

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2286

By: ODonnell of the House and Treat of the Senate

Title: Pardon and parole; providing certain application of earned credits; training; authorizing administrative parole; programs; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendments No.1 and No.2; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Treat	_____
Fry	_____
Shaw	_____
Thompson	_____
Jech	_____
Floyd	_____
Matthews	_____

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2286

By: O'Donnell of the House

and

Treat and Pittman of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to pardon and parole; stating legislative intent; amending 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), which relates to earned credits; providing internal statutory reference; modifying procedures related to the tallying of accumulated time; providing time limitation prior to applying credits; amending 57 O.S. 2011, Sections 332.1A, 332.1B, 332.2, as amended by Section 1, Chapter 124, O.S.L. 2013 and 332.7, as amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Sections 332.2 and 332.7), which relate to training, qualifications and meetings of the Pardon and Parole Board and parole eligibility requirements; modifying training curriculum and member qualifications; directing the Pardon and Parole Board to provide administrative parole docket to district attorneys; establishing parole eligibility requirements for crimes committed after a date certain; providing for administrative paroles under certain circumstances; providing internal statutory references; stating time limitation when parole consideration dates are calculated pursuant to certain eligibility requirements; requiring parole denials be stated on the record; directing Pardon and Parole Board to provide remediation suggestions on

1 parole denials; modifying parole eligibility for
2 consecutive sentences; adding list of factors for
3 determining parole; directing the Pardon and Parole
4 Board to develop a reporting worksheet; authorizing
5 administrative parole with and without a hearing
6 under certain circumstances; establishing
7 notification requirement; providing for parole
8 supervision for administrative paroles; amending 57
9 O.S. 2011, Section 332.8, as amended by Section 3,
10 Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Section
11 332.8), which relates to conditions for parole;
12 clarifying education program mandate; directing use
13 of evidence-based community programs; defining term;
14 directing the Department of Mental Health and
15 Substance Abuse Services to establish standards for
16 mental health and substance abuse treatment;
17 requiring adherence to standards by public and
18 private treatment providers; requiring all contract
19 providers to complete certain training and adopt
20 certain standards; granting Pardon and Parole Board
21 the power to parole certain prisoners; directing
22 Pardon and Parole Board to use certain risk-
23 assessment instruments; authorizing aging prisoners
24 to request parole under certain circumstances;
providing parole hearing procedures; authorizing
Pardon and Parole Board to grant parole upon certain
findings; defining terms; amending 57 O.S. 2011,
Section 350, which relates to the Uniform Act for
Out-of-State Parole Supervision; providing for
deduction of sentences; amending 57 O.S. 2011,
Section 502, as last amended by Section 1, Chapter
259, O.S.L. 2016 (57 O.S. Supp. 2016, Section 502),
which relates to the Oklahoma Corrections Act of
1967; removing references to certain institution;
adding definition; amending 57 O.S. 2011, Section
510.9, as last amended by Section 31, Chapter 210,
O.S.L. 2016 (57 O.S. Supp. 2016, Section 510.9),
which relates to the Electronic Monitoring Program;
increasing certain time limitation; providing for
risk and needs assessment; providing an exception;
providing for alternative payment options; amending
57 O.S. 2011, Section 512, which relates to
supervision of paroled inmates; providing gender-
neutral language; removing references to certain
division within the Department of Corrections;
directing intake and orientation for parolees;
providing intake procedures; requiring administration

1 of risk and needs assessments and individualized case
2 plans; requiring certain compliance monitoring;
3 providing for sanctions and additional supervision
4 requirements; authorizing certain felony probationers
5 and parolees the ability to earn discharge credits;
6 prohibiting certain offenses from being eligible;
7 directing development of written policies; directing
8 maintenance of records; requiring certain
9 notification be sent to courts and Pardon and Parole
10 Board; amending 57 O.S. 2011, Section 515, as amended
11 by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp.
12 2016, Section 515), which relates to probation-parole
13 officers; directing parole and probation officers to
14 undergo annual training; providing training
15 requirements; amending Section 2, Chapter 414, O.S.L.
16 2014 (57 O.S. Supp. 2016, Section 515a), which
17 relates to felony probation supervision; providing
18 statutory references; directing supervising agencies
19 to administer risk and needs assessments; directing
20 the development of treatment and supervision plan;
21 requiring assessment for batterers when deemed
22 appropriate; modifying list of sanctions to include
23 intermediate revocation facilities; authorizing
24 specialized supervision or case management for
certain violators; providing for establishment of
regulations and rules for certain contract providers;
stating guidelines for developing rules and
regulations; requiring contract providers to complete
certain training courses; directing judicial
districts to develop and administer procedures and
rules; providing deadline for implementation;
directing Department of Corrections to develop a
matrix of sanctions and incentives; providing
procedures for initiating graduated response process
and issuing sanctions; directing the Department of
Corrections to establish policies; providing
procedures when technical violations occur;
prohibiting revocation under certain circumstances;
amending 57 O.S. 2011, Sections 516 and 517, as
amended by Section 8, Chapter 228, O.S.L. 2012 (57
O.S. Supp. 2016, Section 517), which relate to parole
and probation violators; directing the Department of
Corrections and Pardon and Parole Board to adopt
certain policies related to parole violations;
directing probation and parole officers to notify the
Department of Corrections of technical violations of
probationers; authorizing the issuance of summons for

1 revocation hearings; authorizing district attorney to
2 issue warrants under certain circumstances; deleting
3 discretion to place probationers in intermediate
4 sanction facilities; providing procedures for
5 probation revocation hearings; authorizing judges to
6 depart from prison requirements; defining term;
7 amending 57 O.S. 2011, Section 571, as amended by
8 Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp.
9 2016, Section 571), which relates to definitions;
10 providing statutory references for listed crimes;
11 providing for codification; providing for
12 noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

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~~ a bachelor's degree ~~in the social sciences~~ from an
21 accredited college or university and have at least five (5) years of
22 experience in ~~the~~ one or more of the following fields: criminal
23 justice ~~field;~~

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

3 ~~3. A juris doctorate and three (3) years of experience in the~~
4 ~~criminal justice field, parole, probation, corrections, criminal~~
5 ~~law, law enforcement, mental health services, substance abuse~~
6 ~~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 with one of said
10 members also having two (2) years of training or experience in
11 criminal justice, parole, probation, corrections, criminal law or
12 law enforcement.

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

16 Section 332.2 A. The Pardon and Parole Board, which shall meet
17 only on the call of the Chairman, is authorized, if and when an
18 application made to the Governor for a reprieve, commutation,
19 parole, pardon, or other act of clemency is certified thereto by the
20 Governor, to examine into the merits of said application and make
21 recommendations to the Governor in relation thereto, said
22 recommendation being advisory to the Governor and not binding
23 thereon.
24

1 B. Any consideration for commutation shall be made only after
2 application is made to the Pardon and Parole Board pursuant to the
3 procedures set forth in this section. The Pardon and Parole Board
4 shall provide a copy of the application to the district attorney,
5 the victim or representative of the victim and the Office of the
6 Attorney General within ten (10) business days of receipt of such
7 application.

