

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO.616

By: Jech

AS INTRODUCED

An Act relating to pardons and parole; amending 57 O.S. 2011, Section 332.7, as last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp. 2018, Section 332.7), which relates to consideration for parole; requiring certain disclosure; directing the Pardon and Parole Board to suggest remediation; modifying computation of sentences; deleting certain requirement for parole consideration; updating statutory language; amending 57 O.S. 2011, Section 350, which relates to parole revocation; modifying certain authority; updating statutory reference; making gender neutral; amending 57 O.S. 2011, Section 502, as last amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2018, Section 502), which relates to definitions; providing definitions; directing certain discharge credits for certain compliance be given; prohibiting certain offenses from eligibility for discharge credits; requiring written policies and procedures; requiring maintenance of records and notification; directing the creation of rules for supervision and management of probation providers; requiring certain inclusion in rules; directing the creation of a matrix of sanctions and incentives; requiring certain timeline compliance; requiring establishment of procedures; amending 57 O.S. 2011, Section 516, which relates to parole violators; modifying allowable violations for consideration; directing action by probation and parole officer; allowing for certain justification for further action; providing time requirements for hearings; providing for action by the Governor; amending 57 O.S. 2011, Section 517, as amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018, Section 517), which relates to probation violators; modifying allowable violations for

1 consideration; directing action by probation and
2 parole officer; allowing for certain justification
3 for further action; providing time requirements for
4 hearings; providing for action by the Governor;
5 providing definition; providing for codification; and
6 providing an effective date.

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

8 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.7, as
9 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
10 2018, Section 332.7), is amended to read as follows:

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

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

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

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

14 B. For a crime committed on or after July 1, 1998, and before
15 November 1, 2018, any person in the custody of the Department of
16 Corrections shall be eligible for consideration for parole who has
17 completed serving one-third (1/3) of the sentence; provided,
18 however, no inmate serving a sentence of life imprisonment without
19 parole shall be eligible to be considered for parole pursuant to
20 this subsection.

21 C. For a crime committed on or after November 1, 2018, any
22 person in the custody of the Department of Corrections shall be
23 eligible for parole after serving one-fourth (1/4) of the sentence
24

1 or consecutive sentences aggregated pursuant to subsection K of this
2 section imposed, according to the following criteria:

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

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

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

23 1. At the initial hearing, the Pardon and Parole Board shall
24 review the completed report submitted by the staff of the Board and
25

1 shall conduct a vote regarding whether, based upon that report, the
2 Board decides to consider the person for parole at a subsequent
3 meeting of the Board; and

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

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

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

20 2. Until the person has served at least one-third (1/3) of the
21 sentence imposed, if the person was eligible for consideration
22 pursuant to paragraph 3 of subsection A of this section. Thereafter
23 the person shall not be considered more frequently than once every
24

1 three (3) years, unless the person is within one (1) year of
2 discharge.

3 F. If the Pardon and Parole Board denies parole, the Board
4 shall state on the record the reason for the denial.

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

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

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

21 ~~H.~~ J. The Pardon and Parole Board shall not recommend to the
22 Governor any person who has been convicted of three or more felonies
23 arising out of separate and distinct transactions, with three or
24 more incarcerations for such felonies, unless such person shall have

1 served the lesser of at least one-third (1/3) of the sentence
2 imposed, or ten (10) years; provided, that whenever the population
3 of the prison system exceeds ninety-five percent (95%) of the
4 capacity as certified by the State Board of Corrections, the Pardon
5 and Parole Board may, at its discretion, recommend to the Governor
6 for parole any person who is incarcerated for a nonviolent offense
7 not involving injury to a person and who is within six (6) months of
8 his or her statutory parole eligibility date.

