

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1909

By: Kannady

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 982a, as last amended by Section
9 1, Chapter 160, O.S.L. 2016 (22 O.S. Supp. 2016,
10 Section 982a), which relates to sentence
11 modification; modifying scope of certain exception;
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 982a, as
15 last amended by Section 1, Chapter 160, O.S.L. 2016 (22 O.S. Supp.
16 2016, Section 982a), is amended to read as follows:

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19 probation has been revoked, the court imposing sentence or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

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

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

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

22 B. For purposes of judicial review, upon court order or written
23 request from the sentencing judge, the Department of Corrections
24 shall provide the court imposing sentence or revocation of probation

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

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

20 D. If an appeal is taken from the original sentence or from a
21 revocation of probation which results in a modification of the
22 sentence or modification to the revocation of probation of the
23 offender, such sentence may be further modified in the manner
24 described in paragraph 1 of subsection A of this section within

1 sixty (60) months after the receipt by the clerk of the district
2 court of the mandate from the Supreme Court or the Court of Criminal
3 Appeals.

4 SECTION 2. This act shall become effective November 1, 2017.

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6 56-1-5051 GRS 11/09/16
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