

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2794

By: Pfeiffer

AS INTRODUCED

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 332.7, as last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp. 2020, Section 332.7), which relates to parole considerations for eligible persons; updating internal citations; modifying parole consideration categories; authorizing Pardon and Parole Board to establish accelerated parole process for certain inmates; directing Pardon and Parole Board to state parole denials on the record and suggest remediation options; removing majority vote requirement for granting administrative parole; directing parolees to proceed immediately to consecutive sentence under certain circumstances; prohibiting inmates from waiving parole consideration or recommendation; amending 57 O.S. 2011, Section 350, which relates to sentence deductions for parolees; providing gender-neutral language; authorizing paroling authority to revoke all or portion of parole under certain circumstances; making supervised parolees eligible to earn discharge credits under certain circumstances; defining term; prohibiting persons convicted of certain offenses from earning discharge credits; directing Department of Corrections to develop written policies and procedures for earned discharge credits; requiring maintenance of records and notification to offenders of parole termination date; directing the Department to notify Pardon and Parole Board of impending parole terminations; directing the Department to order final termination of parole supervision under certain circumstances; requiring conversion of outstanding fines, fees or costs into a civil action; amending 57 O.S. 2011, Section 516, which relates to parole violators; directing the Department of Corrections to issue arrest warrants

1           for possible revocation under certain circumstances;  
2           providing for codification; and providing an  
3           effective date.  
4

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

6           SECTION 1.           AMENDATORY           57 O.S. 2011, Section 332.7, as  
7           last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.  
8           2020, Section 332.7), is amended to read as follows:

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

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

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

23           3. Has reached eighty-five percent (85%) of the midpoint of the  
24          time of imprisonment that would have been imposed for an offense

1 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of  
2 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable  
3 matrix; provided, however, no inmate serving a sentence of life  
4 imprisonment without parole shall be eligible to be considered for  
5 parole pursuant to this paragraph; or

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

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

19 C. For a crime committed on or after November 1, 2018, any  
20 person in the custody of the Department of Corrections shall be  
21 eligible for parole after serving one-fourth (1/4) of the sentence  
22 or consecutive sentences imposed, according to the following  
23 criteria:  
24

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

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

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

21        1. At the initial hearing, the Pardon and Parole Board shall  
22 review the completed report submitted by the staff of the Board and  
23 shall conduct a vote regarding whether, based upon that report, the  
24

1 Board decides to consider the person for parole at a subsequent  
2 meeting of the Board; and

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

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

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

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

1       F. The Pardon and Parole Board may establish a distinct  
2 accelerated parole process, or an alternative, for inmates who are  
3 within six (6) months of discharge.

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

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

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

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

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

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

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

17 ~~J.~~ M. The Pardon and Parole Board shall consider the prior  
18 criminal record of inmates under consideration for parole  
19 recommendation or granting of parole.

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

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

14        ~~M.~~ P. Any person in the custody of the Department of  
15 Corrections who is convicted of an offense not designated as a  
16 violent offense by Section 571 of this title, is not a citizen of  
17 the United States and is subject to or becomes subject to a final  
18 order of deportation issued by the United States Department of  
19 Justice shall be considered for parole to the custody of the United  
20 States Immigration and Naturalization Service for continuation of  
21 deportation proceedings at any time subsequent to reception and  
22 processing through the Department of Corrections. No person shall  
23 be considered for parole under this subsection without the  
24 concurrence of at least three members of the Pardon and Parole



1 Board. The vote on whether or not to consider such person for  
2 parole and the names of the concurring Board members shall be set  
3 forth in the written minutes of the meeting of the Board at which  
4 the issue is considered.

5 ~~N.~~ Q. Upon application of any person convicted and sentenced by  
6 a court of this state and relinquished to the custody of another  
7 state or federal authorities pursuant to Section 61.2 of Title 21 of  
8 the Oklahoma Statutes, the Pardon and Parole Board may determine a  
9 parole consideration date consistent with the provisions of this  
10 section and criteria established by the Pardon and Parole Board.

11 ~~O.~~ R. All references in this section to matrices or schedules  
12 shall be construed with reference to the provisions of Sections 6,  
13 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

14 ~~P.~~ S. Any person in the custody of the Department of  
15 Corrections who is convicted of a felony sex offense pursuant to  
16 Section 582 of this title who is paroled shall immediately be placed  
17 on intensive supervision.

