

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3909

By: Kannady

4
5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2021, Section 982a, which relates to the
9 modification of sentences; removing certain
10 limitation for modifying sentences; updating
11 language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 982a, is
14 amended to read as follows:

15 Section 982a. A. 1. Any time within sixty (60) months after
16 the initial sentence is imposed or within sixty (60) months after
17 probation has been revoked, the court imposing sentence or
18 revocation of probation may modify such sentence or revocation by
19 directing that another sentence be imposed, if the court is
20 satisfied that the best interests of the public will not be
21 jeopardized; provided, however, the court shall not impose a
22 deferred sentence. Any application for sentence modification that
23 is filed and ruled upon beyond twelve (12) months of the initial
24 sentence being imposed must be approved by the district attorney who

1 shall provide written notice to any victims in the case which is
2 being considered for modification.

3 2. The court imposing sentence may modify the sentence of any
4 offender who was originally sentenced for a drug charge and ordered
5 to complete the Drug Offender Work Camp at the Bill Johnson
6 Correctional Facility and direct that another sentence be imposed,
7 if the court is satisfied that the best interests of the public will
8 not be jeopardized; provided, however, the court shall not impose a
9 deferred sentence. An application for sentence modification
10 pursuant to this paragraph may be filed and ruled upon beyond the
11 initial sixty-month time period provided for in paragraph 1 of this
12 subsection.

13 3. ~~This section~~ The provisions of this subsection shall not
14 apply to convicted felons who have been in confinement in any state
15 or federal prison system for any previous felony conviction during
16 the ten-year period preceding the date that the sentence this
17 ~~section~~ subsection applies to was imposed. Further, without the
18 consent of the district attorney, this ~~section~~ subsection shall not
19 apply to sentences imposed pursuant to a ~~plea agreement~~ or jury
20 verdict.

21 B. The court imposing the sentence may modify the sentence of
22 any offender sentenced to life without parole for an offense other
23 than a violent crime, as enumerated in Section 571 of Title 57 of
24 the Oklahoma Statutes, who has served at least ten (10) years of the

1 sentence in the custody of the Department of Corrections upon a
2 finding that the best interests of the public will not be
3 jeopardized. Provided~~+~~, however, prior to granting a sentence
4 modification under the provisions of this subsection, the court
5 shall provide notice of the hearing to determine sentence
6 modification to the victim or representative of the victim and shall
7 allow the victim or representative of the victim the opportunity to
8 provide testimony at the hearing. The court shall consider the
9 testimony of the victim or representative of the victim when
10 rendering a decision to modify the sentence of an offender.

11 C. For purposes of judicial review, upon court order or written
12 request from the sentencing judge, the Department of Corrections
13 shall provide the court imposing sentence or revocation of probation
14 with a report to include a summary of the assessed needs of the
15 offender, any progress made by the offender in addressing his or her
16 assessed needs, and any other information the Department can supply
17 on the offender. The court shall consider such reports when
18 modifying the sentence or revocation of probation. The court shall
19 allow the Department of Corrections at least twenty (20) days after
20 receipt of a request or order from the court to prepare the required
21 reports.

22 D. If the court considers modification of the sentence or
23 revocation of probation, a hearing shall be made in open court after
24 receipt of the reports required in subsection C of this section.

1 The clerk of the court imposing sentence or revocation of probation
2 shall give notice of the judicial review hearing to the Department
3 of Corrections, the offender, the legal counsel of the offender, and
4 the district attorney of the county in which the offender was
5 convicted upon receipt of the reports. Such notice shall be mailed
6 at least twenty-one (21) days prior to the hearing date and shall
7 include a copy of the report and any other written information to be
8 considered at the judicial review hearing.

9 E. If an appeal is taken from the original sentence or from a
10 revocation of probation which results in a modification of the
11 sentence or modification to the revocation of probation of the
12 offender, such sentence may be further modified in the manner
13 described in paragraph 1 of subsection A of this section within
14 sixty (60) months after the receipt by the clerk of the district
15 court of the mandate from the Supreme Court or the Court of Criminal
16 Appeals.

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

18

19 58-2-8974 GRS 01/11/22

20

21

22

23

24