

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4369

By: Hill

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

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

22 4. Has reached seventy-five percent (75%) of the midpoint of
23 the time of imprisonment that would have been imposed for an offense
24 that is listed in any other schedule, pursuant to the applicable

1 matrix; provided, however, no inmate serving a sentence of life
2 imprisonment without parole shall be eligible to be considered for
3 parole pursuant to this paragraph.

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

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

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

24

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

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

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

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

22 E. Any inmate who has parole consideration dates calculated
23 pursuant to subsection A, B or C of this section may be considered
24 up to two (2) months prior to the parole eligibility date. Except

1 as otherwise directed by the Pardon and Parole Board, any person who
2 has been considered for parole and was denied parole or who has
3 waived consideration shall not be reconsidered for parole:

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

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

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

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

1 determining what sentence a person eligible for parole consideration
2 pursuant to subsection A of this section would have received under
3 the applicable matrix.

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

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

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

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

1 and is subject to or becomes subject to a final order of deportation
2 issued by the United States Department of Justice shall be
3 considered for parole to the custody of the United States
4 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. Upon application of any person convicted and sentenced by a
14 court of this state and relinquished to the custody of another state
15 or federal authorities pursuant to Section 61.2 of Title 21 of the
16 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. 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. Any person in the custody of the Department of Corrections
23 who is convicted of a felony sex offense pursuant to Section 582 of
24

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

3 Q. 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 an offense
7 designated as a violent offense by Section 571 of this title or any
8 crime enumerated in Section 13.1 of Title 21 of the Oklahoma
9 Statutes shall be eligible for administrative parole under
10 subsection R of this section.

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

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

20 ~~3. The,~~

21 b. the person has not received a primary class X
22 infraction within two (2) years of the parole
23 eligibility date~~;~~

24 4. ~~The,~~

1 c. the person has not received a secondary class X
2 infraction within one (1) year of the parole
3 eligibility date; ~~or~~

4 ~~5.~~ The, or

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

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

10 S. Any person granted parole pursuant to subsection R of this
11 section shall be released from the institution at the time of the
12 parole eligibility date of the person as calculated under subsection
13 B or C of this section.

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

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

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

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

3 ~~W.~~ X. Any person who is granted administrative parole under
4 subsection R of this section shall be supervised and managed by the
5 Department of Corrections in the same manner as a parolee who has
6 been granted parole pursuant to this section. The person shall be
7 subject to all of the rules and regulations of parole.

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

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

1 B. The Department of Corrections may develop written policies
2 and procedures necessary for the implementation of earned discharge
3 credits as authorized pursuant to this section. The policies and
4 procedures developed by the Department of Corrections may include,
5 but are not limited to, written guidelines regarding the process to
6 earn discharge credits and the application of the credits toward the
7 reduction of the term of supervision or term of imprisonment, the
8 collection of data related to who earns credit, how much is applied
9 and how much of the supervision period or term of imprisonment is
10 reduced at the point of discharge.

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

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

22 E. Once a combination of either time served in custody, if
23 applicable, time served on any form of probation, parole or post-
24 release supervision and earned discharge credits satisfy the total

1 sentence, the Department may order the final termination of the
2 parole supervision of the offender.

3 SECTION 3. This act shall become effective November 1, 2022.
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5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/03/2022 - DO PASS,
6 As Amended.
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