

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3633

By: McDugle

AS INTRODUCED

An Act relating to the Pardon and Parole Board; amending 57 O.S. 2021, Section 332.2, as amended by Section 1, Chapter 198, O.S.L. 2022 (57 O.S. Supp. 2023, Section 332.2), which relates to meetings and procedures of the Pardon and Parole Board; providing for alternate membership on the Pardon and Parole Board; stating purpose of alternate members; providing for the selection of alternate members; granting equivalent powers and responsibilities; providing for the reimbursement of expenses; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 332.2, as amended by Section 1, Chapter 198, O.S.L. 2022 (57 O.S. Supp. 2023, Section 332.2), is amended to read as follows:

Section 332.2 A. 1. The Pardon and Parole Board, which shall meet only on the call of the Chair, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said

1 recommendation being advisory to the Governor and not binding
2 thereon.

3 2. Upon the effective date of this act, two additional
4 individuals shall be selected to serve as alternate members of the
5 Pardon and Parole Board for the purpose of serving in the absence of
6 regularly appointed Board members and, when all regularly appointed
7 Board members are present, for the purpose of casting a vote in the
8 case of a tie vote or when a Board member abstains from
9 participating in a recommendation for clemency. The first alternate
10 member of the Board shall be selected by the Speaker of the Oklahoma
11 House of Representatives. The second alternate member of the Board
12 shall be selected by the Speaker Pro Tempore of the Oklahoma State
13 Senate. Alternate members appointed to the Board shall serve at the
14 pleasure of their appointing authority. Any person serving as an
15 alternate member of the Board, while serving, shall have all of the
16 powers and responsibilities of a regularly appointed Board member
17 and shall receive reimbursement for reasonable and necessary
18 expenses as provided for regularly appointed members of the Board
19 pursuant to Section 332.4a of this title.

20 B. Any consideration for commutation shall be made only after
21 application is made to the Pardon and Parole Board pursuant to the
22 procedures set forth in this section. The Pardon and Parole Board
23 shall provide a copy of the application to the district attorney,
24 the victim or representative of the victim and the Office of the

1 Attorney General within ten (10) business days of receipt of such
2 application.

3 C. An application for commutation, other than those provided
4 for in subsection F of this section, must be sent to the trial
5 officials, who shall have twenty (20) business days to provide a
6 written recommendation or protest prior to consideration of the
7 application. Trial officials shall include:

8 1. The current elected judge of the court where the conviction
9 was had;

10 2. The current elected district attorney of the jurisdiction
11 where the conviction was had; or

12 3. The chief or head administrative officer of the arresting
13 law enforcement agency.

14 D. In cases resolved prior to the tenure of the present
15 officeholders, the recommendation or protest of persons holding such
16 offices at the time of conviction may also be considered by the
17 Board.

18 E. The recommendation for commutation of a sentence by a trial
19 official may include the following:

20 1. A statement that the penalty now appears to be excessive;

21 2. A recommendation of a definite term now considered by the
22 official as just and proper; and

23 3. A statement of the reasons for the recommendation based upon
24 facts directly related to the case which were not available to the
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1 court or jury at the time of the trial or based upon there having
2 been a statutory change in penalty for the crime which makes the
3 original penalty appear excessive.

4 F. The Pardon and Parole Board shall establish an accelerated,
5 single-stage commutation docket for any applicant who has been
6 convicted of a crime that has been reclassified from a felony to a
7 misdemeanor under Oklahoma law. The Pardon and Parole Board shall
8 be empowered to recommend to the Governor for commutation, by
9 majority vote, any commutation application placed on the
10 accelerated, single-stage commutation docket that meets the
11 eligibility criteria provided above. The Department of Corrections
12 shall certify a list of potentially eligible inmates to the Pardon
13 and Parole Board within thirty (30) days of the effective date of
14 this act.

15 G. The Pardon and Parole Board shall schedule the application
16 on a commutation docket in compliance with the notice requirements
17 set forth herein. The Board shall provide the victim or
18 representative of the victim at least twenty (20) days to offer
19 recommendations or protests before consideration of the application.

20 H. Applications for commutation shall be given impartial review
21 as required in Section 10 of Article VI of the Oklahoma
22 Constitution.

23 I. Any consideration for pardon shall be made only after
24 application is made to the Pardon and Parole Board. Upon receipt of
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1 an application for pardon, the Board shall provide a copy of the
2 application to the district attorney, the victim or representative
3 of the victim and the Office of the Attorney General within twenty
4 (20) business days of receipt of such application. The district
5 attorney and the victim or representative of the victim shall have
6 twenty (20) business days to provide written recommendation or
7 protest prior to the consideration of the application. The Board
8 shall schedule the application on a pardon docket in compliance with
9 the notice requirements set forth herein.

