

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2273

 By: West (Josh)

7 AS INTRODUCED

8 An Act relating to prisons and reformatories;
9 providing statement of legislative intent; amending
10 57 O.S. 2011, Section 332.7, as last amended by
11 Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
12 2018, Section 332.7), which relates to parole
13 considerations for eligible persons; providing for
14 the aggregation of consecutive sentences when
15 determining parole eligibility; directing Pardon and
16 Parole Board to state parole denials on the record
17 and suggest remediation options; modifying manner in
18 which parole eligibility is calculated for persons
19 convicted of crimes before and after certain date;
20 deleting postimprisonment supervision option for
21 certain parolees; amending 57 O.S. 2011, Section 350,
22 which relates to sentence deductions for parolees;
23 authorizing paroling authority to revoke all or
24 portion of parole under certain circumstances;
 amending 57 O.S. 2011, Section 502, as last amended
 by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.
 2018, Section 502), which relates to the Oklahoma
 Corrections Act of 1967; adding definitions; allowing
 offenders on felony probation supervision to earn
 discharge credits under certain circumstances;
 providing guidelines for awarding discharge credits;
 defining term; prohibiting certain persons from
 earning discharge credits; directing supervising
 bodies to develop written policies, procedures and
 guidelines for implementing discharge credit process;
 requiring supervising bodies to maintain record of
 credits; directing supervising bodies to report
 expected discharge date to the court; directing
 supervising bodies to discharge sentence under
 certain circumstances; providing exceptions;

1 converting collection of fines, fees and costs to
2 civil action upon termination of probation
3 supervision; allowing offenders released on parole
4 supervision to earn discharge credits under certain
5 circumstances; providing guidelines for awarding
6 discharge credits; defining term; prohibiting certain
7 persons from earning discharge credits; directing
8 Department of Corrections to develop written
9 policies, procedures and guidelines for implementing
10 discharge credit process; requiring Department to
11 maintain record of credits; directing Department to
12 notify offender of parole termination date; directing
13 Department to order final termination date of parole
14 supervision under certain circumstances; providing
15 exceptions; converting collection of fines, fees and
16 costs to civil action upon termination of parole
17 supervision; requiring notification be sent to Pardon
18 and Parole Board of impending termination date;
19 providing an exception; directing Supreme Court to
20 establish rules for probation supervisors; stating
21 requirements for development of rules; requiring
22 probation supervisors to complete certain training;
23 directing judicial districts to develop and
24 administer rules for supervision providers; directing
the Department 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;
directing the Department to develop certain policies
and procedures; 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; amending 57 O.S. 2011, Sections 516
and 57 O.S. 2011, Section 517, as amended by Section
8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018,
Section 517), which relate to parole and probation
violators; directing probation and parole officers to
use sanctions matrix when parolees commit technical
violations; authorizing Department to issue summons

1 for parolee to appear before Pardon and Parole Board
2 under certain circumstances; authorizing arrest
3 warrant when parolee fails to appear for hearing;
4 establishing procedures for holding preliminary
5 revocation hearings; providing for the continuation
6 of parole and modification of parole terms and
7 conditions; providing for imprisonment when Governor
8 revokes parole for parole violations; stating periods
9 of confinement; permitting Governor to depart from
10 imprisonment periods under certain circumstances;
11 establishing time limitation for holding preliminary
12 revocation hearing after arrest of parolee;
13 permitting Board to continue or modify conditions of
14 parole or recommend revocation of parole; directing
15 Governor to impose period of imprisonment for parole
16 revocations; establishing procedures when preliminary
17 revocation hearing is not held within certain time
18 frame; directing the Department and Board to adopt
19 certain rules and regulations; directing probation
20 and parole officers to notify department of probation
21 violations; deleting procedures for issuing warrants
22 to arrest probation violators; establishing
23 procedures for revoking probation for technical
24 violations; authorizing issuance of summons for
probationer to appear for revocation hearing;
authorizing arrest warrant when probationer fails to
appear; providing for incarceration of probationer in
certain facilities; defining term; providing for
codification; providing for noncodification; and
providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 It is the intent of this Legislature that the Pardon and Parole
22 Board as well as the Governor shall consider parole to be an
23 essential public safety mechanism used to incentivize compliance in
24 programming and treatment in prison and to provide effective

1 supervision upon release from prison. Parole shall be a means of
2 safely releasing compliant inmates in a timely fashion with the
3 skills and resources necessary to be successful in the community.