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

12 1. The current elected judge of the court where the conviction
13 was had;

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

16 3. The chief or head administrative officer of the arresting
17 law enforcement agency.

18 D. In cases resolved prior to the tenure of the present
19 officeholders, the recommendation or protest of persons holding such
20 offices at the time of conviction may also be considered by the
21 Board.

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

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

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

3 3. A statement of the reasons for the recommendation based upon
4 facts directly related to the case which were not available to the
5 court or jury at the time of the trial or based upon there having
6 been a statutory change in penalty for the crime which makes the
7 original penalty appear excessive.

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

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

16 H. Any consideration for pardon shall be made only after
17 application is made to the Pardon and Parole Board. Upon receipt of
18 an application for pardon, the Board shall provide a copy of the
19 application to the district attorney, the victim or representative
20 of the victim and the Office of the Attorney General within twenty
21 (20) business days of receipt of such application. The district
22 attorney and the victim or representative of the victim shall have
23 twenty (20) business days to provide written recommendation or
24 protest prior to the consideration of the application. The Board

1 shall schedule the application on a pardon docket in compliance with
2 the notice requirements set forth herein.

3 I. In accordance with Section 10 of Article VI of the Oklahoma
4 Constitution, the Board shall communicate to the Legislature, at
5 each regular session, by providing a summary of the activities of
6 the Board. This summary shall include, but not be limited to, the
7 following Board activity:

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

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

12 3. The percentage of public comments to and personal
13 appearances before the Board including victim protests and personal
14 appearances, district attorney protests and personal appearances,
15 and delegate recommendations and personal appearances on behalf of
16 the offender.

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

19 J. The Pardon and Parole Board shall provide a copy of their
20 regular docket and administrative parole docket to each district
21 attorney in this state at least twenty (20) days before such docket
22 is considered by the Board, or in the case of a supplemental,
23 addendum or special docket, at least ten (10) days before such
24 docket is considered by the Board, and shall notify the district

1 attorney of any recommendations for commutations or paroles no later
2 than twenty (20) days after the docket is considered by the Board.

3 K. The Pardon and Parole Board shall notify all victims or
4 representatives of the victim in writing at least twenty (20) days
5 before an inmate is considered by the Board provided the Board has
6 received a request from the victim or representatives of the victim
7 for notice. The Board shall provide all victims or representatives
8 of the victim with the date, time and place of the scheduled meeting
9 and rules for attendance and providing information or input to the
10 Board regarding the inmate or the crime. If requested by the victim
11 or representatives of the victim, the Board shall allow the victim
12 or representatives of the victim to testify at the parole hearing of
13 the inmate for at least five (5) minutes.

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

18 M. Any notice required to be provided to the victims or the
19 representatives of the victim shall be mailed by first-class mail to
20 the last-known address of the victim or representatives of the
21 victim. It is the responsibility of the victims or representatives
22 of the victim to provide the Pardon and Parole Board a current
23 mailing address. The victim-witness coordinator of the district
24 attorney shall assist the victims or representatives of the victim

1 with supplying their address to the Board if they wish to be
2 notified. Upon failure of the Pardon and Parole Board to notify a
3 victim who has requested notification and has provided a current
4 mailing address, the final decision of the Board may be voidable,
5 provided, the victim who failed to receive notification requests a
6 reconsideration hearing within thirty (30) days of the
7 recommendation by the Board for parole. The Pardon and Parole Board
8 may reconsider previous action and may rescind a recommendation if
9 deemed appropriate as determined by the Board.

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

17 O. All meetings of the Pardon and Parole Board shall comply
18 with Section 301 et seq. of Title 25 of the Oklahoma Statutes;
19 provided that the Board shall have the authority to limit the number
20 of persons attending in support of, or in opposition to, any inmate
21 being considered for parole and shall have the authority to exclude
22 persons from attendance in accordance with prison security
23 regulations and the capacity of the meeting room. Persons excluded
24 from attending the meeting under this provision shall be informed of

1 their right to be informed of the vote of the Board in accordance
2 with Section 312 of Title 25 of the Oklahoma Statutes. Provided
3 further, nothing in this section shall be construed to prevent any
4 member of the press or any public official from attending any
5 meeting of the Pardon and Parole Board, except as provided by the
6 Oklahoma Open Meeting Act.

7 P. All victim information maintained by the Department of
8 Corrections and the Pardon and Parole Board shall be confidential
9 and shall not be released.

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

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

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

1 parole shall be eligible to be considered for parole pursuant to
2 this paragraph;

3 3. Has reached eighty-five percent (85%) of the midpoint of the
4 time of imprisonment that would have been imposed for an offense
5 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
6 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable
7 matrix; provided, however, no inmate serving a sentence of life
8 imprisonment without parole shall be eligible to be considered for
9 parole pursuant to this paragraph; or

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

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

23 C. For a crime committed on or after November 1, 2017, any
24 person in the custody of the Department of Corrections shall be

1 eligible for parole after serving one-fourth (1/4) of the sentence
2 or aggregate term of the consecutive sentences imposed, according to
3 the following criteria:

4 1. A person eligible for parole under this subsection shall be
5 eligible for administrative parole under subsection T of this
6 section once the person serves one-fourth (1/4) of the sentence or
7 the aggregate term made up of consecutive sentences imposed;
8 provided, however, no inmate serving a sentence of life imprisonment
9 without parole, a sentence for a violent crime as set forth in
10 Section 571 of this title or any crime enumerated in Section 13.1 of
11 Title 21 of the Oklahoma Statutes shall be eligible for
12 administrative parole;

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

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

1 1. At the initial hearing, the Pardon and Parole Board shall
2 review the completed report submitted by the staff of the Board and
3 shall conduct a vote regarding whether, based upon that report, the
4 Board decides to consider the person for parole at a subsequent
5 meeting of the Board; and

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

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

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

23 2. Until the person has served at least one-third (1/3) of the
24 sentence imposed, if the person was eligible for consideration

1 pursuant to paragraph 3 of subsection A of this section. Thereafter
2 the person shall not be considered more frequently than once every
3 three (3) years, unless the person is within one (1) year of
4 discharge.

5 ~~E.~~ F. If the Pardon and Parole Board denies parole, the Board
6 shall state on the record the reasons for denial.

7 G. If the Board denies parole for any person convicted of a
8 crime other than those set forth in Section 13.1 of Title 21 of the
9 Oklahoma Statutes and Section 571 of this title, the Board shall
10 suggest a course of remediation for the inmate in preparation for
11 the next parole consideration.