9 ~~I.~~ K. Inmates sentenced to consecutive sentences shall not be
10 eligible for parole consideration on any such consecutive sentence
11 until one-third (1/3) of the aggregate term of the consecutive
12 ~~sentence~~ sentences has been served if sentenced for a crime
13 committed before November 1, 2018, or one-fourth (1/4) of the
14 aggregate term of the sentences if sentenced for a crime committed
15 on or after November 1, 2018, or where parole has been otherwise
16 limited by law, until the minimum term of incarceration has been
17 served as required by law. Unless otherwise ordered by the
18 sentencing court, any credit for jail time served shall be credited
19 to ~~only one offense~~ reduce the aggregate term. Parole eligibility
20 for consecutive sentences shall be determined by combining
21 consecutive sentences to arrive at an aggregate term of all
22 sentences imposed. The provisions of this subsection shall apply to
23 all consecutive sentences currently being served or a subsequent
24 sentence ordered to run consecutive to an existing sentence.

1 ~~J.~~ 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.

4 ~~K. In the event the Board grants parole for a nonviolent~~
5 ~~offender who has previously been convicted of an offense enumerated~~
6 ~~in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571~~
7 ~~of this title, such offender shall be subject to nine (9) months~~
8 ~~postimprisonment supervision upon release.~~

9 ~~L.~~ M. It shall be the duty of the Pardon and Parole Board to
10 cause an examination to be made at the penal institution where the
11 person is assigned, and to make inquiry into the conduct and the
12 record of the ~~said~~ the person during his custody in the Department
13 of Corrections, which shall be considered as a basis for
14 consideration of ~~said~~ the person for recommendation to the Governor
15 for parole. However, the Pardon and Parole Board shall not be
16 required to consider for parole any person who has completed the
17 time period provided for in this subsection if the person has
18 participated in a riot or in the taking of hostages, or has been
19 placed on escape status, while in the custody of the Department of
20 Corrections. The Pardon and Parole Board shall adopt policies and
21 procedures governing parole consideration for such persons.

22 ~~M.~~ N. Any person in the custody of the Department of
23 Corrections who is convicted of an offense not designated as a
24 violent offense by Section 571 of this title, is not a citizen of
25

1 the United States and is subject to or becomes subject to a final
2 order of deportation issued by the United States Department of
3 Justice shall be considered for parole to the custody of the United
4 States Immigration and Naturalization Service for continuation of
5 deportation proceedings at any time subsequent to reception and
6 processing through the Department of Corrections. No person shall
7 be considered for parole under this subsection without the
8 concurrence of at least three members of the Pardon and Parole
9 Board. The vote on whether or not to consider such person for
10 parole and the names of the concurring Board members shall be set
11 forth in the written minutes of the meeting of the Board at which
12 the issue is considered.

13 ~~N.~~ O. Upon application of any person convicted and sentenced by
14 a court of this state and relinquished to the custody of another
15 state or federal authorities pursuant to Section 61.2 of Title 21 of
16 the Oklahoma Statutes, the Pardon and Parole Board may determine a
17 parole consideration date consistent with the provisions of this
18 section and criteria established by the Pardon and Parole Board.

19 ~~O.~~ P. All references in this section to matrices or schedules
20 shall be construed with reference to the provisions of Sections 6,
21 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

22 ~~P.~~ Q. Any person in the custody of the Department of
23 Corrections who is convicted of a felony sex offense pursuant to
24

1 Section 582 of this title who is paroled shall immediately be placed
2 on intensive supervision.

3 ~~Q.~~ R. A person in the custody of the Department of Corrections
4 whose parole consideration date is calculated pursuant to subsection
5 B or C of this section, and is not serving a sentence of life
6 imprisonment without parole or who is not ~~convicted of~~ serving a
7 sentence for an offense designated as a violent offense by Section
8 571 of this title or any crime enumerated in Section 13.1 of Title
9 21 of the Oklahoma Statutes shall be eligible for administrative
10 parole under subsection ~~R~~ S of this section.

11 ~~R.~~ S. The Pardon and Parole Board shall, ~~by majority vote,~~
12 grant administrative parole to any person in the custody of the
13 Department of Corrections if:

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

16 2. A victim, as defined in Section 332.2 of this title, or the
17 district attorney speaking on behalf of a victim, has not submitted
18 an objection;

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

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

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

1 ~~S.~~ T. Any person granted parole pursuant to subsection ~~R~~ S of
2 this section shall be released from the institution at the time of
3 the parole eligibility date of the person as calculated under
4 subsection B or C of this section.

