

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4324

By: Moore

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2021, Section 982a, which relates to judicial
9 review of sentences; authorizing district attorneys
10 to adjust sentences; providing restrictions on
11 adjustments; directing the district attorney to seek
12 input from victims or representatives of victims;
13 providing notification requirement; authorizing
14 courts to consider certain postconviction factors;
15 providing credit for time served; prohibiting
16 sentence adjustments by district attorneys for
17 certain persons; and providing an effective date.

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

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

21 Section 982a. A. 1. Any time within sixty (60) months after
22 the initial sentence is imposed or within sixty (60) months after
23 probation has been revoked, the court imposing sentence or
24 revocation of probation may modify such sentence or revocation by
directing that another sentence be imposed, if the court is
satisfied that the best interests of the public will not be
jeopardized; provided, however, the court shall not impose a

1 deferred sentence. Any application for sentence modification that
2 is filed and ruled upon beyond twelve (12) months of the initial
3 sentence being imposed must be approved by the district attorney who
4 shall provide written notice to any victims in the case which is
5 being considered for modification.

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

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

23 B. The court imposing the sentence may modify the sentence of
24 any offender sentenced to life without parole for an offense other

1 than a violent crime, as enumerated in Section 571 of Title 57 of
2 the Oklahoma Statutes, who has served at least ten (10) years of the
3 sentence in the custody of the Department of Corrections upon a
4 finding that the best interests of the public will not be
5 jeopardized. Provided; however, prior to granting a sentence
6 modification under the provisions of this subsection, the court
7 shall provide notice of the hearing to determine sentence
8 modification to the victim or representative of the victim and shall
9 allow the victim or representative of the victim the opportunity to
10 provide testimony at the hearing. The court shall consider the
11 testimony of the victim or representative of the victim when
12 rendering a decision to modify the sentence of an offender.

13 C. The district attorney responsible for the prosecution of an
14 individual convicted of a crime may commence a proceeding to adjust
15 the sentence of that individual at any time after the initial
16 sentencing; provided, the district attorney does not seek to
17 increase the period of confinement or, if the individual is serving
18 a suspended sentence, increase the period of supervision.

19 1. Prior to filing a motion under the provisions of this
20 subsection, the district attorney shall make a reasonable and good-
21 faith effort to seek input from the victim or representative of the
22 victim and shall consider the effect that an adjusted sentence would
23 have on the victim or representative of the victim. In compliance
24 with the provisions of Section 34 of Article II of the Oklahoma

1 Constitution, the district attorney shall also make a good-faith and
2 reasonable effort to notify the victim or representative of the
3 victim of the motion for resentencing, the date of the resentencing
4 hearing, and the right of the victim or representative of the victim
5 to be present at the hearing and to submit a statement.

6 2. At the hearing on the motion of the district attorney, the
7 court may consider postconviction factors including, but not limited
8 to:

9 a. the disciplinary record of the inmate and record of
10 rehabilitation of the inmate while incarcerated,

11 b. evidence that reflects whether age, time served, or
12 diminished physical condition have reduced the risk
13 for future violence by the inmate, and

14 c. evidence that circumstances have changed since the
15 original sentencing of the inmate so that the
16 continued incarceration of the inmate is no longer in
17 the best interests of justice.

18 3. Credit shall be given to the inmate for any time served at
19 the Department of Corrections on the charges before the court.

20 4. The provisions of this section shall not apply to any
21 sentence of death, life without the possibility of parole, or any
22 offense which results in the defendant being required to register as
23 a sex offender pursuant to the Sex Offenders Registration Act.

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1 D. For purposes of judicial review, upon court order or written
2 request from the sentencing judge, the Department of Corrections
3 shall provide the court imposing sentence or revocation of probation
4 with a report to include a summary of the assessed needs of the
5 offender, any progress made by the offender in addressing his or her
6 assessed needs, and any other information the Department can supply
7 on the offender. The court shall consider such reports when
8 modifying the sentence or revocation of probation. The court shall
9 allow the Department of Corrections at least twenty (20) days after
10 receipt of a request or order from the court to prepare the required
11 reports.

12 ~~D.~~ E. If the court considers modification of the sentence or
13 revocation of probation, a hearing shall be made in open court after
14 receipt of the reports required in subsection ~~E~~ D of this section.
15 The clerk of the court imposing sentence or revocation of probation
16 shall give notice of the judicial review hearing to the Department
17 of Corrections, the offender, the legal counsel of the offender, and
18 the district attorney of the county in which the offender was
19 convicted upon receipt of the reports. Such notice shall be mailed
20 at least twenty-one (21) days prior to the hearing date and shall
21 include a copy of the report and any other written information to be
22 considered at the judicial review hearing.

23 ~~E.~~ F. If an appeal is taken from the original sentence or from
24 a revocation of probation which results in a modification of the

1 sentence or modification to the revocation of probation of the
2 offender, such sentence may be further modified in the manner
3 described in paragraph 1 of subsection A of this section within
4 sixty (60) months after the receipt by the clerk of the district
5 court of the mandate from the Supreme Court or the Court of Criminal
6 Appeals.

7 SECTION 2. This act shall become effective November 1, 2026.

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