

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 10, 2017

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 185

By: Floyd of the Senate and Babinec and Goodwin of the House

Title: Prisons and reformatories; creating the Parole of Aging Prisoners Act. Effective date.

together with Engrossed House 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 House recede from all Amendments.

Respectfully submitted,

SENATE CONFEREES:

Floyd

Treat

Fry

Shaw

Thompson

Jech

Matthews

HOUSE CONFEREES:

Conference Committee on Judiciary – Criminal Justice and Corrections

Senate Action _____ Date _____ House Action _____ Date _____

epc

1 ENGROSSED HOUSE AMENDMENT
2 TO
3 ENGROSSED SENATE BILL NO. 185 By: Floyd of the Senate
4 and
5 Biggs of the House
6

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

13 AUTHOR: Remove Biggs as principal House author and substitute with
14 Babinec as principal House author

15 AMENDMENT NO. 1. Page 1, lines 6 through 9 1/2, strike the title to
16 read

17 "[prisons and reformatories - creating the Parole of
18 Aging Prisoners Act - effective date]"

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1 Passed the House of Representatives the 27th day of April, 2017.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2017.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 185

By: Floyd of the Senate

3 and

4 Biggs of the House

5
6 An Act relating to prisons and reformatories;
7 creating the Parole of Aging Prisoners Act; stating
8 legislative purpose; defining terms; stating
9 authority of the Pardon and Parole Board; authorizing
10 certain prisoners to request parole; providing
11 hearing procedures; providing procedures for granting
12 and denying parole requests; providing for
13 codification; and providing an effective date.

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

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

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

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

- 22 1. Is seventy (70) years of age or older;
- 23 2. Has served, in actual custody, the shorter of ten (10) years
24 of the term or terms of imprisonment, or one-third (1/3) of the
total term or terms of imprisonment;

1 3. Poses minimal public safety risks warranting continued
2 imprisonment;

3 4. Is not imprisoned for a crime pursuant to Section 13.1 of
4 Title 21 of the Oklahoma Statutes or Section 571 of Title 57 of the
5 Oklahoma Statutes; and

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

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

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

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

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

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

22 A. The authority to grant parole under Section 4 of this act
23 shall rest with the Pardon and Parole Board.
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1 B. The Pardon and Parole Board shall use an evidence-based risk
2 assessment instrument to assess the public safety risk posed by
3 aging prisoners upon release.

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

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

- 12 1. Ten (10) years of the term or terms of imprisonment; or
- 13 2. One-third (1/3) of the total term or terms of imprisonment.

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

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

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

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

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

Passed the Senate the 15th day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2017.

Presiding Officer of the House
of Representatives