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

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

1 ~~G.~~ J. The Pardon and Parole Board shall not recommend to the
2 Governor any person who has been convicted of three or more felonies
3 arising out of separate and distinct transactions, with three or
4 more incarcerations for such felonies, unless such person shall have
5 served the lesser of at least one-third (1/3) of the sentence
6 imposed, or ten (10) years; provided that whenever the population of
7 the prison system exceeds ninety-five percent (95%) of the capacity
8 as certified by the State Board of Corrections, the Pardon and
9 Parole Board may, at its discretion, recommend to the Governor for
10 parole any person who is incarcerated for a nonviolent offense not
11 involving injury to a person and who is within six (6) months of his
12 or her statutory parole eligibility date.

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

1 ~~F.~~ L. The Pardon and Parole Board shall consider the ~~prior~~
2 ~~criminal record of inmates under consideration for parole~~
3 ~~recommendation or granting of parole~~ following factors when
4 determining the suitability of an inmate for parole:

5 1. The circumstances and severity of the offense for which the
6 person was convicted, and the circumstances and severity of previous
7 convictions;

8 2. Whether the inmate has a suitable residence;

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

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

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

16 6. Any testimony presented to the Board by the victim or the
17 designated representative of the victim under Section 332.2 of this
18 title; and

19 7. Any written statement from a district attorney.

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

1 ~~J.~~ N. It shall be the duty of the Pardon and Parole Board to
2 cause an examination to be made at the penal institution where the
3 person is assigned, and to make inquiry into the conduct and the
4 record of the said person during his custody in the Department of
5 Corrections, which shall be considered as a basis for consideration
6 of said person for recommendation to the Governor for parole.
7 ~~However, the~~ The Pardon and Parole Board, in consultation with the
8 Department of Corrections, shall develop a structured, publicly
9 available reporting worksheet to be compiled by employees of the
10 Board when conducting parole investigations. The Pardon and Parole
11 Board shall not be required to consider for parole any person who
12 has completed the time period provided for in this subsection if the
13 person has participated in a riot or in the taking of hostages, or
14 has been placed on escape status, while in the custody of the
15 Department of Corrections. The Pardon and Parole Board shall adopt
16 policies and procedures governing parole consideration for such
17 persons.

18 ~~K.~~ O. Any person in the custody of the Department of
19 Corrections who is convicted of an offense not designated as a
20 violent offense by Section 571 of this title, is not a citizen of
21 the United States and is subject to or becomes subject to a final
22 order of deportation issued by the United States Department of
23 Justice shall be considered for parole to the custody of the United
24 States Immigration and Naturalization Service for continuation of

1 deportation proceedings at any time subsequent to reception and
2 processing through the Department of Corrections. No person shall
3 be considered for parole under this subsection without the
4 concurrence of at least three members of the Pardon and Parole
5 Board. The vote on whether or not to consider such person for
6 parole and the names of the concurring Board members shall be set
7 forth in the written minutes of the meeting of the Board at which
8 the issue is considered.

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

15 ~~M.~~ Q. All references in this section to matrices or schedules
16 shall be construed with reference to the provisions of Sections 6,
17 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

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

22 S. A person in the custody of the Department of Corrections
23 whose parole consideration date is calculated pursuant to subsection
24 B of this section, and is not serving a sentence of life

1 imprisonment without parole or who is not convicted of an offense
2 designated as a violent offense by Section 571 of this title or any
3 crime enumerated in Section 13.1 of Title 21 of the Oklahoma
4 Statutes shall be eligible for administrative parole under
5 subsection T of this section.

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

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

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

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

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

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

20 U. Any person granted parole pursuant to subsection T of this
21 section shall be released from the institution at the time of the
22 parole eligibility date of the person as calculated under subsection
23 B or subsection C of this section.

1 V. No less than ninety (90) days prior to the parole
2 eligibility date of the person, the Department shall notify the
3 Pardon and Parole Board in writing of the compliance or
4 noncompliance of the person with the case plan and any infractions
5 committed by the person.

6 W. A hearing before the Pardon and Parole Board shall be held
7 if:

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

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

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

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

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

21 Y. Any person who is granted administrative parole under
22 subsection T of this section shall be supervised and managed by the
23 Department of Corrections in the same manner as a parolee who has
24

1 been granted parole pursuant to this section. The person is subject
2 to all of the rules and regulations of parole.

3 SECTION 7. AMENDATORY 57 O.S. 2011, Section 332.8, as
4 amended by Section 3, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
5 Section 332.8), is amended to read as follows:

6 Section 332.8 No recommendations to the Governor for parole
7 shall be made nor any paroles granted by the Board in relation to
8 any inmate in a penal institution in the State of Oklahoma unless
9 the Pardon and Parole Board considers the victim impact statements
10 if presented to the jury, or the judge in the event a jury was
11 waived, at the time of sentencing and, in every appropriate case, as
12 a condition of parole, monetary restitution of economic loss as
13 defined by Section 991f of Title 22 of the Oklahoma Statutes,
14 incurred by a victim of the crime for which the inmate was
15 imprisoned. In every case in which the risk and needs assessment
16 identifies education as a factor increasing the likelihood of future
17 criminal activity, the Pardon and Parole Board ~~shall first consider~~
18 ~~the number of previous felony convictions and the type of criminal~~
19 ~~violations leading to any such felony convictions, then shall~~
20 ~~consider either suitable employment or a suitable residence, and~~
21 ~~finally~~ shall mandate participation in education programs to achieve
22 the proficiency level established in Section 510.7 of this title or,
23 at the discretion of the Board require the attainment of a general
24 education diploma, as a condition for release on parole. The Board

1 shall consider the availability of programs and the waiting period
2 for such programs in setting conditions of parole release. The
3 Board may require any program to be completed after the inmate is
4 released on parole as a condition of parole, and for inmates
5 convicted of crimes other than those set forth in Section 571 of
6 this title or Section 13.1 of Title 21 of the Oklahoma Statutes,
7 priority shall be given to programs in the community where they are
8 available rather than in the prison facility. Programs and
9 treatment ordered as conditions or stipulations for parole must be
10 evidence-based. For the purposes of this section, "evidence-based"
11 shall be defined as programs and treatment that have been proven
12 through peer-reviewed criminological research to reliably produce
13 reductions in recidivism. A facsimile signature of the inmate on
14 parole papers that is transmitted to the Board shall be an accepted
15 means of acknowledgement of parole conditions. The probation and
16 parole officer shall render reasonable assistance to any person
17 making application for parole, in helping to obtain suitable
18 employment or enrollment in an education program or a suitable
19 residence. Any inmate who fails to satisfactorily attend and make
20 satisfactory progress in the educational program in which the inmate
21 has been required to participate as a condition of parole, may have
22 his or her parole revoked. If an inmate's parole is revoked, such
23 inmate shall be returned to confinement in the custody of the
24 Department of Corrections.