5 ~~T.~~ U. No less than ninety (90) days prior to the parole
6 eligibility date of the person, the Department shall notify the
7 Pardon and Parole Board in writing of the compliance or
8 noncompliance of the person with the case plan and any infractions
9 committed by the person.

10 ~~U.~~ V. The Pardon and Parole Board shall not be required to
11 conduct a hearing before granting administrative parole pursuant to
12 subsection ~~R~~ S of this section.

13 ~~V.~~ W. Any person who is not granted administrative parole shall
14 be otherwise eligible for parole pursuant to this section.

15 ~~W.~~ X. Any person who is granted administrative parole under
16 subsection ~~R~~ S of this section shall be supervised and managed by
17 the Department of Corrections in the same manner as a parolee who
18 has been granted parole pursuant to this section. The person shall
19 be subject to all of the rules and regulations of parole.

20 SECTION 2. AMENDATORY 57 O.S. 2011, Section 350, is
21 amended to read as follows:

22 Section 350. A. Every person, hereinafter referred to as
23 "convict", who has been or who in the future may be sentenced to
24 imprisonment in any state penal institution shall, in addition to
25

1 any other deductions provided for by law, be entitled to a deduction
2 from his or her sentence for all time during which he or she has
3 been or may be on parole. The provisions of this section are hereby
4 declared to be both retroactive and prospective, and to apply to
5 convicts who are on parole on ~~the effective date of this act~~ October
6 1, 1981, as well as to convicts who may be paroled thereafter; and
7 shall at the discretion of the paroling authority apply to time on a
8 parole which has been or shall be revoked.

9 B. Beginning November 1, 1987, the paroling authority ~~also~~
10 ~~shall have the discretion to~~ may revoke all or any portion of the
11 parole except as provided pursuant to subsection C of this section.

12 C. Beginning November 1, 2019, the paroling authority may
13 revoke all or any portion of the parole in accordance with Section
14 516 of this title.

15 SECTION 3. AMENDATORY 57 O.S. 2011, Section 502, as last
16 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2018,
17 Section 502), is amended to read as follows:

18 Section 502. As used in this title, unless the context
19 otherwise requires:

- 20 1. "Board" means the State Board of Corrections;
- 21 2. "Department" means the Department of Corrections of this
22 state;
- 23 3. "Director" means the Director of the Department of
24 Corrections;

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

5 5. "Institutions" means the Oklahoma State Penitentiary located
6 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
7 Granite, Oklahoma; the Lexington Assessment and Reception Center
8 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
9 located at Lexington, Oklahoma; the Jackie Brannon Correctional
10 Center located at McAlester, Oklahoma; the Howard C. McLeod
11 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
12 Correctional Center located at Stringtown, Oklahoma; the Jim E.
13 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
14 Bassett Correctional Center located at McLoud, Oklahoma; the R.B.
15 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the
16 James Crabtree Correctional Center located at Helena, Oklahoma; the
17 Jess Dunn Correctional Center located at Taft, Oklahoma; the John
18 Lilley Correctional Center located at Boley, Oklahoma; the William
19 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.
20 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;
21 the Northeast Oklahoma Correctional Center located at Vinita,
22 Oklahoma; the Clara Waters and Kate Barnard Community Corrections
23 Centers located at Oklahoma City, Oklahoma; the Community
24 Corrections Centers located at Lawton, Enid, Oklahoma City and Union

1 City; the Charles E. "Bill" Johnson Correctional Center, located
2 east of Alva, Oklahoma; the Southern Oklahoma Resource Center
3 located at Pauls Valley, Oklahoma; and other facilities under the
4 jurisdiction and control of the Department of Corrections or
5 hereafter established by the Department of Corrections;

6 6. "Intermediate revocation facility" means a corrections
7 center operated by the Department of Corrections or a private
8 facility or public trust operating pursuant to contract with the
9 Department of Corrections which provides housing and intensive
10 programmatic services for offenders who have violated the terms or
11 conditions of probation as determined by a supervising probation
12 officer. "Intensive programmatic services" offered by the
13 Department of Corrections includes, but shall not be limited to,
14 alcohol and substance abuse counseling and treatment, mental health
15 counseling and treatment and domestic violence courses and treatment
16 programs;