4 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.7, as
5 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
6 2018, Section 332.7), is amended to read as follows:

7 Section 332.7 A. For a crime committed prior to July 1, 1998,
8 any person in the custody of the Department of Corrections shall be
9 eligible for consideration for parole at the earliest of the
10 following dates:

- 11 1. Has completed serving one-third (1/3) of the sentence;
- 12 2. Has reached at least sixty (60) years of age and also has
13 served at least fifty percent (50%) of the time of imprisonment that
14 would have been imposed for that offense pursuant to the applicable
15 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
16 1997; provided, however, no inmate serving a sentence for crimes
17 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
18 O.S.L. 1997, or serving a sentence of life imprisonment without
19 parole shall be eligible to be considered for parole pursuant to
20 this paragraph;

- 21 3. Has reached eighty-five percent (85%) of the midpoint of the
22 time of imprisonment that would have been imposed for an offense
23 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
24 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable

1 matrix; provided, however, no inmate serving a sentence of life
2 imprisonment without parole shall be eligible to be considered for
3 parole pursuant to this paragraph; or

4 4. Has reached seventy-five percent (75%) of the midpoint of
5 the time of imprisonment that would have been imposed for an offense
6 that is listed in any other schedule, pursuant to the applicable
7 matrix; provided, however, no inmate serving a sentence of life
8 imprisonment without parole shall be eligible to be considered for
9 parole pursuant to this paragraph.

10 B. For a crime committed on or after July 1, 1998, and before
11 November 1, 2018, any person in the custody of the Department of
12 Corrections shall be eligible for consideration for parole who has
13 completed serving one-third (1/3) of the sentence; provided,
14 however, no inmate serving a sentence of life imprisonment without
15 parole shall be eligible to be considered for parole pursuant to
16 this subsection.

17 C. For a crime committed on or after November 1, 2018, any
18 person in the custody of the Department of Corrections shall be
19 eligible for parole after serving one-fourth (1/4) of the sentence
20 or consecutive sentences aggregated pursuant to subsection K of this
21 section that have been imposed, according to the following criteria:

22 1. A person eligible for parole under this subsection shall be
23 eligible for administrative parole under subsection R of this
24 section once the person serves one-fourth (1/4) of the sentence or

1 consecutive sentences imposed; provided, however, no inmate serving
2 a sentence of life imprisonment without parole, a sentence for a
3 violent crime as set forth in Section 571 of this title or any crime
4 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes
5 shall be eligible for administrative parole.

6 2. A person eligible for parole under this subsection shall be
7 eligible for parole once the person serves one-fourth (1/4) of the
8 sentence or consecutive sentences imposed; provided, however no
9 inmate serving a sentence of life imprisonment without parole is
10 eligible for parole.

11 D. The parole hearings conducted for persons pursuant to
12 paragraph 3 of subsection A of this section or for any person who
13 was convicted of a violent crime as set forth in Section 571 of this
14 title and who is eligible for parole consideration pursuant to
15 paragraph 1 of subsection A of this section, subsection B or
16 paragraph 2 of subsection C of this section shall be conducted in
17 two stages, as follows:

18 1. At the initial hearing, the Pardon and Parole Board shall
19 review the completed report submitted by the staff of the Board and
20 shall conduct a vote regarding whether, based upon that report, the
21 Board decides to consider the person for parole at a subsequent
22 meeting of the Board; and

23 2. At the subsequent meeting, the Board shall hear from any
24 victim or representatives of the victim that want to contest the

1 granting of parole to that person and shall conduct a vote regarding
2 whether parole should be recommended for that person.

3 E. Any inmate who has parole consideration dates calculated
4 pursuant to subsection A, B or C of this section may be considered
5 up to two (2) months prior to the parole eligibility date. Except
6 as otherwise directed by the Pardon and Parole Board, any person who
7 has been considered for parole and was denied parole or who has
8 waived consideration shall not be reconsidered for parole:

9 1. Within three (3) years of the denial or waiver, if the
10 person was convicted of a violent crime, as set forth in Section 571
11 of this title, and was eligible for consideration pursuant to
12 paragraph 1 of subsection A of this section, subsection B of this
13 section or paragraph 2 of subsection C of this section, unless the
14 person is within one (1) year of discharge; or

15 2. Until the person has served at least one-third (1/3) of the
16 sentence imposed, if the person was eligible for consideration
17 pursuant to paragraph 3 of subsection A of this section. Thereafter
18 the person shall not be considered more frequently than once every
19 three (3) years, unless the person is within one (1) year of
20 discharge.

21 F. If the Pardon and Parole Board denies parole, the Board
22 shall state on the record the reason for denial.

23 G. If the Board denies parole for any person convicted of a
24 crime other than those set forth in Section 13.1 of Title 21 of the

1 Oklahoma Statutes, the Board shall suggest a course of remediation
2 for the inmate in preparation for the next parole consideration.

3 H. Any person in the custody of the Department of Corrections
4 for a crime committed prior to July 1, 1998, who has been considered
5 for parole on a docket created for a type of parole consideration
6 that has been abolished by the Legislature shall not be considered
7 for parole except in accordance with this section.

8 ~~G.~~ I. The Pardon and Parole Board shall promulgate rules for
9 the implementation of subsections A, B and C of this section. The
10 rules shall include, but not be limited to, procedures for
11 reconsideration of persons denied parole under this section and
12 procedure for determining what sentence a person eligible for parole
13 consideration pursuant to subsection A of this section would have
14 received under the applicable matrix.