SECTION 8. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 332.8a of Title 57, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

SECTION 9. 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. The Pardon and Parole Board is empowered to parole a prisoner who:

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

2. Has 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;

3. Poses minimal public safety risks warranting continued imprisonment;

4. Is not imprisoned for a crime enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571 of Title 57 of the Oklahoma Statutes; and

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

B. The authority to grant parole under Section 332.2 of Title 57 of the Oklahoma Statutes shall rest with the Pardon and Parole Board.

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

1 D. Unless eligible for release at an earlier date, an aging
2 prisoner who has been committed to the Department of Corrections for
3 a term or terms of imprisonment shall have the ability to request a
4 parole hearing before the Pardon and Parole Board if the prisoner
5 has served, in actual custody, the shorter of:

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

7 or

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

9 E. Once a prisoner requests a parole hearing under subsection A
10 of this section, the Pardon and Parole Board may place the prisoner
11 on the next available docket.

12 F. The Pardon and Parole Board may grant parole to a prisoner
13 if the Board finds by a preponderance of the evidence that the
14 prisoner, if released, can live and remain at liberty without posing
15 a substantial risk to public safety.

16 G. The Pardon and Parole Board may use the selected evidence-
17 based risk-assessment instrument to make the determination provided
18 for in subsection F of this section.

19 H. The Pardon and Parole Board may provide the prisoner the
20 opportunity to speak on his or her own behalf and the option of
21 having counsel present at the parole hearing.

22 I. For purposes of this section:
23
24

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

4 2. "Evidence-based" means programs or practices that have been
5 scientifically tested in controlled studies and proven to be
6 effective.

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

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

21 B. Beginning November 1, 1987, the paroling authority also
22 shall have the discretion to revoke all or any portion of the
23 parole.
24

1 C. Beginning November 1, 2017, if the sentence of an offender
2 on parole is revoked and the offender is returned to imprisonment in
3 any state penal institution, he or she shall be entitled to a
4 deduction from his or her sentence for the time during which he or
5 she has been on parole. The Department of Corrections shall deduct
6 the number of days the offender was on parole from the sentence
7 imposed and calculate the new discharge date.

8 SECTION 11. AMENDATORY 57 O.S. 2011, Section 502, as
9 last amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.
10 2016, Section 502), is amended to read as follows:

11 Section 502. As used in this title, unless the context
12 otherwise requires:

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

14 2. "Department" means the Department of Corrections of this
15 state;

16 3. "Director" means the Director of the Department of
17 Corrections;

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

22 5. "Institutions" means the Oklahoma State Penitentiary located
23 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
24 Granite, Oklahoma; the Lexington Assessment and Reception Center

1 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
2 located at Lexington, Oklahoma; the Jackie Brannon Correctional
3 Center located at McAlester, Oklahoma; the Howard C. McLeod
4 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
5 Correctional Center located at Stringtown, Oklahoma; the Jim E.
6 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
7 Bassett Correctional Center located at McCloud, Oklahoma; the R.B.
8 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the
9 James Crabtree Correctional Center located at Helena, Oklahoma; the
10 Jess Dunn Correctional Center located at Taft, Oklahoma; the John
11 Lilley Correctional Center located at Boley, Oklahoma; the William
12 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.
13 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;
14 the Northeast Oklahoma Correctional Center located at Vinita,
15 Oklahoma; the Clara Waters and Kate Barnard Community Corrections
16 Centers located at Oklahoma City, Oklahoma; the Community
17 Corrections Centers located at Lawton, Enid, Oklahoma City and Union
18 City; the Charles E. "Bill" Johnson Correctional Center, located
19 east of Alva, Oklahoma; ~~the Southern Oklahoma Resource Center~~
20 ~~located at Pauls Valley, Oklahoma;~~ and other facilities under the
21 jurisdiction and control of the Department of Corrections or
22 hereafter established by the Department of Corrections;

23 6. "Intermediate revocation facility" means a corrections
24 center operated by the Department of Corrections or a private

1 facility or public trust operating pursuant to contract with the
2 Department of Corrections which provides housing and intensive
3 programmatic services for offenders who have violated the terms or
4 conditions of probation as determined by a supervising probation
5 officer. "Intensive programmatic services" offered by the
6 Department of Corrections includes, but shall not be limited to,
7 alcohol and substance abuse counseling and treatment, mental health
8 counseling and treatment and domestic violence courses and treatment
9 programs;

10 7. "Intermediate sanctions facility" means a community
11 corrections center operated by the Department of Corrections or a
12 private facility or public trust operating pursuant to contract with
13 the Department of Corrections which provides for the housing and
14 programmatic services of offenders such as probation or parole
15 violators or community sentenced offenders placed in the facility
16 for disciplinary sanctions, work release offenders, offenders who
17 need intensive programmatic services, or offenders who have
18 demonstrated positive adjustment while in an institutional setting
19 who need additional programmatic services to enhance their reentry
20 into society upon release from a prison term; ~~and~~

21 8. "Private prison contractor" means:

- 22 a. a nongovernmental entity or public trust which,
23 pursuant to a contract with the Department of
24 Corrections, operates an institution within the

Department other than a halfway house or intermediate sanctions facility, or provides for the housing, care, and control of inmates and performs other functions related to these responsibilities within a minimum, medium, or maximum security level facility not owned by the Department but operated by the contractor, or

b. a nongovernmental entity or public trust which, pursuant to a contract with the United States or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States or another state, and performs other functions related to these responsibilities other than a halfway house or intermediate sanctions facility within a facility owned or operated by the contractor; and

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

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

Section 510.9 A. There is hereby created the Electronic Monitoring Program for inmates in the custody of the Department of

1 Corrections who are sentenced for a nonviolent offense not included
2 as a violent offense defined in Section 571 of this title. The
3 Department is authorized to use an electronic monitoring global
4 positioning device to satisfy its custody duties and
5 responsibilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 14. Inmates convicted pursuant to Section 650 of Title 21 of
9 the Oklahoma Statutes;

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

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

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

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

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

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

23 D. After an inmate has been assigned to the Electronic
24 Monitoring Program, denial of parole pursuant to Section 332.7 of

1 this title, shall not be cause for removal from the program,
2 provided the inmate has not violated the rules or conditions of the
3 program. The inmate may remain assigned to the program, if
4 otherwise eligible, until the completion of the sentence.

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

18 F. Upon assignment of an inmate to the Electronic Monitoring
19 Program, the Department of Corrections shall administer a validated
20 risk and needs assessment; provided, however, a risk and needs
21 assessment shall not be required if the inmate was assessed within
22 six (6) months prior to being assigned to the Electronic Monitoring
23 Program. The Department shall use the results of the risk and needs
24 assessment to develop an individualized case plan for the inmate.