17 7. "Intermediate sanctions facility" means a community
18 corrections center operated by the Department of Corrections or a
19 private facility or public trust operating pursuant to contract with
20 the Department of Corrections which provides for the housing and
21 programmatic services of offenders such as probation or parole
22 violators or community sentenced offenders placed in the facility
23 for disciplinary sanctions, work release offenders, offenders who
24 need intensive programmatic services, or offenders who have

1 demonstrated positive adjustment while in an institutional setting
2 who need additional programmatic services to enhance their reentry
3 into society upon release from a prison term; ~~and~~

4 8. "Private prison contractor" means:

- 5 a. a nongovernmental entity or public trust which,
6 pursuant to a contract with the Department of
7 Corrections, operates an institution within the
8 Department other than a halfway house or intermediate
9 sanctions facility, or provides for the housing, care,
10 and control of inmates and performs other functions
11 related to these responsibilities within a minimum,
12 medium, or maximum security level facility not owned
13 by the Department but operated by the contractor, or
14 b. a nongovernmental entity or public trust which,
15 pursuant to a contract with the United States or
16 another state, provides for the housing, care, and
17 control of minimum or medium security inmates in the
18 custody of the United States or another state, and
19 performs other functions related to these
20 responsibilities other than a halfway house or
21 intermediate sanctions facility within a facility
22 owned or operated by the contractor;

23 9. "Technical violation" means a violation of the rules and
24 conditions of supervision, other than:

- 1 a. commission of a new criminal offense for which felony
2 or misdemeanor charges are filed, including violation
3 of a protective order pursuant to Section 60.6 of
4 Title 22 of the Oklahoma Statutes,
5 b. absconding, defined as failing to initially report or
6 missing assigned reporting requirements for an excess
7 of sixty (60) days, or
8 c. any violation of the Specialized Sex Offender Rules;
9 and

10 10. "Risk and needs assessment" means an actuarial tool
11 validated on the correctional population of the state that
12 determines the risk of an individual to reoffend and the criminal
13 risk factors that, when addressed, reduce the risk of an individual
14 to reoffend.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 512.1 of Title 57, unless there
17 is created a duplication in numbering, reads as follows:

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

1 the Department of Corrections, district attorney or private
2 supervision provider responsible for the supervision of felony
3 probationers, shall award the offender earned discharge credits
4 equal to thirty (30) calendar days to be applied toward a reduction
5 of the probation supervision term ordered under Section 991a of
6 Title 22 of the Oklahoma Statutes. For every calendar month of
7 compliance with the terms and conditions of probation supervision,
8 the supervising body shall award an offender earned discharge
9 credits equal to fifteen (15) calendar days to be applied towards a
10 reduction of the overall term of the probation sentence ordered
11 under Section 991a of Title 22 of the Oklahoma Statutes. For the
12 purposes of this section, "compliance" shall be defined as the
13 absence of a violation report submitted by the supervising body
14 during a calendar month.

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

19 C. Every supervising body shall develop written policies and
20 procedures necessary for the implementation of earned discharge
21 credits for offenders on felony probation supervision as authorized
22 pursuant to this section. The policies and procedures developed by
23 the supervising bodies shall include, but not be limited to, written
24 guidelines regarding the process to earn discharge credits and the

1 application of the credits toward the reduction of the term of
2 supervision or term of the sentence, the collection of data related
3 to who earns credit, how much is applied and how much of the
4 supervision period or sentence term is reduced at the point of
5 discharge.

6 D. Every supervising body shall maintain a record of credits
7 earned by an offender under this section. At least every six (6)
8 months from the date the offender is placed on probation, the
9 supervising body shall notify the offender of the current discharge
10 date for the offender's term of supervision and the overall sentence
11 of the offender.

12 E. Every supervising body shall notify the court not less than
13 thirty (30) days prior to the expected discharge date. However,
14 nothing in this section shall prohibit the supervising body from
15 requesting termination of the sentence earlier than the termination
16 date of the sentence authorized in subsection F of this section.