15 ~~H.~~ J. The Pardon and Parole Board shall not recommend to the
16 Governor any person who has been convicted of three or more felonies
17 arising out of separate and distinct transactions, with three or
18 more incarcerations for such felonies, unless such person shall have
19 served the lesser of at least one-third (1/3) of the sentence
20 imposed, or ten (10) years; provided, that whenever the population
21 of the prison system exceeds ninety-five percent (95%) of the
22 capacity as certified by the State Board of Corrections, the Pardon
23 and Parole Board may, at its discretion, recommend to the Governor
24 for parole any person who is incarcerated for a nonviolent offense

1 not involving injury to a person and who is within six (6) months of
2 his or her statutory parole eligibility date.

3 ~~¶~~ K. Inmates sentenced to consecutive sentences shall not be
4 eligible for parole consideration on any such consecutive sentence
5 until one-third (1/3) of the aggregate term of the consecutive
6 sentence sentences has been served if sentenced for a crime
7 committed before November 1, 2018, or one-fourth (1/4) of the
8 aggregate term of the consecutive sentences if sentenced for a crime
9 committed on or after November 1, 2018, or where parole has been
10 otherwise limited by law, until the minimum term of incarceration
11 has been served as required by law. Unless otherwise ordered by the
12 sentencing court, any credit for jail time served shall be credited
13 to ~~only one offense~~ reduce the aggregate term. Parole eligibility
14 for consecutive sentences shall be determined by combining
15 consecutive sentences to arrive at an aggregate term of all
16 sentences imposed. The provisions of this subsection shall apply to
17 all consecutive sentences currently being served or a subsequent
18 sentence ordered to run consecutive to an existing sentence.

19 ~~¶~~ L. The Pardon and Parole Board shall consider the prior
20 criminal record of inmates under consideration for parole
21 recommendation or granting of parole.

22 ~~K.~~ ~~In the event the Board grants parole for a nonviolent~~
23 ~~offender who has previously been convicted of an offense enumerated~~
24 ~~in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571~~

1 ~~of this title, such offender shall be subject to nine (9) months~~
2 ~~postimprisonment supervision upon release.~~

3 H. M. It shall be the duty of the Pardon and Parole Board to
4 cause an examination to be made at the penal institution where the
5 person is assigned, and to make inquiry into the conduct and the
6 record of the said person during his custody in the Department of
7 Corrections, which shall be considered as a basis for consideration
8 of said person for recommendation to the Governor for parole.

9 However, the Pardon and Parole Board shall not be required to
10 consider for parole any person who has completed the time period
11 provided for in this subsection if the person has participated in a
12 riot or in the taking of hostages, or has been placed on escape
13 status, while in the custody of the Department of Corrections. The
14 Pardon and Parole Board shall adopt policies and procedures
15 governing parole consideration for such persons.

16 M. N. Any person in the custody of the Department of
17 Corrections who is convicted of an offense not designated as a
18 violent offense by Section 571 of this title, is not a citizen of
19 the United States and is subject to or becomes subject to a final
20 order of deportation issued by the United States Department of
21 Justice shall be considered for parole to the custody of the United
22 States Immigration and Naturalization Service for continuation of
23 deportation proceedings at any time subsequent to reception and
24 processing through the Department of Corrections. No person shall

1 be considered for parole under this subsection without the
2 concurrence of at least three members of the Pardon and Parole
3 Board. The vote on whether or not to consider such person for
4 parole and the names of the concurring Board members shall be set
5 forth in the written minutes of the meeting of the Board at which
6 the issue is considered.

7 ~~N.~~ O. Upon application of any person convicted and sentenced by
8 a court of this state and relinquished to the custody of another
9 state or federal authorities pursuant to Section 61.2 of Title 21 of
10 the Oklahoma Statutes, the Pardon and Parole Board may determine a
11 parole consideration date consistent with the provisions of this
12 section and criteria established by the Pardon and Parole Board.

13 ~~O.~~ P. All references in this section to matrices or schedules
14 shall be construed with reference to the provisions of Sections 6,
15 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

16 ~~P.~~ Q. Any person in the custody of the Department of
17 Corrections who is convicted of a felony sex offense pursuant to
18 Section 582 of this title who is paroled shall immediately be placed
19 on intensive supervision.

20 ~~Q.~~ R. A person in the custody of the Department of Corrections
21 whose parole consideration date is calculated pursuant to subsection
22 B or C of this section, and is not serving a sentence of life
23 imprisonment without parole or who is not ~~convicted of~~ convicted of
24 sentence for an offense designated as a violent offense by Section

1 571 of this title or any crime enumerated in Section 13.1 of Title
2 21 of the Oklahoma Statutes shall be eligible for administrative
3 parole under subsection ~~R~~ S of this section.