1 G. Upon an inmate assigned to the Electronic Monitoring Program
2 becoming eligible for parole consideration, pursuant to Section
3 332.7 of this title, the Department of Corrections shall deliver the
4 inmate, in person, to a correctional facility for interview,
5 together with any Department records necessary for the Pardon and
6 Parole Board's investigation. Inmates assigned to the Electronic
7 Monitoring Program shall not be allowed to waive consideration or
8 recommendation for parole.

9 ~~G.~~ H. Prior to placement of any eligible inmate assigned to the
10 Electronic Monitoring Program being placed in a community setting,
11 the Department of Corrections shall deliver a written notification
12 to the sheriff and district attorney of the county, and the chief
13 law enforcement officer of any incorporated city or town in which
14 the inmate is to be monitored and supervised under the program. The
15 district attorney shall disseminate such information to victims of
16 the crime for which the inmate is serving sentence, if any, when the
17 victims are known to live in the same city, town or county.

18 ~~H.~~ I. An inmate assigned to the Electronic Monitoring Program
19 may be required to pay the Department of Corrections for all or part
20 of any monitoring equipment or fee, substance abuse treatment
21 program or follow-up treatment expense, supervision cost, or other
22 costs while assigned to the program. The Department shall determine
23 whether the inmate has the ability to pay all or part of such fee or
24 costs. If the Department determines that an inmate is not able to

1 pay all or part of such fee or costs associated with the program,
2 the Department shall waive, subsidize or establish a payment plan
3 for the fee or costs associated with the program. No inmate may be
4 excluded from the Electronic Monitoring Program for an inability to
5 pay the fee or costs associated with the program.

6 ~~I.~~ J. The Department of Corrections shall promulgate and adopt
7 rules and procedures necessary to implement the Electronic
8 Monitoring Program, including but not limited to methods of
9 monitoring and supervision, disciplinary action, reassignment to
10 higher and lower security levels, removal from the program, and
11 costs of monitoring and supervision to be paid by the inmate, if
12 any.

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

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

21 Section 512. A. Any inmate in a state penal institution who
22 has been granted a parole shall be released from the institution
23 upon the following conditions:
24

1 1. That he or she comply with specified requirements of the
2 ~~Division of Community Services of the~~ Department of Corrections
3 under the active supervision of a Probation and Parole Officer.
4 Such active supervision shall be for a period not to exceed three
5 (3) years, except as provided in paragraph 2 of this ~~section~~
6 subsection.

7 2. That he or she be actively supervised by a Probation and
8 Parole Officer for an extended period not to exceed the expiration
9 of the maximum term or terms for which he or she was sentenced if
10 convicted of a sex offense or upon the determination by the ~~Division~~
11 ~~of Community Services~~ Department of Corrections that the best
12 interests of the public and the parolee will be served by such an
13 extended period of supervision.

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

17 The Probation and Parole Officer, upon information sufficient to
18 give ~~him~~ the officer reasonable grounds to believe that the parolee
19 has violated the terms of and conditions of ~~his~~ parole, shall notify
20 the ~~Deputy Director of the Division of Community Services~~ Department
21 in accordance with Section 516 of ~~Title 57 of the Oklahoma Statutes~~
22 this title.

23 B. Upon receiving an offender on parole, the Department shall:
24

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

14 2. Administer a risk and needs assessment on each individual on
15 parole within thirty (30) calendar days of release from confinement.
16 The results of the risk and needs assessment conducted in accordance
17 with this paragraph shall be used to guide supervision responses
18 consistent with evidence-based practices as to the level of
19 supervision and the practices used to reduce recidivism. The risk
20 and needs assessment shall be administered and scored by qualified
21 personnel in the Department or individuals approved by the
22 Department of Mental Health and Substance Abuse Services;

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

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

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

15 5. Provide sanctions in accordance with Section 19 of this act
16 in the event the offender violates the rules and conditions of
17 parole 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,
 - 23 e. additional community service hours,
- 24

- 1 f. electronic monitoring or installation of an ignition
2 interlock device, or
3 g. revocation.

4 When recommending a short-term period of incarceration in jail,
5 the Department shall notify the Pardon and Parole Board prior to
6 implementing the sanction.

7 C. The Department shall have the authority to implement
8 additional supervision requirements including, but not limited to,
9 the following:

10 1. Individualized case plans based upon the results of any
11 mental health or substance abuse screening or assessment, risk and
12 needs assessment and any other assessment or evaluation conducted on
13 the individual. The individualized case plan may include additional
14 reporting requirements and additional program requirements including
15 mental health and substance abuse treatment. The case plan shall be
16 developed to assist the offender with successful progress toward
17 completion of parole supervision;

18 2. Random substance abuse testing to ensure the compliance and
19 sobriety of the offender;

20 3. Progress reports as requested by the Pardon and Parole
21 Board; and

22 4. Specialized supervision or case management for violators of
23 conditions of supervision that involve a victim of domestic
24 violence.

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

4 A. Every offender on felony probation supervision under Section
5 515a of Title 57 of the Oklahoma Statutes, whether conducted by the
6 Department of Corrections, the district attorney or a private
7 supervision provider, shall be eligible to earn discharge credits
8 for compliance with the terms and conditions of probation
9 supervision to reduce the term of supervision. For every calendar
10 month of compliance with the terms and conditions of probation
11 supervision, the Department or supervising body shall award the
12 offender earned discharge credits equal to thirty (30) calendar days
13 to be applied towards a reduction of the probation supervision term
14 ordered under Section 991a of Title 22 of the Oklahoma Statutes. No
15 more than twelve (12) months of earned discharge credits may be
16 accumulated by an offender and applied toward a reduction of the
17 probation supervision ordered.

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

22 C. Every provider responsible for the supervision of felony
23 probationers, including the Department of Corrections, district
24 attorneys and private supervision providers, is directed to develop

1 written policies necessary for the implementation of earned
2 discharge credits for offenders on felony probation supervision as
3 authorized under this section. The policies developed by the
4 Department of Corrections, district attorneys and private
5 supervision providers shall include, but not be limited to, written
6 guidelines regarding the process to earn discharge credits and the
7 application of the credits toward the reduction of the term of
8 supervision, the collection of data related to who earns credit, how
9 much is applied and how much of the supervision period is reduced at
10 the point of discharge as well as information when discharge credit
11 is not earned.

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

20 E. Every provider responsible for the supervision of felony
21 probationers, including the Department of Corrections, district
22 attorneys and private supervision providers, shall notify the court
23 not less than thirty (30) days prior to the expected termination
24 date. However, nothing in this section shall prohibit the

1 Department, district attorney or a private supervision provider from
2 requesting termination of the sentence earlier than the termination
3 date of the sentence authorized in subsection F of this section.

