation program available
in the department; and~~

~~3. Who are not incarcerated for an offense for which parole is
prohibited pursuant to law~~

who are sixty (60) years of age or older and

- a. have served, in actual custody, the shorter of ten
(10) years of the term or terms of imprisonment, or
one-third (1/3) of the total term or terms of
imprisonment,
- b. have not been convicted of a crime that would require
the person to be subject to the registration
requirements of the Sex Offender Registration Act,

1 c. are not imprisoned for a crime pursuant to Section
2 13.1 of Title 21 of the Oklahoma Statutes or Section
3 571 of Title 57 of the Oklahoma Statutes, and
4 d. pose minimal public safety risk warranting continued
5 imprisonment as determined by the Pardon and Parole
6 Board using an evidence based risk assessment. For
7 purposes of this Act, "evidence-based" means programs
8 or practices that have been scientifically tested in
9 controlled studies and proven to be effective.

10 B. Upon an inmate becoming eligible for specialized parole it
11 shall be the duty of the Pardon and Parole Board, with ~~or without~~
12 application being made, to ~~cause an examination to be made of the~~
13 ~~criminal record of the inmate and to make inquiry into the conduct~~
14 ~~and the record of the inmate during confinement in the custody of~~
15 ~~the Department of Corrections~~ place the eligible inmate on the next
16 available docket.

17 C. Upon a favorable finding by the Pardon and Parole Board that
18 the inmate, if released, can live and remain at liberty without
19 posing a substantial risk to public safety, the Board shall
20 recommend to the Governor that the inmate be placed on specialized
21 parole. If approved by the Governor, notification shall be made to
22 the Department of Corrections that ~~said~~ the inmate has been placed
23 on specialized parole.

1 D. Prior to the placement of an inmate on specialized parole,
2 the Pardon and Parole Board shall provide written notification to
3 the sheriff and district attorney of the county in which any person
4 on specialized parole is to be placed and to the chief law
5 enforcement officer of any incorporated city or town in which ~~said~~
6 the person is to be placed of the placement of the person on
7 specialized parole within the county or incorporated city or town.
8 The Board also shall provide written notification of the placement
9 of the person on specialized parole within the county or
10 incorporated city or town to any victim of the crime for which the
11 inmate was convicted by mailing the notification to the last-known
12 address of the victim, if such information is requested by the
13 victim. The Board shall not give the address of the inmate to any
14 victim of the crime for which the inmate was convicted.

15 SECTION 2. This act shall become effective November 1, 2018.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
17 March 1, 2018 - DO PASS AS AMENDED
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