4 ~~R. S.~~ The Pardon and Parole Board shall, ~~by majority vote,~~
5 grant administrative parole to any person in the custody of the
6 Department of Corrections if:

7 1. The person has substantially complied with the requirements
8 of the case plan established pursuant to Section 512 of this title;

9 2. A victim, as defined in Section 332.2 of this title, or the
10 district attorney speaking on behalf of a victim, has not submitted
11 an objection;

12 3. The person has not received a primary class X infraction
13 within two (2) years of the parole eligibility date;

14 4. The person has not received a secondary class X infraction
15 within one (1) year of the parole eligibility date; or

16 5. The person has not received a class A infraction within six
17 (6) months of the parole eligibility date.

18 ~~S. T.~~ Any person granted parole pursuant to subsection ~~R~~ S of
19 this section shall be released from the institution at the time of
20 the parole eligibility date of the person as calculated under
21 subsection B or C of this section.

22 ~~F. U.~~ No less than ninety (90) days prior to the parole
23 eligibility date of the person, the Department shall notify the
24 Pardon and Parole Board in writing of the compliance or

1 noncompliance of the person with the case plan and any infractions
2 committed by the person.

3 ~~U.~~ V. The Pardon and Parole Board shall not be required to
4 conduct a hearing before granting administrative parole pursuant to
5 subsection ~~R~~ S of this section.

6 ~~V.~~ W. Any person who is not granted administrative parole shall
7 be otherwise eligible for parole pursuant to this section.

8 ~~W.~~ X. Any person who is granted administrative parole under
9 subsection ~~R~~ S of this section shall be supervised and managed by
10 the Department of Corrections in the same manner as a parolee who
11 has been granted parole pursuant to this section. The person shall
12 be subject to all of the rules and regulations of parole.

13 SECTION 3. AMENDATORY 57 O.S. 2011, Section 350, is
14 amended to read as follows:

15 Section 350. A. Every person, hereinafter referred to as
16 "convict", who has been or who in the future may be sentenced to
17 imprisonment in any state penal institution shall, in addition to
18 any other deductions provided for by law, be entitled to a deduction
19 from his or her sentence for all time during which ~~he~~ the convict
20 has been or may be on parole. The provisions of this section are
21 hereby declared to be both retroactive and prospective, and to apply
22 to convicts who are on parole on the effective date of this act as
23 well as to convicts who may be paroled thereafter; and shall at the
24

1 discretion of the paroling authority apply to time on a parole which
2 has been or shall be revoked.

3 B. Beginning November 1, 1987, the paroling authority ~~also~~
4 ~~shall have the discretion to~~ may revoke all or any portion of the
5 parole except as provided under subsection C of this section.

6 C. Beginning November 1, 2019, the paroling authority may
7 revoke all or any portion of the parole in accordance with Section
8 516 of this title.

9 SECTION 4. AMENDATORY 57 O.S. 2011, Section 502, as last
10 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2018,
11 Section 502), is amended to read as follows:

12 Section 502. As used in this title, unless the context
13 otherwise requires:

14 1. "Board" means the State Board of Corrections;

15 2. "Department" means the Department of Corrections of this
16 state;

17 3. "Director" means the Director of the Department of
18 Corrections;

19 4. "Halfway house" means a private facility for the placement
20 of inmates in a community setting for the purpose of reintegrating
21 into the community inmates who are nearing their release dates. The
22 term shall not include private prisons;

23 5. "Institutions" means the Oklahoma State Penitentiary located
24 at McAlester, Oklahoma; the Oklahoma State Reformatory located at

1 Granite, Oklahoma; the Lexington Assessment and Reception Center
2 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
3 located at Lexington, Oklahoma; the Jackie Brannon Correctional
4 Center located at McAlester, Oklahoma; the Howard C. McLeod
5 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
6 Correctional Center located at Stringtown, Oklahoma; the Jim E.
7 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
8 Bassett Correctional Center located at McLoud, Oklahoma; the R.B.
9 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the
10 James Crabtree Correctional Center located at Helena, Oklahoma; the
11 Jess Dunn Correctional Center located at Taft, Oklahoma; the John
12 Lilley Correctional Center located at Boley, Oklahoma; the William
13 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.
14 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;
15 the Northeast Oklahoma Correctional Center located at Vinita,
16 Oklahoma; the Clara Waters and Kate Barnard Community Corrections
17 Centers located at Oklahoma City, Oklahoma; the Community
18 Corrections Centers located at Lawton, Enid, Oklahoma City and Union
19 City; the Charles E. "Bill" Johnson Correctional Center, located
20 east of Alva, Oklahoma; the Southern Oklahoma Resource Center
21 located at Pauls Valley, Oklahoma; and other facilities under the
22 jurisdiction and control of the Department of Corrections or
23 hereafter established by the Department of Corrections;

24

1 6. "Intermediate revocation facility" means a corrections
2 center operated by the Department of Corrections or a private
3 facility or public trust operating pursuant to contract with the
4 Department of Corrections which provides housing and intensive
5 programmatic services for offenders who have violated the terms or
6 conditions of probation as determined by a supervising probation
7 officer. "Intensive programmatic services" offered by the
8 Department of Corrections includes, but shall not be limited to,
9 alcohol and substance abuse counseling and treatment, mental health
10 counseling and treatment and domestic violence courses and treatment
11 programs;