4 F. Once a combination of time served in custody, if applicable,
5 time served on any form of probation, parole or postrelease
6 supervision satisfies the total sentence, the supervising agency
7 shall order the discharge of the sentence of the offender unless it
8 is determined that discharge of the sentence would interrupt the
9 completion of a necessary treatment program. If the Department
10 finds that discharging the sentence would interrupt the completion
11 of a necessary treatment program, the offender shall complete the
12 treatment program and then have his or her sentence discharged.
13 Upon termination of the offender from probation supervision, all
14 outstanding fines, fees or costs, excluding restitution, shall be
15 converted into a civil action.

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

19 A. Every offender on parole supervision under Section 512 of
20 Title 57 of the Oklahoma Statutes shall be eligible to earn
21 discharge credits for compliance with the terms and conditions of
22 parole supervision that reduce the term of supervision of the
23 offender. For every calendar month of compliance with the terms and
24 conditions of parole supervision, the Department shall award an

1 offender earned discharge credits equal to thirty (30) calendar days
2 to be applied towards a reduction of the parole supervision period.
3 No more than twelve (12) months of earned discharge credits may be
4 accumulated by any offender and applied toward a reduction of the
5 parole supervision period. No person convicted of an offense under
6 Section 13.1 or subsections C, D, E, F, G or J of Section 644 of
7 Title 21 of the Oklahoma Statutes shall be eligible for earned
8 discharge credits under this section.

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

19 C. The Department shall maintain a record of credits earned by
20 an offender under this section. At least every six (6) months from
21 the date the offender is placed on parole supervision, the
22 Department shall notify the offender of the current parole
23 termination date.

1 D. Once a combination of time served in custody, if applicable,
2 time served on any form of probation, parole or postrelease
3 supervision and earned discharge credits satisfies the total
4 sentence, the Department shall order the final termination of the
5 parole supervision of the offender unless the Department determines
6 that termination would interrupt the completion of a necessary
7 treatment program. If the Department finds that termination of the
8 sentence would interrupt the completion of a necessary treatment
9 program, the offender shall complete the treatment program and then
10 have his or her parole supervision terminated. Upon termination of
11 an offender from probation supervision, all outstanding fines, fees
12 or costs, excluding restitution, shall be converted into a civil
13 action.

14 E. The Department shall notify the Pardon and Parole Board of
15 the impending termination not less than thirty (30) days prior to
16 the expected termination date. However, nothing in this section
17 shall prohibit the Department from requesting parole termination
18 earlier than the termination date authorized in subsection D of this
19 section.

20 SECTION 16. AMENDATORY 57 O.S. 2011, Section 515, as
21 amended by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2016,
22 Section 515), is amended to read as follows:

23 Section 515. A. All ~~probation-parole~~ parole and probation
24 officers shall be deemed peace officers and shall possess the powers

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

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

13 1. Identifying, understanding and targeting the criminal risk
14 factors of the individual;

15 2. Principles of effective risk intervention;

16 3. Supporting and encouraging compliance and behavior change;

17 and

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

20 SECTION 17. AMENDATORY Section 2, Chapter 414, O.S.L.
21 2014 (57 O.S. Supp. 2016, Section 515a), is amended to read as
22 follows:

23 Section 515a. A. Felony probation supervision, whether
24 conducted by the Department of Corrections, a district attorney or

1 private supervision provider shall incorporate all minimum
2 supervision standards provided for in subsection B of this section.

3 B. Upon receiving an offender on probation supervision, the
4 supervising agency shall:

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

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

1 supervision and the practices used to reduce recidivism. The risk
2 and needs assessment shall be administered and scored by qualified
3 personnel in the Department or individuals approved by the
4 Department of Mental Health and Substance Abuse Services;

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

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

18 3. 5. Require the offender to receive an assessment for
19 batterers through a program certified by the Office of the Attorney
20 General for batterers, if deemed appropriate by the court, within
21 sixty (60) business days of sentencing or within sixty (60) business
22 days of release from confinement. The assessment of the batterer
23 ordered by the court shall be administered and scored by personnel
24 certified by 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 18. 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 presiding 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 19. 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. The Department shall provide the offender written notice of
7 the violation, the evidence relied upon and the reason the sanction
8 was imposed;

9 2. The hearing shall be held unless the offender waives the
10 right to the hearing;

11 3. The hearings shall be electronically recorded; and

12 4. The Department shall provide to the Governor a record of all
13 violations and actions taken pursuant to this subsection.

14 D. The parole and probation officer shall determine based on a
15 preponderance of the evidence whether a technical violation
16 occurred. Upon a finding that a technical violation occurred, the
17 parole and probation officer may order the offender to participate
18 in the recommended sanction plan or may modify the plan. Offenders
19 who accept the sanction plan shall sign a violation response
20 sanction form, and the parole and probation officer shall then
21 impose the sanction. Failure of the offender to comply with the
22 imposed sanction plan shall constitute a violation of the rules and
23 conditions of supervision that may result in a revocation
24 proceeding. If an offender does not voluntarily accept the

1 recommended sanction plan, the Department shall either both impose
2 the sanction and allow the offender to appeal to the district court
3 or request a revocation proceeding as provided by law.

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

7 SECTION 20. AMENDATORY 57 O.S. 2011, Section 516, is
8 amended to read as follows:

9 Section 516. A. Except as provided in subsection B of this
10 section, the probation and parole officer shall, upon information
11 sufficient to give the officer reasonable grounds to believe that
12 the parolee has violated the terms and conditions of parole, notify
13 the Department of Corrections. If it is determined that the facts
14 justify revocation action, the Department shall issue a warrant for
15 the arrest of the parolee and the warrant shall have the force and
16 effect of any warrant of arrest issued by a district court in this
17 state. The parolee shall, after arrest, be immediately incarcerated
18 in the nearest county jail, intermediate sanctions facility, or a
19 Department of Corrections facility to await action by the Governor
20 as to whether the parole will be revoked. Parole time shall cease
21 to run after the issuance of a warrant for arrest by the Department
22 of Corrections, and earned credits shall not be accrued during any
23 period of time when the parolee is incarcerated pending revocation
24 action by the Governor.

1 B. Any parolee determined to have violated any terms or
2 conditions of parole by the supervising parole officer may be given
3 the option, at the discretion of the Department of Corrections, to
4 be placed in an intermediate sanctions facility for disciplinary
5 sanction and programmatic services in lieu of revocation or when
6 revocation action by the Governor is deemed unnecessary for the
7 nature of the violation. Any parolee for whom a warrant for arrest
8 issues as provided in subsection A of this section may, at the
9 discretion of the Department or the Governor, be placed in an
10 intermediate sanctions facility pending or following any action by
11 the Governor as to revocation of parole or required additional
12 conditions to remain on parole. A parolee may be received and
13 processed into the custody of the Department on an expedited basis
14 through any facility serving such purpose or may be processed
15 directly by the intermediate sanctions facility.

