

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1566

By: Shaw

AS INTRODUCED

An Act relating to earned discharge credits; 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; providing for codification; and providing an effective date.

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

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

A. Every offender on felony probation supervision under Section 515a of Title 57 of the Oklahoma Statutes shall be eligible to earn discharge credits for compliance with the terms and conditions of probation supervision to reduce the term of supervision and the overall term of the sentence. For every calendar month of compliance with the terms and conditions of probation supervision, 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 the purposes of this
7 section, "compliance" shall be defined as the absence of a violation
8 report submitted by the supervising body during a calendar month.

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

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

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

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

12 F. Once a combination of either time served in custody, if
13 applicable, time served on any form of probation, parole or post-
14 release supervision and earned discharge credits satisfy the total
15 sentence, the supervising body shall order the discharge of the
16 sentence of the offender unless it is determined that termination
17 would interrupt the completion of a necessary treatment program. If
18 the supervising body finds that termination of the sentence would
19 interrupt the completion of a necessary treatment program, the
20 offender shall complete the treatment program and then have his or
21 her sentence discharged. Upon an offender's termination from
22 probation supervision, all outstanding fines, fees or costs,
23 excluding restitution, shall be converted into a civil action.
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there
3 is created a duplication in numbering, reads as follows:

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

18 B. The Department of Corrections shall develop written policies
19 and procedures necessary for the implementation of earned discharge
20 credits as authorized pursuant to this section. The policies and
21 procedures developed by the Department of Corrections shall include,
22 but not be limited to, written guidelines regarding the process to
23 earn discharge credits and the application of the credits toward the
24 reduction of the term of supervision or term of the sentence, the

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

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

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

14 E. Once a combination of either time served in custody, if
15 applicable, time served on any form of probation, parole or post-
16 release supervision and earned discharge credits satisfy the total
17 sentence, the Department shall order the final termination of the
18 offender's parole supervision unless it is determined that
19 termination would interrupt the completion of a necessary treatment
20 program. If the Department finds that termination of the sentence
21 would interrupt the completion of a necessary treatment program, the
22 offender shall complete the treatment program and then have his or
23 her parole supervision terminated. Upon an offender's termination
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1 from parole supervision, all outstanding fines, fees or costs,
2 excluding restitution, shall be converted into a civil action.

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