12 7. "Intermediate sanctions facility" means a community
13 corrections center operated by the Department of Corrections or a
14 private facility or public trust operating pursuant to contract with
15 the Department of Corrections which provides for the housing and
16 programmatic services of offenders such as probation or parole
17 violators or community sentenced offenders placed in the facility
18 for disciplinary sanctions, work release offenders, offenders who
19 need intensive programmatic services, or offenders who have
20 demonstrated positive adjustment while in an institutional setting
21 who need additional programmatic services to enhance their reentry
22 into society upon release from a prison term; ~~and~~

23 8. "Private prison contractor" means:
24

- 1 a. a nongovernmental entity or public trust which,
2 pursuant to a contract with the Department of
3 Corrections, operates an institution within the
4 Department other than a halfway house or intermediate
5 sanctions facility, or provides for the housing, care,
6 and control of inmates and performs other functions
7 related to these responsibilities within a minimum,
8 medium, or maximum security level facility not owned
9 by the Department but operated by the contractor, or
10 b. a nongovernmental entity or public trust which,
11 pursuant to a contract with the United States or
12 another state, provides for the housing, care, and
13 control of minimum or medium security inmates in the
14 custody of the United States or another state, and
15 performs other functions related to these
16 responsibilities other than a halfway house or
17 intermediate sanctions facility within a facility
18 owned or operated by the contractor;

19 9. "Risk and needs assessment" means an actuarial tool
20 validated on the correctional population of the state that
21 determines the risk of an individual to reoffend and the criminal
22 risk factors that, when addressed, reduce the risk of an individual
23 to reoffend; and
24

1 10. "Technical violation" means a violation of the rules and
2 conditions of supervision, other than:

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

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

10 c. any violation of the specialized sex offender rules
11 created by the Department.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 512.1 of Title 57, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Every offender on felony probation supervision under Section
16 515a of Title 57 of the Oklahoma Statutes shall be eligible to earn
17 discharge credits for compliance with the terms and conditions of
18 probation supervision to reduce the term of supervision and the
19 overall term of the sentence. For every calendar month of
20 compliance with the terms and conditions of probation supervision,
21 the supervising body, defined for the purposes of this section as
22 the Department of Corrections, district attorney or private
23 supervision provider responsible for the supervision of felony
24 probationers, shall award the offender earned discharge credits

1 equal to thirty (30) calendar days to be applied towards a reduction
2 of the probation supervision term ordered under Section 991a of
3 Title 22 of the Oklahoma Statutes. For every calendar month of
4 compliance with the terms and conditions of probation supervision,
5 the supervising body shall award an offender earned discharge
6 credits equal to fifteen (15) calendar days to be applied towards a
7 reduction of the overall term of the probation sentence ordered
8 under Section 991a of Title 22 of the Oklahoma Statutes. For the
9 purposes of this section, "compliance" shall be defined as the
10 absence of a violation report submitted by the supervising body
11 during a calendar month.

12 B. No person convicted of an offense under Section 13.1 of
13 Title 21 of the Oklahoma Statutes or subsections C, D, E, F, G or J
14 of Section 644 of Title 21 of the Oklahoma Statutes shall be
15 eligible for earned discharge credits under this section.

16 C. Every supervising body shall develop written policies and
17 procedures necessary for the implementation of earned discharge
18 credits for offenders on felony probation supervision as authorized
19 under this section. The policies and procedures developed by the
20 supervising bodies shall include, but not be limited to, the process
21 to earn discharge credits and the application of the credits toward
22 the reduction of the term of supervision or term of the sentence and
23 the collection of data related to who earns credit, how much is

24

1 applied and how much of the supervision period or sentence term is
2 reduced at the point of discharge.

3 D. Every supervising body shall maintain a record of credits
4 earned by an offender under this section. At least every six (6)
5 months from the date the offender is placed on probation, the
6 supervising body shall notify the offender of the current discharge
7 date for the term of supervision and the overall sentence of the
8 offender.

9 E. Every supervising body shall notify the court not less than
10 thirty (30) days prior to the expected discharge date. However,
11 nothing in this section shall prohibit the supervising body from
12 requesting termination of the sentence earlier than the termination
13 date of the sentence authorized in subsection F of this section.