16 C. The Department and the Pardon and Parole Board shall develop
17 written policies and procedures related to this section.

18 SECTION 21. AMENDATORY 57 O.S. 2011, Section 517, as
19 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2016,
20 Section 517), is amended to read as follows:

21 Section 517. A. A Probation and Parole Officer, upon
22 information sufficient to give the officer reasonable grounds to
23 believe that a probationer has been charged with or found guilty of
24 committing a felony or misdemeanor offense, or has escaped from

1 custody as provided in Section 443 of Title 21 of the Oklahoma
2 Statutes, shall notify the Department. If it is determined that the
3 facts justify revocation action, the Department shall issue a
4 warrant for the arrest of the probationer and the warrant shall have
5 the force and effect of any warrant of arrest issued by a district
6 court in this state. A probationer ~~shall~~ may, after arrest, be
7 immediately incarcerated in the nearest county jail or intermediate
8 sanctions facility to await action by the court as to whether the
9 probation will be revoked.

10 B. A Probation and Parole Officer, upon information sufficient
11 to give the officer reasonable grounds to believe that a probationer
12 ~~has violated the terms or conditions of probation, may notify the~~
13 ~~Department. If it is determined that the facts justify disciplinary~~
14 ~~sanctions, the Department shall issue a warrant for the arrest of~~
15 ~~the probationer and the warrant shall have the force and effect of~~
16 ~~any warrant of arrest issued by a district court in this state. The~~
17 ~~probationer shall, after arrest, be immediately incarcerated in the~~
18 ~~nearest county jail or intermediate sanction facility to await~~
19 ~~action by the court as to whether disciplinary sanctions shall be~~
20 ~~imposed. Upon approval of the court and the Department of~~
21 ~~Corrections, the probationer shall be placed in an intermediate~~
22 ~~revocation facility for disciplinary sanction and intensive~~
23 ~~programmatic services in lieu of a first revocation. Repeated~~
24 ~~violations by the probationer of the terms and conditions of~~

1 ~~probation may result in a revocation proceeding~~ committed a
2 technical violation of the terms or conditions of probation, may
3 notify the Department. If it is determined that the facts justify
4 revocation action, the Department shall issue a summons requiring
5 the probationer to appear at a revocation hearing. The district
6 attorney may petition the court to issue a warrant in place of a
7 summons for a compelling reason in the interest of public safety.
8 If the probationer fails to appear at the hearing ordered by the
9 summons, or if the court approves the district attorney's petition
10 for a warrant, the court shall issue a warrant for the arrest of the
11 probationer. The probationer may, after arrest, be immediately
12 incarcerated in the nearest county jail or intermediate sanction
13 facility to await action by the court as to whether disciplinary
14 sanctions will be imposed.

15 C. ~~Any probationer for whom a warrant for arrest issues as~~
16 ~~provided in subsection A of this section may, at the discretion of~~
17 ~~the court, be placed in an intermediate sanctions facility pending~~
18 ~~or following any action by the court as to revocation of probation~~
19 ~~or required additional conditions to remain on probation. The court~~
20 shall hold a revocation hearing for any probationer who is issued a
21 summons within twenty (20) calendar days from the date the summons
22 is issued. The court may, in its discretion, revoke probation or
23 continue probation and modify the terms and conditions thereof. The
24 court shall consider the employment status of the offender when

1 making a determination as to whether to revoke or continue the
2 offender on probation. Upon a finding the offender is employed and
3 a revocation sentence would result in a disruption of employment,
4 the court may, in lieu of revocation, order the probationer to serve
5 weekends in a county jail pursuant to Section 991a of Title 22 of
6 the Oklahoma Statutes, at the discretion of the court. If the court
7 revokes probation for a technical violation of the terms or
8 conditions of probation, the court shall impose a period of
9 imprisonment of not more than fifteen (15) days in the county jail
10 for the first application for revocation, not more than thirty (30)
11 days in the county jail for the second application for revocation
12 and not more than sixty (60) days in the county jail for the third
13 application for revocation. For the fourth and subsequent
14 application for revocation for a technical violation, the court may
15 impose a period of imprisonment of not more than five (5) years or
16 the remainder of the maximum sentence imposed, whichever is less.
17 If the court does not hold a revocation hearing within twenty (20)
18 calendar days pursuant to this section, the probationer shall be
19 returned to probation status. The court may subsequently hold a
20 revocation hearing and may revoke probation or continue probation
21 and modify the terms and conditions of probation. If the court
22 revokes probation for a technical violation, the court shall impose
23 a period of imprisonment that follows the revocation periods
24 outlined in this section.

1 D. If the court revokes probation for violations other than a
2 technical violation, the court shall follow the procedures outlined
3 in Section 991b or Section 991c of Title 22 of the Oklahoma
4 Statutes.

5 E. If the probationer has been arrested and detained on a
6 warrant and the court does not hold a revocation hearing within ten
7 (10) calendar days, the probationer shall be released from county
8 jail, intermediate sanctions facility or Department of Corrections
9 facility and shall return to probation status. The court may
10 subsequently hold a revocation hearing and may revoke probation or
11 continue probation and modify the terms and conditions of probation.
12 If the court revokes probation for a technical violation and imposes
13 a period of imprisonment, the court shall impose a period of
14 imprisonment that follows the revocation periods outlined in this
15 section.

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

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

23 ~~D.~~ H. Nothing in this section shall preclude a district
24 attorney from initiating an application to revoke a suspended

1 sentence pursuant to subsection A of this section without a
2 recommendation from the Department or from initiating an application
3 to revoke a suspended sentence and referring the person to an
4 intermediate revocation facility without a recommendation from the
5 Department pursuant to subsection B of this section, when the
6 district attorney believes that competent evidence justifies the
7 revocation of the suspended sentence.

