

1 **SENATE FLOOR VERSION**

2 February 26, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1566

By: Shaw of the Senate

and

Humphrey of the House

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7
8
9 [earned discharge credits - compliance -
10 codification - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 A. Every offender on felony probation supervision under Section
17 515a of Title 57 of the Oklahoma Statutes, supervised by the
18 Department of Corrections or by a private supervision provider,
19 shall be eligible to earn discharge credits for compliance with the
20 terms and conditions of probation supervision to reduce the term of
21 supervision and the overall term of the sentence. For every
22 calendar month of compliance with the terms and conditions of
23 probation supervision, the supervising body, defined for the
24 purposes of this section as the Department of Corrections or private

1 supervision provider responsible for the supervision of felony
2 probationers, shall award the offender earned discharge credits
3 equal to thirty (30) calendar days to be applied toward a reduction
4 of the probation supervision term ordered under Section 991a of
5 Title 22 of the Oklahoma Statutes. For the purposes of this
6 section, "compliance" shall be defined as the absence of a violation
7 report submitted by the supervising body during a calendar month.

8 B. No person convicted of an offense under Section 13.1 or
9 subsection C, D, E, F, G or J of Section 644 of Title 21 of the
10 Oklahoma Statutes shall be eligible for earned discharge credits
11 under this section.

12 C. Every supervising body shall develop written policies and
13 procedures necessary for the implementation of earned discharge
14 credits for offenders on felony probation supervision as authorized
15 pursuant to this section. The policies and procedures developed by
16 the supervising bodies shall include, but not be limited to, written
17 guidelines regarding the process to earn discharge credits and the
18 application of the credits toward the reduction of the term of
19 supervision or term of the sentence, the collection of data related
20 to who earns credit, how much is applied and how much of the
21 supervision period or sentence term is reduced at the point of
22 discharge.

23 D. Every supervising body shall maintain a record of credits
24 earned by an offender under this section. At least every six (6)

1 months from the date the offender is placed on probation, the
2 supervising body shall notify the offender of the current discharge
3 date for the offender's term of supervision and the overall sentence
4 of the offender.

5 E. Every supervising body shall notify the court not less than
6 thirty (30) days prior to the expected discharge date. However,
7 nothing in this section shall prohibit the supervising body from
8 requesting termination of the sentence earlier than the termination
9 date of the sentence authorized in subsection F of this section.

10 F. Once a combination of either time served in custody, if
11 applicable, time served on any form of probation, parole or post-
12 release supervision and earned discharge credits satisfy the total
13 sentence, the supervising body shall order the discharge of the
14 sentence of the offender.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Every offender released to parole supervision pursuant to
19 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible
20 to earn discharge credits for compliance with the terms and
21 conditions of parole supervision that reduce the offender's term of
22 supervision. For every calendar month of compliance with the terms
23 and conditions of parole supervision, the Department of Corrections
24 shall award the offender earned discharge credits equal to thirty

1 (30) calendar days to be applied toward a reduction of the parole
2 supervision period. For the purposes of this section, "compliance"
3 shall be defined as the absence of a violation report submitted by a
4 Probation and Parole Officer during a calendar month. No person
5 convicted of an offense under Section 13.1 or subsection C, D, E, F,
6 G or J of Section 644 of Title 21 of the Oklahoma Statutes shall be
7 eligible for earned discharge credits under this section.

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

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

22 D. The Department shall notify the Pardon and Parole Board of
23 the impending termination not less than thirty (30) days prior to
24 the expected termination date. However, nothing in this section

1 shall prohibit the Department from requesting parole termination
2 earlier than the termination date authorized in subsection E of this
3 section.

4 E. Once a combination of either time served in custody, if
5 applicable, time served on any form of probation, parole or post-
6 release supervision and earned discharge credits satisfy the total
7 sentence, the Department shall order the final termination of the
8 offender's parole supervision.

9 SECTION 3. This act shall become effective November 1, 2020.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
11 February 26, 2020 - DO PASS AS AMENDED
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