14 F. Once a combination of time served in custody, if applicable,
15 time served on any form of probation, parole or post-release
16 supervision and earned discharge credits satisfy the total sentence,
17 the supervising body shall order the discharge of the sentence of
18 the offender unless it is determined that termination would
19 interrupt the completion of a necessary treatment program. If the
20 supervising body finds that termination of the sentence would
21 interrupt the completion of a necessary treatment program, the
22 offender shall complete the treatment program and then have his or
23 her sentence discharged. Upon termination of the offender from
24

1 probation supervision, all outstanding fines, fees or costs,
2 excluding restitution, shall be converted into a civil action.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Every offender released to parole supervision pursuant to
7 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible
8 to earn discharge credits for compliance with the terms and
9 conditions of parole supervision that reduce the term of supervision
10 of the offender. For every calendar month of compliance with the
11 terms and conditions of parole supervision, the Department of
12 Corrections shall award an offender earned discharge credits equal
13 to thirty (30) calendar days to be applied towards a reduction of
14 the parole supervision period. For the purposes of this section,
15 "compliance" shall be defined as the absence of an initial violation
16 report submitted by a probation and parole officer during a calendar
17 month. No person convicted of an offense under Section 13.1 of
18 Title 21 of the Oklahoma Statutes or subsections C, D, E, F, G or J
19 of Section 644 of Title 21 of the Oklahoma Statutes shall be
20 eligible for earned discharge credits under this section.

21 B. The Department shall develop written policies and procedures
22 for the implementation of earned discharge credits authorized under
23 this section. The policies and procedures developed by the
24 Department shall include, but not be limited to, the process to earn

1 discharge credits and the application of the credits toward the
2 reduction of the term of supervision, the collection of data related
3 to who earns credit and how much is applied and how much of the
4 supervision period is reduced at the point of discharge.

5 C. The Department shall maintain a record of credits earned by
6 an offender under this section. At least every six (6) months from
7 the date the offender is placed on parole supervision, the
8 Department shall notify the offender of the current parole
9 termination date.

10 D. Once a combination of time served in custody, if applicable,
11 time served on any form of probation, parole or post-release
12 supervision and earned discharge credits satisfy the total sentence,
13 the Department shall order the final termination of parole
14 supervision of an offender unless the Department determines that
15 termination would interrupt the completion of a necessary treatment
16 program. If the Department finds that the termination would
17 interrupt the completion of a necessary treatment program, the
18 offender shall complete the treatment program and then have his or
19 her parole supervision terminated. Upon termination of an offender
20 from parole supervision, any outstanding fines, fees or costs,
21 excluding restitution, shall be converted into a civil action.

22 E. The Department shall notify the Pardon and Parole Board of
23 the impending termination not less than thirty (30) days prior to
24 the expected termination date. However, nothing in this section

1 shall prohibit the Department from requesting parole termination
2 earlier than the termination date authorized in subsection D of this
3 section.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 515b of Title 57, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Supreme Court, in coordination with the Department of
8 Corrections, shall establish regulations by rule for all providers
9 under contract with a district court whose duties include
10 supervision of felony probationers pursuant to Section 515a of Title
11 57 of the Oklahoma Statutes. The rules shall guide the supervision
12 and management of those persons on probation supervision and the
13 performance of the provider. The rules developed under this section
14 shall include, but not be limited to:

15 1. The use of a risk and needs assessment, as defined in
16 Section 502 of Title 57 of the Oklahoma Statutes, to guide
17 supervision and programming decisions and the development of an
18 individualized case plan pursuant to Section 515a of Title 57 of the
19 Oklahoma Statutes;

20 2. The application of the earned discharge program pursuant to
21 Section 5 of this act;

22 3. The application of the graduated sanctions and incentives
23 matrix pursuant to Section 991b of Title 22 of the Oklahoma
24 Statutes; and

1 4. The collection and reporting of data as required under
2 Sections 5 and 6 of this act.

3 B. Any provider under contract with a district court whose
4 duties include supervision of felony probationers pursuant to
5 Section 515a of Title 57 of the Oklahoma Statutes shall complete,
6 upon hiring and on an annual basis, training courses including, but
7 not limited to:

8 1. Identifying, understanding, targeting and effectively
9 addressing the criminal risk and need factors of an individual and
10 barriers to successful completion of supervision;

11 2. Supporting and encouraging compliance and behavior change;

12 3. The use of a graduated sanctions matrix developed by the
13 Department of Corrections according to Section 991b of Title 22 of
14 the Oklahoma Statutes; and

15 4. If applicable, best practices on graduated responses to
16 domestic violence offenders and victim sensitivity training.

17 C. Each judicial district shall be responsible for developing
18 and administering procedures by rule for the implementation of the
19 requirements in this section. The presiding judge of each judicial
20 administrative district shall carry out this mandate within one (1)
21 year of the effective date of this act.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 515c of Title 57, unless there
24 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, as defined in Section 502 of Title 57 of the Oklahoma
8 Statutes. The matrix shall be used for probationers in accordance
9 with the procedures provided in Section 991b of Title 22 of the
10 Oklahoma Statutes, and for parolees in accordance with this section.

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

24

1 C. The Department shall establish procedures to hear responses
2 to technical violations and review sanction plans for parolees
3 including the following:

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

6 2. The Department shall provide the offender written notice of
7 the violation, the evidence relied upon and the reason the sanction
8 was imposed;

9 3. The hearing shall be held unless the offender waives the
10 right to the hearing;

11 4. The hearing shall be electronically recorded; and

12 5. The Department shall provide to the Pardon and Parole Board
13 a record of all violations and actions taken pursuant to this
14 subsection.