17 F. Once a combination of time served in custody, if applicable,
18 time served on any form of probation, parole or post-release
19 supervision and earned discharge credits satisfy the total sentence,
20 the supervising body shall order the discharge of the sentence of
21 the offender unless it is determined that termination would
22 interrupt the completion of a necessary treatment program. If the
23 supervising body finds that termination of the sentence would
24 interrupt the completion of a necessary treatment program, the

1 offender shall complete the treatment program and then have his or
2 her sentence discharged. Upon an offender's termination from
3 probation supervision, all outstanding fines, fees or costs,
4 excluding restitution, shall be converted into a civil action.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Every offender released to parole supervision pursuant to
9 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible
10 to earn discharge credits for compliance with the terms and
11 conditions of parole supervision that reduce the offender's term of
12 supervision. For every calendar month of compliance with the terms
13 and conditions of parole supervision, the Department of Corrections
14 shall award the offender earned discharge credits equal to thirty
15 (30) calendar days to be applied toward a reduction of the parole
16 supervision period. For the purposes of this section, "compliance"
17 shall be defined as the absence of a violation report submitted by a
18 Probation and Parole Officer during a calendar month. No person
19 convicted of an offense under Section 13.1 or subsections C, D, E,
20 F, G or J of Section 644 of Title 21 of the Oklahoma Statutes shall
21 be eligible for earned discharge credits under this section.

22 B. The Department of Corrections shall develop written policies
23 and procedures necessary for the implementation of earned discharge
24 credits as authorized pursuant to this section. The policies and

1 procedures developed by the Department of Corrections shall include,
2 but not be limited to, written guidelines regarding the process to
3 earn discharge credits and the application of the credits toward the
4 reduction of the term of supervision or term of the sentence, the
5 collection of data related to who earns credit, how much is applied
6 and how much of the supervision period or sentence term is reduced
7 at the point of discharge.

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

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

18 E. Once a combination of time served in custody, if applicable,
19 time served on any form of probation, parole or post-release
20 supervision and earned discharge credits satisfy the total sentence,
21 the Department shall order the final termination of the offender's
22 parole supervision unless it is determined that termination would
23 interrupt the completion of a necessary treatment program. If the
24 Department finds that termination of the sentence would interrupt

1 the completion of a necessary treatment program, the offender shall
2 complete the treatment program and then have his or her parole
3 supervision terminated. Upon an offender's termination from parole
4 supervision, all outstanding fines, fees or costs, excluding
5 restitution, shall be converted into a civil action.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 515b of Title 57, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Supreme Court, in coordination with the Department of
10 Corrections, shall establish regulations by rule for all providers
11 under contract with a district court whose duties include
12 supervision of felony probationers pursuant to Section 515a of Title
13 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 developed pursuant to
16 this section shall include, but not be limited to:

17 1. The use of a risk and needs assessment, as defined in
18 Section 502 of Title 57 of the Oklahoma Statutes, to guide
19 supervision and programming decisions and the development of an
20 individualized case plan pursuant to Section 515a of Title 57 of the
21 Oklahoma Statutes;

22 2. The application of the earned discharge program pursuant to
23 Section 4 of this act;

1 3. The application of the graduated sanctions and incentives
2 matrix pursuant to Section 991b of Title 22 of the Oklahoma
3 Statutes; and

4 4. The collection and reporting of data required under Section
5 1002 of Title 57 of the Oklahoma Statutes.

6 B. Any provider under contract with a district court whose
7 duties include supervision of felony probationers pursuant to
8 Section 515a of Title 57 of the Oklahoma Statutes shall complete,
9 upon hiring and on an annual basis, training courses, including, but
10 not limited to:

11 1. Identifying, understanding, targeting and effectively
12 addressing an individual's criminal risk and need factors and
13 barriers to successful completion of supervision;

14 2. Supporting and encouraging compliance and behavior change;

15 3. The use of a graduated sanctions matrix developed by the
16 Department of Corrections according to Section 991b of Title 22 of
17 the Oklahoma Statutes; and

18 4. If applicable, best practices on graduated responses to
19 domestic violence offenders and victim sensitivity training.