18 ~~Q.~~ T. A person in the custody of the Department of Corrections  
19 whose parole consideration date is calculated pursuant to subsection  
20 B or C of this section, and is not serving a sentence of life  
21 imprisonment without parole or who is not convicted of an offense  
22 designated as a violent offense by Section 571 of this title or any  
23 crime enumerated in Section 13.1 of Title 21 of the Oklahoma  
24

1 Statutes shall be eligible for administrative parole under  
2 subsection ~~R~~ U of this section.

3 ~~R. U.~~ U. The Pardon and Parole Board shall, ~~by majority vote,~~  
4 grant administrative parole to any person in the custody of the  
5 Department of Corrections if:

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

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

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

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

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

17 ~~S. V.~~ V. Any person granted parole pursuant to subsection ~~R~~ U of  
18 this section shall be released from the institution at the time of  
19 the parole eligibility date of the person as calculated under  
20 subsection B or C of this section or proceed immediately to any  
21 applicable consecutive sentence.

22 ~~T. W.~~ W. No less than ninety (90) days prior to the parole  
23 eligibility date of the person, the Department shall notify the  
24 Pardon and Parole Board in writing of the compliance or

1 noncompliance of the person with the case plan and any infractions  
2 committed by the person.

3 ~~U.~~ X. The Pardon and Parole Board shall not be required to  
4 conduct a hearing before granting administrative parole pursuant to  
5 subsection ~~R~~ U of this section.

6 ~~V.~~ Y. Any person who is not granted administrative parole shall  
7 be otherwise eligible for parole pursuant to this section.

8 ~~W.~~ Z. Any person who is granted administrative parole under  
9 subsection ~~R~~ U of this section shall be supervised and managed by  
10 the Department of Corrections in the same manner as a parolee who  
11 has been granted parole pursuant to this section. The person shall  
12 be subject to all of the rules and regulations of parole.

13 AA. An inmate shall not be allowed to waive consideration for  
14 parole or a recommendation for parole.

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

17 Section 350. A. Every person, hereinafter referred to as  
18 "convict", who has been or who in the future may be sentenced to  
19 imprisonment in any state penal institution shall, in addition to  
20 any other deductions provided for by law, be entitled to a deduction  
21 from his or her sentence for all time during which he or she has  
22 been or may be on parole. The provisions of this section are hereby  
23 declared to be both retroactive and prospective, and to apply to  
24 convicts who are on parole on ~~the effective date of this act~~ October

1 1, 1981, as well as to convicts who may be paroled thereafter; and  
2 shall at the discretion of the paroling authority apply to time on a  
3 parole which has been or shall be revoked.

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

7 C. Beginning November 1, 2021, the paroling authority may  
8 revoke all or any portion of the parole in accordance with Section  
9 516 of this title.

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

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

1 C, D, E, F, G or J of Section 644 of Title 21 of the Oklahoma  
2 Statutes shall be eligible for earned discharge credits under this  
3 section.

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

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

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

1 E. Once a combination of time served in custody, if applicable,  
2 time served on any form of probation, parole or post-release  
3 supervision and earned discharge credits satisfy the total sentence,  
4 the Department shall order the final termination of parole  
5 supervision of the offender unless it is determined that termination  
6 would interrupt the completion of a necessary treatment program. If  
7 the Department finds that termination of the sentence would  
8 interrupt the completion of a necessary treatment program, the  
9 offender shall complete the treatment program and then have his or  
10 her parole supervision terminated. Upon termination of an offender  
11 from parole supervision, all outstanding fines, fees or costs,  
12 excluding restitution, shall be converted into a civil action.

13 SECTION 4. AMENDATORY 57 O.S. 2011, Section 516, is  
14 amended to read as follows:

15 Section 516. A. Except as provided in subsection B of this  
16 section, the probation and parole officer shall, upon information  
17 sufficient to give the officer reasonable grounds to believe that  
18 the parolee has violated the terms of and conditions of parole,  
19 notify the Department of Corrections. If it is determined that the  
20 ~~facts justify revocation action~~ parolee has:

21 1. Committed a new criminal offense for which felony or  
22 misdemeanor charges are filed, including violations of a protective  
23 order pursuant to Section 60.6 of Title 22 of the Oklahoma Statutes;  
24

1        2. Absconded, which is defined as failing to initially report  
2 or missing assigned reporting requirements for more than sixty (60)  
3 days; or

4        3. Committed any violation of the specialized sex offender  
5 rules,

6 the Department shall issue a warrant for the arrest of the parolee  
7 and the warrant shall have the force and effect of any warrant of  
8 arrest issued by a district court in this state. The parolee shall,  
9 after arrest, be immediately incarcerated in the nearest county  
10 jail, intermediate sanctions facility, or a Department of  
11 Corrections facility to await action by the Governor as to whether  
12 the parole will be revoked. Parole time shall cease to run after  
13 the issuance of a warrant for arrest by the Department of  
14 Corrections, and earned credits shall not be accrued during any  
15 period of time when the parolee is incarcerated pending revocation  
16 action by the Governor.

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

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

9 SECTION 5. This act shall become effective November 1, 2021.

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11 58-1-6736 GRS 12/21/20  
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