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

1 the recommended sanction plan, the Department shall either impose
2 the sanction and allow the offender to appeal to the Pardon and
3 Parole Board or request a revocation proceeding as provided by law.

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

7 SECTION 9. AMENDATORY 57 O.S. 2011, Section 516, is
8 amended to read as follows:

9 Section 516. A. Except as provided in ~~subsection~~ subsections B
10 and C of this section, the probation and parole officer shall, upon
11 information sufficient to give the officer reasonable grounds to
12 believe that the parolee has ~~violated~~ committed a violation, other
13 than a technical violation as defined in Section 502 of this title,
14 of the terms of and conditions of parole, notify the Department of
15 Corrections. If it is determined that the facts justify revocation
16 action, the Department shall issue a warrant for the arrest of the
17 parolee and the warrant shall have the force and effect of any
18 warrant of arrest issued by a district court in this state. The
19 parolee shall, after arrest, be immediately incarcerated in the
20 nearest county jail, intermediate sanctions facility, or a
21 Department of Corrections facility to await action by the Governor
22 as to whether the parole will be revoked. Parole time shall cease
23 to run after the issuance of a warrant for arrest by the Department
24 ~~of Corrections,~~ for a parolee who has absconded and earned credits

1 shall not be accrued during any period of time when the parolee is
2 incarcerated pending revocation action by the Governor.

3 B. The probation and parole officer shall, upon information
4 sufficient to give the officer reasonable grounds to believe that
5 the parolee has committed a technical violation of the terms and
6 conditions of parole as defined in Section 502 of this title,
7 respond in accordance with the procedures established in Section 8
8 of this act for use of the sanctions matrix. If the severity of a
9 violation warrants a more severe response, intermediate sanctions
10 within the sanctions matrix have been exhausted and the Department
11 has determined that the facts justify revocation of parole, the
12 Department shall issue a summons requiring the parolee to appear
13 before the Pardon and Parole Board for a preliminary revocation
14 hearing. If the parolee fails to appear at the preliminary
15 revocation hearing or if the Department finds that a warrant is
16 justified for the protection of public safety, the Department shall
17 issue a warrant for the arrest of the parolee. The warrant shall
18 have the force and effect of any warrant of arrest issued by a
19 district court in this state, and the parolee shall be held in
20 accordance with subsection A of this section.

21 C. If a parolee is issued a summons pursuant to subsection B of
22 this section, the Pardon and Parole Board shall hold the preliminary
23 revocation hearing within twenty (20) calendar days from the date
24 the summons is issued. The Board may, in its discretion, continue

1 parole and modify the terms and conditions of parole or forward the
2 decision to revoke parole on to the Governor. If the Governor
3 revokes parole for a technical violation of the terms or conditions
4 of parole, as defined in Section 502 of this title, the Governor
5 shall impose a period of imprisonment of not more than fifteen (15)
6 days for the first revocation, not more than thirty (30) days for
7 the second revocation and not more than sixty (60) days for the
8 third revocation. For the fourth and subsequent revocation for a
9 technical violation, the Governor may revoke parole and impose a
10 period of imprisonment of not more than two (2) years or for the
11 remainder of the sentence, whichever is less. The Governor may
12 depart from the periods of imprisonment required under this
13 subsection if the offender is on parole supervision for an offense
14 under Section 13.1 of Title 21 of the Oklahoma Statutes.

15 D. If a parolee is arrested and detained on a warrant pursuant
16 to subsection A or subsection B of this section, the Pardon and
17 Parole Board shall hold the preliminary revocation hearing within
18 fifteen (15) calendar days from the date the parolee is detained on
19 the warrant. The Board may, in its discretion, continue parole and
20 modify the terms and conditions of parole or forward the decision to
21 revoke parole to the Governor, who may deliberate for a further
22 fifteen (15) days. If the Governor revokes parole for a technical
23 violation, the Governor shall impose a period of imprisonment as
24 required under subsection C of this section.

1 E. If the Board does not hold a preliminary revocation hearing
2 within fifteen (15) calendar days as required under subsection D of
3 this section, the parolee shall be released from the county jail,
4 intermediate sanctions facility or Department of Corrections
5 facility and shall return to parole status. The Pardon and Parole
6 Board may subsequently hold a preliminary revocation hearing within
7 a reasonable timeframe. The Board may, in its discretion, continue
8 parole and modify the terms and conditions of parole or forward the
9 decision to revoke parole to the Governor. If the Governor revokes
10 parole for a technical violation, the Governor shall impose a period
11 of imprisonment as required under subsection C of this section.