20 C. Each judicial district shall be responsible for developing
21 and administering procedures by rule for the implementation of the
22 requirements in this section. The chief judge of each judicial
23 district shall carry out this mandate within one (1) year of the
24 effective date of this act.

1 SECTION 7. 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 and probationers who are being supervised by the Department. The
7 Department shall be authorized to use a violation response and
8 intermediate sanction process based on the matrix to apply to any
9 technical violations of the terms and conditions of parole and
10 probation, as defined in Section 502 of Title 57 of the Oklahoma
11 Statutes. The matrix shall be used for probationers in accordance
12 with the procedures laid out in Section 991b of Title 22 of the
13 Oklahoma Statutes, and for parolees in accordance with this section.

14 B. Within four (4) working days of the discovery of a parole
15 violation, the Probation and Parole Officer shall initiate the
16 violation response and intermediate sanction process. The Probation
17 and Parole Officer shall complete a sanction form, which shall
18 specify the technical violation, sanction and action plan to correct
19 the noncompliant behavior resulting in the technical violation. The
20 Probation and Parole Officer shall refer to the matrix to determine
21 the supervision, treatment and sanctions appropriate to address the
22 noncompliant behavior. The Probation and Parole Officer shall refer
23 the violation information and recommended response with a sanction
24 plan to the Department of Corrections to be heard by a hearing

1 officer. The Department of Corrections shall develop the policies
2 and procedures necessary to implement this section.

3 C. The Department of Corrections shall establish procedures to
4 hear responses to technical violations and review sanction plans for
5 parolees including the following:

6 1. Hearing officers shall report through a chain of command
7 separate from that of the supervising Probation and Parole Officers;

8 2. The Department shall provide the offender written notice of
9 the violation, the evidence relied upon and the reason the sanction
10 was imposed;

11 3. The hearing shall be held unless the offender waives the
12 right to the hearing;

13 4. The hearings shall be electronically recorded; and

14 5. The Department shall provide to the Pardon and Parole Board
15 a record of all violations and actions taken pursuant to this
16 subsection.

17 D. The hearing officer shall determine based on a preponderance
18 of the evidence whether a technical parole violation occurred. Upon
19 a finding that a technical violation occurred, the hearing officer
20 may order the offender to participate in the recommended sanction
21 plan or may modify the plan. Offenders who accept the sanction plan
22 shall sign a violation response form and the hearing officer shall
23 then impose the sanction. Failure of the offender to comply with
24 the imposed sanction plan shall constitute a violation of the rules

1 and conditions of supervision that may result in a revocation
2 proceeding. If an offender does not voluntarily accept the
3 recommendation sanction plan, the Department shall either both
4 impose the sanction and allow the offender to appeal to the Pardon
5 and Parole Board, or request a revocation proceeding as provided by
6 law.

7 E. Absent a finding by the Probation and Parole Officer of an
8 offender's willful nonpayment, an offender's failure to pay fines
9 and costs may not serve as a basis for revocation.

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

12 Section 516. A. Except as provided in ~~subsection~~ subsections B
13 and C of this section, the probation and parole officer shall, upon
14 information sufficient to give the officer reasonable grounds to
15 believe that the parolee has ~~violated~~ committed a violation, other
16 than a technical violation as defined in Section 502 of this title,
17 of the terms of and conditions of parole, notify the Department of
18 Corrections. If it is determined that the facts justify revocation
19 action, the Department shall issue a warrant for the arrest of the
20 parolee and the warrant shall have the force and effect of any
21 warrant of arrest issued by a district court in this state. The
22 parolee shall, after arrest, be immediately incarcerated in the
23 nearest county jail, intermediate sanctions facility, or a
24 Department of Corrections facility to await action by the Governor

1 as to whether the parole will be revoked. Parole time shall cease
2 to run after the issuance of a warrant for arrest by the Department
3 of Corrections for a parolee who has absconded, and earned credits
4 shall not be accrued during any period of time when the parolee is
5 incarcerated pending revocation action by the Governor.