10 J. In accordance with Section 10 of Article VI of the Oklahoma
11 Constitution, the Board shall communicate to the Legislature, at
12 each regular session, by providing a summary of the activities of
13 the Board. This summary shall include, but not be limited to, the
14 following Board activity:

15 1. The approval or recommendation rates of the Board for both
16 violent and nonviolent offenses;

17 2. The parole approval rates for each individual Board member
18 for both violent and nonviolent offenses; and

19 3. The percentage of public comments to and personal
20 appearances before the Board including victim protests and personal
21 appearances, district attorney protests and personal appearances,
22 and delegate recommendations and personal appearances on behalf of
23 the offender.
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1 This summary shall be made available to the public through
2 publication on the website of the Pardon and Parole Board.

3 K. The Pardon and Parole Board shall provide a copy of their
4 regular docket and administrative parole docket to each district
5 attorney in this state at least twenty (20) days before such docket
6 is considered by the Board, or in the case of a supplemental,
7 addendum or special docket, at least ten (10) days before such
8 docket is considered by the Board, and shall notify the district
9 attorney of any recommendations for commutations or paroles no later
10 than twenty (20) days after the docket is considered by the Board.

11 L. The Pardon and Parole Board shall notify all victims or
12 representatives of the victim in writing at least twenty (20) days
13 before an inmate is considered by the Board provided the Board has
14 received a request from the victim or representatives of the victim
15 for notice. The Board shall provide all victims or representatives
16 of the victim with the date, time and place of the scheduled meeting
17 and rules for attendance and providing information or input to the
18 Board regarding the inmate or the crime. If requested by the victim
19 or representatives of the victim, the Board shall allow the victim
20 or representatives of the victim to testify at the parole hearing of
21 the inmate for at least five (5) minutes.

22 M. The Pardon and Parole Board shall notify all victims or
23 representatives of the victim in writing of the decision of the
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1 Board no later than twenty (20) days after the inmate is considered
2 by the Board.

3 N. Any notice required to be provided to the victims or the
4 representatives of the victim shall be mailed by first-class mail to
5 the last-known address of the victim or representatives of the
6 victim. It is the responsibility of the victims or representatives
7 of the victim to provide the Pardon and Parole Board a current
8 mailing address. The victim-witness coordinator of the district
9 attorney shall assist the victims or representatives of the victim
10 with supplying their address to the Board if they wish to be
11 notified. Upon failure of the Pardon and Parole Board to notify a
12 victim who has requested notification and has provided a current
13 mailing address, the final decision of the Board may be voidable,
14 provided, the victim who failed to receive notification requests a
15 reconsideration hearing within thirty (30) days of the
16 recommendation by the Board for parole. The Pardon and Parole Board
17 may reconsider previous action and may rescind a recommendation if
18 deemed appropriate as determined by the Board.

19 O. For purposes of this section, "victim" shall mean all
20 persons who have suffered direct or threatened physical or emotional
21 harm, or financial loss as the result of the commission or attempted
22 commission of criminally injurious conduct, and "representatives of
23 the victim" shall mean those persons who are members of the
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1 immediate family of the victim, including stepparents, stepbrothers,
2 stepsisters, and stepchildren.

3 P. All meetings of the Pardon and Parole Board shall comply
4 with Section 301 et seq. of Title 25 of the Oklahoma Statutes;
5 provided that the Board shall have the authority to limit the number
6 of persons attending in support of, or in opposition to, any inmate
7 being considered for parole and shall have the authority to exclude
8 persons from attendance in accordance with prison security
9 regulations and the capacity of the meeting room. Persons excluded
10 from attending the meeting under this provision shall be informed of
11 their right to be informed of the vote of the Board in accordance
12 with Section 312 of Title 25 of the Oklahoma Statutes. Provided
13 further, nothing in this section shall be construed to prevent any
14 member of the press or any public official from attending any
15 meeting of the Pardon and Parole Board, except as provided by the
16 Oklahoma Open Meeting Act.

17 Q. All victim information maintained by the Department of
18 Corrections and the Pardon and Parole Board shall be confidential
19 and shall not be released.

20 R. When a commutation is granted or denied, the Secretary of
21 State shall give notice of that fact to the district attorney and
22 clerk of the court in the county where the sentence was originally
23 obtained within thirty (30) business days. Said notice may be given
24 by either first-class mail or email. Upon receipt of said notice,
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1 the clerk of the court shall file the notice. The district attorney
2 shall confirm that the clerk of the court has filed said notice.

3 The notice shall include the following information:

4 1. The month and year in which the commutation was recommended
5 by the Pardon and Parole Board;

6 2. The decision of the Governor to grant or deny commutation;
7 and

8 3. If commutation is granted, the new term of sentence,
9 including conditions thereof, if any, for each charged count.

10 S. The district attorney in the district where the sentence was
11 originally obtained shall ensure that all victims or representatives
12 of the victim are given notice of the decision regarding
13 commutation.

14 SECTION 2. This act shall become effective November 1, 2024.

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