

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 4369

6 By: Hill

7 COMMITTEE SUBSTITUTE

8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2021, Section 332.7, which relates
10 to persons eligible for parole consideration;
11 modifying requirements for granting administrative
12 parole; prohibiting eligible persons from waiving
13 parole consideration; allowing parolees the ability
14 to earn discharge credits under certain
15 circumstances; defining term; prohibiting persons
16 convicted of certain offenses from eligibility;
17 authorizing the Department of Corrections to develop
18 written policies and procedures; allowing for the
19 maintenance of records; authorizing the Department to
20 provide certain notification; confirming early parole
21 termination requests; authorizing the Department to
22 order final termination of parole supervision under
23 certain circumstances; providing for codification;
24 and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 332.7, is
amended to read as follows:

Section 332.7 A. For a crime committed prior to July 1, 1998,
any person in the custody of the Department of Corrections shall be

1 eligible for consideration for parole at the earliest of the
2 following dates:

3 1. Has completed serving one-third (1/3) of the sentence;

4 2. Has reached at least sixty (60) years of age and also has
5 served at least fifty percent (50%) of the time of imprisonment that
6 would have been imposed for that offense pursuant to the applicable
7 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
8 1997; provided, however, no inmate serving a sentence for crimes
9 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
10 O.S.L. 1997, or serving a sentence of life imprisonment without
11 parole shall be eligible to be considered for parole pursuant to
12 this paragraph;

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

20 4. Has reached seventy-five percent (75%) of the midpoint of
21 the time of imprisonment that would have been imposed for an offense
22 that is listed in any other schedule, pursuant to the applicable
23 matrix; provided, however, no inmate serving a sentence of life
24

1 imprisonment without parole shall be eligible to be considered for
2 parole pursuant to this paragraph.

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

10 C. For a crime committed on or after November 1, 2018, any
11 person in the custody of the Department of Corrections shall be
12 eligible for parole after serving one-fourth (1/4) of the sentence
13 or consecutive sentences imposed, according to the following
14 criteria:

15 1. A person eligible for parole under this subsection shall be
16 eligible for administrative parole under subsection R of this
17 section once the person serves one-fourth (1/4) of the sentence or
18 consecutive sentences imposed; provided, however, no inmate serving
19 a sentence of life imprisonment without parole, a sentence for a
20 violent crime as set forth in Section 571 of this title or any crime
21 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes
22 shall be eligible for administrative parole.

23 2. A person eligible for parole under this subsection shall be
24 eligible for parole once the person serves one-fourth (1/4) of the

1 sentence or consecutive sentences imposed; provided, however no
2 inmate serving a sentence of life imprisonment without parole is
3 eligible for parole.

4 D. The parole hearings conducted for persons pursuant to
5 paragraph 3 of subsection A of this section or for any person who
6 was convicted of a violent crime as set forth in Section 571 of this
7 title and who is eligible for parole consideration pursuant to
8 paragraph 1 of subsection A of this section, subsection B or
9 paragraph 2 of subsection C of this section shall be conducted in
10 two stages, as follows:

11 1. At the initial hearing, the Pardon and Parole Board shall
12 review the completed report submitted by the staff of the Board and
13 shall conduct a vote regarding whether, based upon that report, the
14 Board decides to consider the person for parole at a subsequent
15 meeting of the Board; and

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

20 E. Any inmate who has parole consideration dates calculated
21 pursuant to subsection A, B or C of this section may be considered
22 up to two (2) months prior to the parole eligibility date. Except
23 as otherwise directed by the Pardon and Parole Board, any person who
24

1 has been considered for parole and was denied parole or who has
2 waived consideration shall not be reconsidered for parole:

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

9 2. Until the person has served at least one-third (1/3) of the
10 sentence imposed, if the person was eligible for consideration
11 pursuant to paragraph 3 of subsection A of this section. Thereafter
12 the person shall not be considered more frequently than once every
13 three (3) years, unless the person is within one (1) year of
14 discharge.

15 F. Any person in the custody of the Department of Corrections
16 for a crime committed prior to July 1, 1998, who has been considered
17 for parole on a docket created for a type of parole consideration
18 that has been abolished by the Legislature shall not be considered
19 for parole except in accordance with this section.

20 G. The Pardon and Parole Board shall promulgate rules for the
21 implementation of subsections A, B and C of this section. The rules
22 shall include, but not be limited to, procedures for reconsideration
23 of persons denied parole under this section and procedure for
24 determining what sentence a person eligible for parole consideration

1 pursuant to subsection A of this section would have received under
2 the applicable matrix.