6 B. The Probation and Parole Officer shall, upon information
7 sufficient to give the officer reasonable grounds to believe that
8 the parolee has committed a technical violation of the terms and
9 conditions of parole, as defined in Section 502 of this title,
10 respond in accordance with the procedures established in Section 7
11 of this act for the use of the sanctions matrix. If the severity of
12 a violation warrants a more severe response, intermediate sanctions
13 within the sanctions matrix have been exhausted and the Department
14 has determined the facts justify revocation of parole, the
15 Department shall issue a summons requiring the parolee to appear
16 before the Pardon and Parole Board for a preliminary revocation
17 hearing. If the parolee fails to appear at the preliminary
18 revocation hearing, or if the Department finds that a warrant is
19 justified for the protection of public safety, the Department shall
20 issue a warrant for the arrest of the parolee and the warrant shall
21 have the force and effect of any warrant of arrest issued by a
22 district court in this state and the parolee shall be held in
23 accordance with subsection A of this section.
24

1 C. If a parolee is issued a summons pursuant to subsection B of
2 this section, the Pardon and Parole Board shall hold the preliminary
3 revocation hearing within twenty (20) calendar days from the date
4 the summons is issued. The Board, may, in its discretion, continue
5 parole and modify the terms and conditions of parole or forward the
6 decision to the Governor. If the Governor revokes parole for a
7 technical violation of the terms and conditions of parole, as
8 defined in Section 502 of this title, the Governor shall impose a
9 period of imprisonment of not more than fifteen (15) days for the
10 first application for revocation, not more than thirty (30) days for
11 the second application for revocation and not more than sixty (60)
12 days for the third application for revocation. For the fourth and
13 subsequent application for revocation for a technical violation, the
14 Governor may revoke parole and impose a period of imprisonment of
15 not more than two (2) years, or for the remainder of the sentence,
16 whichever is less. The Governor may depart from the periods of
17 imprisonment required under this subsection if the offender is on
18 parole supervision for an offense listed in Section 13.1 of Title 21
19 of the Oklahoma Statutes.

20 D. If a parolee is arrested and detained on a warrant pursuant
21 to subsection A or subsection B of this section, the Pardon and
22 Parole Board shall hold the preliminary hearing with fifteen (15)
23 calendar days from the date the parolee is detained on the warrant.
24 The Board may, in its discretion, continue parole and modify the

1 terms and conditions of parole or forward the decision to the
2 Governor who may deliberate for a further fifteen (15) days. If the
3 Governor revokes parole of a technical violation, the Governor shall
4 impose a period of imprisonment as required pursuant to subsection C
5 of this section.

6 E. If the Board does not hold a preliminary revocation hearing
7 within fifteen (15) calendar days as required in subsection D of
8 this section, the parolee shall be released from a county jail,
9 intermediate sanctions facility or a Department of Corrections
10 facility and shall return to parole status. The Pardon and Parole
11 Board may subsequently hold a preliminary revocation hearing within
12 a reasonable timeframe. The Board may, in its discretion, continue
13 parole and modify the terms and conditions of parole or forward the
14 decision to the Governor. If the Governor revokes parole for a
15 technical violation, the Governor shall impose a period of
16 imprisonment as required pursuant to subsection C of this section.

17 F. Any parolee determined to have violated any terms or
18 conditions of parole by the supervising parole officer may be given
19 the option, at the discretion of the Department of Corrections, to
20 be placed in an intermediate sanctions facility for disciplinary
21 sanction and programmatic services in lieu of revocation or when
22 revocation action by the Governor is deemed unnecessary for the
23 nature of the violation. Any parolee for whom a warrant for arrest
24 issues as provided in subsection A of this section may, at the

1 discretion of the Department or the Governor, be placed in an
2 intermediate sanctions facility pending or following any action by
3 the Governor as to revocation of parole or required additional
4 conditions to remain on parole. A parolee may be received and
5 processed into the custody of the Department on an expedited basis
6 through any facility serving such purpose or may be processed
7 directly by the intermediate sanctions facility.

