

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3295

By: Humphrey

AS INTRODUCED

An Act relating to prisons and reformatories; directing the Department of Corrections to develop matrix of sanctions and incentives for parolees and probationers; authorizing the Department to use violation responses and intermediate sanction process; directing probation and parole officers to initiate violation response and intermediate sanction process after discovery of violation; stating procedures for initiating process; requiring establishment of procedures to hear violation responses and review sanction plans; directing Department to provide record of violations to Pardon and Parole Board; establishing procedures for hearing officers when determining whether technical parole violations have occurred; providing for sanctions or revocation under certain circumstances; prohibiting revocation under certain circumstances; defining term; directing the Department to develop certain policies and procedures; 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 515b of Title 57, unless there is created a duplication in numbering, reads as follows:

1 A. The Department of Corrections shall develop a matrix of
2 sanctions and incentives to address behavior committed by parolees
3 and probationers who are being supervised by the Department. The
4 Department shall be authorized to use a violation response and
5 intermediate sanction process based on the matrix to apply to any
6 technical violations of the terms and conditions of parole and
7 probation. The matrix shall be used for probationers in accordance
8 with the procedures provided in Section 991b of Title 22 of the
9 Oklahoma Statutes, and for parolees in accordance with this section.

10 B. Within four (4) working days of the discovery of a parole
11 violation, the probation and parole officer shall initiate the
12 violation response and intermediate sanction process. The probation
13 and parole officer shall complete a sanction form, which shall
14 specify the technical violation, sanction, and action plan to
15 correct the noncompliant behavior resulting in the technical
16 violation. The probation and parole officer shall refer to the
17 matrix to determine the supervision, treatment, and sanction
18 appropriate to address the noncompliant behavior. The probation and
19 parole officer shall refer the violation information and recommended
20 response with a sanction plan to the Department to be heard by a
21 hearing officer.

22 C. The Department shall establish procedures to hear responses
23 to technical violations and review sanction plans for parolees
24 including the following:

1 1. Hearing officers shall report through a chain of command
2 separate from that of the supervising probation and parole officers;

3 2. The Department shall provide the offender written notice of
4 the violation, the evidence relied upon, and the reason the sanction
5 was imposed;

6 3. The hearing shall be held unless the offender waives the
7 right to the hearing;

8 4. The hearing shall be electronically recorded; and

9 5. The Department shall provide to the Pardon and Parole Board
10 a record of all violations and actions taken pursuant to this
11 subsection.

12 D. The hearing officer shall determine based on a preponderance
13 of the evidence whether a technical parole violation occurred. Upon
14 a finding that a technical violation occurred, the hearing officer
15 may order the offender to participate in the recommended sanction
16 plan or may modify the plan. Offenders who accept the sanction plan
17 shall sign a violation response sanction form, and the hearing
18 officer shall then impose the sanction. Failure of the offender to
19 comply with the imposed sanction plan shall constitute a violation
20 of the rules and conditions of supervision that may result in a
21 revocation proceeding. If an offender does not voluntarily accept
22 the recommended sanction plan, the Department shall either impose
23 the sanction and allow the offender to appeal to the Pardon and
24 Parole Board or request a revocation proceeding as provided by law.

1 E. Absent a finding by a probation and parole officer of the
2 willful nonpayment of fines and costs by an offender, said failure
3 to pay such fines and costs may not serve as a basis for revocation.

4 F. As used in this section, "technical violation" means a
5 violation of the rules and conditions of supervision, other than:

6 a. commission of a new criminal offense for which felony
7 or misdemeanor charges are filed including violation
8 of a protective order pursuant to Section 60.6 of
9 Title 22 of the Oklahoma Statutes,

10 b. absconding, defined as failing to initially report or
11 missing assigned reporting requirement for an excess
12 of sixty (60) days, or

13 c. any violation of the specialized sex offender rules
14 created by the Department.

15 G. The Department shall develop policies and procedures
16 necessary to implement the provisions of this section.

17 SECTION 2. This act shall become effective November 1, 2022.

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