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

12 SECTION 22. AMENDATORY 57 O.S. 2011, Section 571, as
13 amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2016,
14 Section 571), is amended to read as follows:

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

17 1. "Capacity" means the actual available bedspace as certified
18 by the State Board of Corrections subject to applicable federal and
19 state laws and the rules and regulations promulgated under such
20 laws;

21 2. "Violent crime" means any of the following felony offenses
22 and any attempts to commit or conspiracy or solicitation to commit
23 the following crimes:
24

- 1 a. assault, battery, or assault and battery with a
2 dangerous or deadly weapon~~+~~, as provided for in
3 Sections 645 and 652 of Title 21 of the Oklahoma
4 Statutes,
- 5 b. shooting with intent to kill, assault, battery, or
6 assault and battery with a deadly weapon or by other
7 means likely to produce death or great bodily harm, as
8 provided for in Section 652 of Title 21 of the
9 Oklahoma Statutes~~+~~,
- 10 c. aggravated assault and battery on a police officer,
11 sheriff, highway patrolman, or any other officer of
12 the law~~+~~, as provided for in Section 650 of Title 21
13 of the Oklahoma Statutes,
- 14 d. poisoning with intent to kill~~+~~, as provided for in
15 Section 651 of Title 21 of the Oklahoma Statutes,
- 16 e. shooting with intent to kill~~+~~, as provided for in
17 Section 652 of Title 21 of the Oklahoma Statutes,
- 18 f. assault with intent to kill~~+~~, as provided for in
19 Section 653 of Title 21 of the Oklahoma Statutes,
- 20 g. assault with intent to commit a felony~~+~~, as provided
21 for in Section 681 of Title 21 of the Oklahoma
22 Statutes,
- 23 h. assaults with a dangerous weapon or other instrument
24 of punishment while masked or disguised~~+~~, as provided

1 for in Section 1303 of Title 21 of the Oklahoma
2 Statutes,

3 i. murder in the first degree~~+~~, as provided for in
4 Section 701.7 of Title 21 of the Oklahoma Statutes,

5 j. murder in the second degree~~+~~, as provided for in
6 Section 701.8 of Title 21 of the Oklahoma Statutes,

7 k. manslaughter in the first degree~~+~~, as provided for in
8 Section 711 of Title 21 of the Oklahoma Statutes,

9 l. manslaughter in the second degree~~+~~, as provided for in
10 Section 716 of Title 21 of the Oklahoma Statutes,

11 m. kidnapping~~+~~, as provided for in Section 741 of Title
12 21 of the Oklahoma Statutes,

13 n. burglary in the first degree~~+~~, as provided for in
14 Section 1431 of Title 21 of the Oklahoma Statutes,

15 o. burglary with explosives~~+~~, as provided for in Section
16 1441 of Title 21 of the Oklahoma Statutes,

17 p. kidnapping for extortion~~+~~, as provided for in Section
18 745 of Title 21 of the Oklahoma Statutes,

19 q. maiming~~+~~, as provided for in Section 751 of Title 21
20 of the Oklahoma Statutes,

21 r. robbery~~+~~, as provided for in Section 791 of Title 21
22 of the Oklahoma Statutes,

- s. robbery in the first degree~~+~~, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes,
- t. robbery in the second degree~~+~~, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes,
- u. armed robbery~~+~~, as provided for in Section 801 of Title 21 of the Oklahoma Statutes,
- v. robbery by two (2) or more persons~~+~~, as provided for in Section 800 of Title 21 of the Oklahoma Statutes,
- w. robbery with dangerous weapon or imitation firearm~~+~~, as provided for in Section 801 of Title 21 of the Oklahoma Statutes,
- x. child abuse~~+~~, as provided for in Section 843.5 of Title 21 of the Oklahoma Statutes,
- y. wiring any equipment, vehicle or structure with explosives~~+~~, as provided for in Section 849 of Title 21 of the Oklahoma Statutes,
- z. forcible sodomy~~+~~, as provided for in Section 888 of Title 21 of the Oklahoma Statutes,
- aa. rape in the first degree~~+~~, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes,
- bb. rape in the second degree~~+~~, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes,

- 1 cc. rape by instrumentation~~+~~, as provided for in Section
2 1111.1 of Title 21 of the Oklahoma Statutes,
- 3 dd. lewd or indecent proposition or lewd or indecent act
4 with a child~~+~~ under sixteen (16) years of age, as
5 provided for in Section 1123 of Title 21 of the
6 Oklahoma Statutes,
- 7 ee. use of a firearm or offensive weapon to commit or
8 attempt to commit a felony~~+~~, as provided for in
9 Section 1287 of Title 21 of the Oklahoma Statutes,
- 10 ff. pointing firearms~~+~~, as provided for in Section 1279 of
11 Title 21 of the Oklahoma Statutes,
- 12 gg. rioting~~+~~, as provided for in Section 1311 of Title 21
13 of the Oklahoma Statutes,
- 14 hh. inciting to riot~~+~~, as provided for in Section 1320.2
15 of Title 21 of the Oklahoma Statutes,
- 16 ii. arson in the first degree~~+~~, as provided for in Section
17 1401 of Title 21 of the Oklahoma Statutes,
- 18 jj. injuring or burning public buildings~~+~~, as provided for
19 in Section 349 of Title 21 of the Oklahoma Statutes,
- 20 kk. sabotage~~+~~, as provided for in Section 1262 of Title 21
21 of the Oklahoma Statutes,
- 22 ll. criminal syndicalism~~+~~, as provided for in Section 1261
23 of Title 21 of the Oklahoma Statutes,
- 24

- 1 mm. extortion~~+~~, as provided for in Section 1481 of Title
2 21 of the Oklahoma Statutes,
- 3 nn. obtaining signature by extortion~~+~~, as provided for in
4 Section 1485 of Title 21 of the Oklahoma Statutes,
- 5 oo. seizure of a bus, discharging firearm or hurling
6 missile at bus~~+~~, as provided for in Section 1903 of
7 Title 21 of the Oklahoma Statutes,
- 8 pp. mistreatment of a mental patient~~+~~, as provided for in
9 Section 843.1 of Title 21 of the Oklahoma Statutes,
- 10 qq. using a vehicle to facilitate the discharge of a
11 weapon pursuant to Section 652 of Title 21 of the
12 Oklahoma Statutes~~+~~↓
- 13 rr. bombing offenses as defined in Section 1767.1 of Title
14 21 of the Oklahoma Statutes~~+~~↓
- 15 ss. child pornography or aggravated child pornography as
16 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
17 of Title 21 of the Oklahoma Statutes~~+~~↓
- 18 tt. child prostitution as defined in Section 1030 of Title
19 21 of the Oklahoma Statutes~~+~~↓
- 20 uu. abuse of a vulnerable adult as defined in Section 10-
21 103 of Title 43A of the Oklahoma Statutes who is a
22 resident of a nursing facility~~+~~↓
- 23
24

1 vv. aggravated trafficking as provided for in subsection C
2 of Section 2-415 of Title 63 of the Oklahoma
3 Statutes~~+~~,

4 ww. aggravated assault and battery upon any person
5 defending another person from assault and battery~~+~~, as
6 provided for in Section 646 of Title 21 of the
7 Oklahoma Statutes,

8 xx. human trafficking as provided for in Section 748 of
9 Title 21 of the Oklahoma Statutes~~+~~, or

10 yy. terrorism crimes as provided in Sections 1268 et seq.
11 of Title 21 of the Oklahoma Statutes.

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

14 SECTION 23. This act shall become effective November 1, 2017.

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16 56-1-7908 GRS 05/12/17
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