8 G. The Department and the Pardon and Parole Board shall adopt
9 rules and regulations related to this section.

10 SECTION 9. AMENDATORY 57 O.S. 2011, Section 517, as
11 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018,
12 Section 517), is amended to read as follows:

13 Section 517. A. A Probation and Parole Officer, upon
14 information sufficient to give the officer reasonable grounds to
15 believe that a probationer has ~~been charged with or found guilty of~~
16 ~~committing a felony or misdemeanor offense, or has escaped from~~
17 ~~custody as provided in Section 443 of Title 21 of the Oklahoma~~
18 ~~Statutes,~~ committed a violation, other than a technical violation as
19 defined in Section 502 of this title, of the terms of and conditions
20 of probation, shall notify the Department. If it is determined that
21 the facts justify revocation action, the Department shall issue a
22 warrant for the arrest of the probationer and the warrant shall have
23 the force and effect of any warrant of arrest issued by a district
24 court in this state. A probationer ~~shall~~ may, after arrest, be

1 immediately incarcerated in the nearest county jail or intermediate
2 sanctions facility to await action by the court as to whether the
3 probation will be revoked.

4 B. A Probation and Parole Officer, upon information sufficient
5 to give the officer reasonable grounds to believe that a probationer
6 ~~has violated the terms or conditions of probation, may notify the~~
7 ~~Department. If it is determined that the facts justify disciplinary~~
8 ~~sanctions, the Department shall issue a warrant for the arrest of~~
9 ~~the probationer and the warrant shall have the force and effect of~~
10 ~~any warrant of arrest issued by a district court in this state. The~~
11 ~~probationer shall, after arrest, be immediately incarcerated in the~~
12 ~~nearest county jail or intermediate sanction facility to await~~
13 ~~action by the court as to whether disciplinary sanctions shall be~~
14 ~~imposed. Upon approval of the court and the Department of~~
15 ~~Corrections, the probationer shall be placed in an intermediate~~
16 ~~revocation facility for disciplinary sanction and intensive~~
17 ~~programmatic services in lieu of a first revocation. Repeated~~
18 ~~violations by the probationer of the terms and conditions of~~
19 ~~probation may result in a revocation proceeding committed a~~
20 ~~technical violation of the terms or conditions of probation, as~~
21 ~~defined in Section 502 of this title, may notify the Department. If~~
22 ~~the Department has determined that the facts justify revocation of~~
23 ~~probation in accordance with the procedure established in subsection~~
24 ~~D of Section 991b of Title 22 of the Oklahoma Statutes, the~~

1 Department shall issue a summons requiring the probationer to appear
2 at a revocation hearing. The district attorney may petition the
3 court to issue a warrant in place of a summons in the interest of
4 public safety. If the probationer fails to appear at the hearing
5 ordered by the summons, or if the court approves the district
6 attorney's petition for a warrant, the Department shall issue a
7 warrant for the arrest of the probationer and the warrant shall have
8 the force and effect of any warrant of arrest issued by a district
9 court in this state. The probationer may, after arrest, be
10 immediately incarcerated in the nearest county jail or intermediate
11 sanction facility to await action by the court as to whether
12 disciplinary sanctions will be imposed.

13 C. Any probationer for whom a warrant for arrest ~~issues~~ is
14 issued as provided in subsection A or B of this section may, at the
15 discretion of the court, be placed in an intermediate sanctions
16 facility pending or following any action by the court as to
17 revocation of probation or required additional conditions to remain
18 on probation. A probationer may be processed by the Department on
19 an expedited basis through any facility serving such purpose or may
20 be processed directly by the intermediate sanctions facility.

21 D. Nothing in this section shall preclude a district attorney
22 from initiating an application to revoke a suspended sentence
23 pursuant to subsection A of this section without a recommendation
24 from the Department or from initiating an application to revoke a

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

6 E. For purposes of this section, the term "probationer" means
7 any offender on a deferred judgment or suspended sentence supervised
8 by the Department of Corrections or another supervising body.

9 SECTION 10. This act shall become effective November 1, 2019.

10
11 57-1-1301 BHG 2/15/2019 12:42:51 PM
12
13
14
15
16
17
18
19
20
21
22
23
24
25