3 H. The Pardon and Parole Board shall not recommend to the
4 Governor any person who has been convicted of three or more felonies
5 arising out of separate and distinct transactions, with three or
6 more incarcerations for such felonies, unless such person shall have
7 served the lesser of at least one-third (1/3) of the sentence
8 imposed, or ten (10) years; provided, that whenever the population
9 of the prison system exceeds ninety-five percent (95%) of the
10 capacity as certified by the State Board of Corrections, the Pardon
11 and Parole Board may, at its discretion, recommend to the Governor
12 for parole any person who is incarcerated for a nonviolent offense
13 not involving injury to a person and who is within six (6) months of
14 his or her statutory parole eligibility date.

15 I. Inmates sentenced to consecutive sentences shall not be
16 eligible for parole consideration on any such consecutive sentence
17 until one-third (1/3) of the consecutive sentence has been served or
18 where parole has been otherwise limited by law, until the minimum
19 term of incarceration has been served as required by law. Unless
20 otherwise ordered by the sentencing court, any credit for jail time
21 served shall be credited to only one offense.

22 J. The Pardon and Parole Board shall consider the prior
23 criminal record of inmates under consideration for parole
24 recommendation or granting of parole.

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

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

19 M. Any person in the custody of the Department of Corrections
20 who is convicted of an offense not designated as a violent offense
21 by Section 571 of this title, is not a citizen of the United States
22 and is subject to or becomes subject to a final order of deportation
23 issued by the United States Department of Justice shall be
24 considered for parole to the custody of the United States

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

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

16 O. All references in this section to matrices or schedules
17 shall be construed with reference to the provisions of Sections 6,
18 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

19 P. Any person in the custody of the Department of Corrections
20 who is convicted of a felony sex offense pursuant to Section 582 of
21 this title who is paroled shall immediately be placed on intensive
22 supervision.

23 Q. A person in the custody of the Department of Corrections
24 whose parole consideration date is calculated pursuant to subsection

1 B or C of this section, and is not serving a sentence of life
2 imprisonment without parole or who is not convicted of an offense
3 designated as a violent offense by Section 571 of this title or any
4 crime enumerated in Section 13.1 of Title 21 of the Oklahoma
5 Statutes shall be eligible for administrative parole under
6 subsection R of this section.

7 R. The Pardon and Parole Board shall, by majority vote, grant
8 administrative parole to any person in the custody of the Department
9 of Corrections if:

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

12 ~~2. A,~~ and:

13 a. a victim, as defined in Section 332.2 of this title,
14 or the district attorney speaking on behalf of a
15 victim, has not submitted an objection;

16 ~~3. The,~~

17 b. the person has not received a primary class X
18 infraction within two (2) years of the parole
19 eligibility date;

20 ~~4. The,~~

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

24 ~~5. The, or~~

1 d. the person has not received a class A infraction
2 within six (6) months of the parole eligibility date;
3 or

4 2. The person is within one (1) calendar year of his or her
5 discharge date.

6 S. Any person granted parole pursuant to subsection R of this
7 section shall be released from the institution at the time of the
8 parole eligibility date of the person as calculated under subsection
9 B or C of this section.

10 T. Any person eligible for parole pursuant to subsection R of
11 this section shall not waive his or her consideration.

12 U. No less than ninety (90) days prior to the parole
13 eligibility date of the person, the Department shall notify the
14 Pardon and Parole Board in writing of the compliance or
15 noncompliance of the person with the case plan and any infractions
16 committed by the person.

17 ~~U.~~ V. The Pardon and Parole Board shall not be required to
18 conduct a hearing before granting administrative parole pursuant to
19 subsection R of this section.

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

22 ~~W.~~ X. Any person who is granted administrative parole under
23 subsection R of this section shall be supervised and managed by the
24 Department of Corrections in the same manner as a parolee who has

1 | been granted parole pursuant to this section. The person shall be
2 | subject to all of the rules and regulations of parole.

3 | SECTION 2. NEW LAW A new section of law to be codified
4 | in the Oklahoma Statutes as Section 512.1 of Title 57, unless there
5 | is created a duplication in numbering, reads as follows:

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

20 | B. The Department of Corrections may develop written policies
21 | and procedures necessary for the implementation of earned discharge
22 | credits as authorized pursuant to this section. The policies and
23 | procedures developed by the Department of Corrections may include,
24 | but are not limited to, written guidelines regarding the process to

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

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

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

17 E. Once a combination of either time served in custody, if
18 applicable, time served on any form of probation, parole or post-
19 release supervision and earned discharge credits satisfy the total
20 sentence, the Department may order the final termination of the
21 parole supervision of the offender.

22 SECTION 3. This act shall become effective November 1, 2022.

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