

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 167

By: Dossett (J.A.)

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5
6 AS INTRODUCED

7 An Act relating to parole; amending Section 3,
8 Chapter 117, O.S.L. 2018 (57 O.S. Supp. 2020, Section
9 332.21), which relates to the power to parole certain
10 prisoners; modifying eligible offenders; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY Section 3, Chapter 117, O.S.L.
14 2018 (57 O.S. Supp. 2020, Section 332.21), is amended to read as
15 follows:

16 Section 332.21. A. The Pardon and Parole Board is empowered to
17 parole a prisoner who:

- 18 1. Is ~~sixty (60)~~ Fifty-five (55) years of age or older;
- 19 2. Has served, in actual custody, the shorter of ten (10) years
20 of the term or terms of imprisonment, or one-third (1/3) of the
21 total term or terms of imprisonment;
- 22 3. Poses minimal public safety risks warranting continued
23 imprisonment;
- 24

1 4. Is not imprisoned for a crime enumerated in Section 13.1 of
2 Title 21 of the Oklahoma Statutes or Section 571 of ~~Title 57 of the~~
3 ~~Oklahoma Statutes~~ this title; and

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

7 B. The authority to grant parole under Section 332.2 of ~~Title~~
8 ~~57 of the Oklahoma Statutes~~ this title shall rest with the Pardon
9 and Parole Board.

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

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

- 18 1. Ten (10) years of the term or terms of actual imprisonment;
19 or
20 2. One-third (1/3) of the total term or terms of imprisonment.

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

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

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

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

11 I. For purposes of this section:

12 1. "Aging prisoner" means any person imprisoned by the
13 Department of Corrections who is ~~sixty (60)~~ fifty-five (55) years of
14 age or older; and

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

18 SECTION 2. This act shall become effective November 1, 2021.

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