12 F. Any parolee determined to have violated any terms or
13 conditions of parole by the supervising parole officer may be given
14 the option, at the discretion of the Department of Corrections, to
15 be placed in an intermediate sanctions facility for disciplinary
16 sanction and programmatic services in lieu of revocation or when
17 revocation action by the Governor is deemed unnecessary for the
18 nature of the violation. Any parolee for whom a warrant for arrest
19 issues as provided in subsection A of this section may, at the
20 discretion of the Department or the Governor, be placed in an
21 intermediate sanctions facility pending or following any action by
22 the Governor as to revocation of parole or required additional
23 conditions to remain on parole. A parolee may be received and
24 processed into the custody of the Department on an expedited basis

1 through any facility serving such purpose or may be processed
2 directly by the intermediate sanctions facility.

3 G. The Department of Corrections and the Pardon and Parole
4 Board shall adopt rules and policies related to the provisions of
5 this section.

6 SECTION 10. AMENDATORY 57 O.S. 2011, Section 517, as
7 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018,
8 Section 517), is amended to read as follows:

9 Section 517. A. A Probation and Parole Officer, upon
10 information sufficient to give the officer reasonable grounds to
11 believe that a probationer has ~~been charged with or found guilty of~~
12 ~~committing a felony or misdemeanor offense, or has escaped from~~
13 ~~custody as provided in Section 443 of Title 21 of the Oklahoma~~
14 ~~Statutes~~ committed a violation, other than a technical violation as
15 defined in Section 502 of this title, of the terms and conditions of
16 probation, shall notify the Department of Corrections. If it is
17 determined that the facts justify revocation action, the Department
18 shall issue a warrant for the arrest of the probationer and the
19 warrant shall have the force and effect of any warrant of arrest
20 issued by a district court in this state. A probationer ~~shall~~ may,
21 after arrest, be immediately incarcerated in the nearest county jail
22 or intermediate sanctions facility to await action by the court as
23 to whether the probation will be revoked.

24

1 B. A Probation and Parole Officer, upon information sufficient
2 to give the officer reasonable grounds to believe that a probationer
3 ~~has violated the terms or conditions of probation, may notify the~~
4 ~~Department. If it is determined that the facts justify disciplinary~~
5 ~~sanctions, the Department shall issue a warrant for the arrest of~~
6 ~~the probationer and the warrant shall have the force and effect of~~
7 ~~any warrant of arrest issued by a district court in this state. The~~
8 ~~probationer shall, after arrest, be immediately incarcerated in the~~
9 ~~nearest county jail or intermediate sanction facility to await~~
10 ~~action by the court as to whether disciplinary sanctions shall be~~
11 ~~imposed. Upon approval of the court and the Department of~~
12 ~~Corrections, the probationer shall be placed in an intermediate~~
13 ~~revocation facility for disciplinary sanction and intensive~~
14 ~~programmatic services in lieu of a first revocation. Repeated~~
15 ~~violations by the probationer of the terms and conditions of~~
16 ~~probation may result in a revocation proceeding committed a~~
17 ~~technical violation of the terms or conditions of probation, as~~
18 ~~defined in Section 502 of this title, may notify the Department. If~~
19 ~~the Department has determined that the facts justify revocation of~~
20 ~~probation in accordance with the procedure established in subsection~~
21 ~~D of Section 991b of Title 22 of the Oklahoma Statutes, the~~
22 ~~Department shall issue a summons requiring the probationer to appear~~
23 ~~at a revocation hearing. The district attorney may petition the~~
24 ~~court to issue a warrant in place of a summons in the interest of~~

1 public safety. If the probationer fails to appear at the hearing
2 ordered by the summons, or if the court approves the petition for a
3 warrant by the district attorney, the Department shall issue a
4 warrant for the arrest of the probationer. The warrant shall have
5 the force and effect of any warrant of arrest issued by a district
6 court in this state. The probationer may, after arrest, be
7 immediately incarcerated in the nearest county jail or intermediate
8 sanction facility to await action by the court as to whether
9 disciplinary sanctions will be imposed.

10 C. Any probationer for whom a warrant for arrest ~~issues~~ is
11 issued as provided in subsection A or B of this section may, at the
12 discretion of the court, be placed in an intermediate sanctions
13 facility pending or following any action by the court as to
14 revocation of probation or required additional conditions to remain
15 on probation. A probationer may be processed by the Department on
16 an expedited basis through any facility serving such purpose or may
17 be processed directly by the intermediate sanctions facility.

18 D. Nothing in this section shall preclude a district attorney
19 from initiating an application to revoke a suspended sentence
20 pursuant to subsection A of this section without a recommendation
21 from the Department or from initiating an application to revoke a
22 suspended sentence and referring the person to an intermediate
23 revocation facility without a recommendation from the Department
24 pursuant to subsection B of this section, when the district attorney

1 believes that competent evidence justifies the revocation of the
2 suspended sentence.

3 E. For purposes of this section, the term "probationer" means
4 any offender on a deferred judgment or suspended sentence supervised
5 by the Department of Corrections or another supervising body.

6 SECTION 11. This act shall become effective November 1, 2019.

7
8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/13/2019 - DO
9 PASS.

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