

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2286

By: O'Donnell

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5
6 AS INTRODUCED

7 An Act relating to pardon and parole; stating
8 legislative intent; amending 57 O.S. 2011, Section
9 138, as last amended by Section 4, Chapter 360, O.S.L.
10 2015 (57 O.S. Supp. 2016, Section 138), which relates
11 to earned credits; providing certain application of
12 earned credits; amending 57 O.S. 2011, Section
13 332.1A, which relates to training for members of
14 Pardon and Parole Board; modifying training
15 curriculum; amending 57 O.S. 2011, Section 332.1B,
16 which relates to the Pardon and Parole Board;
17 modifying requirements; amending 57 O.S. 2011,
18 Section 332.2, as amended by Section 1, Chapter 124,
19 O.S.L. 2013 (57 O.S. Supp. 2016, Section 332.2),
20 which relates to meetings of Pardon and Parole Board;
21 allowing an administrative parole docket; amending 57
22 O.S. 2011, Section 332.7, as amended by Section 2,
23 Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Section
24 332.7), which relates to consideration for parole;
modifying eligibility; directing rules be
established; directing certain hearing; providing for
administrative parole for certain inmates; amending
57 O.S. 2011, Section 332.8, as amended by Section 3,
Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Section
332.8), which relates to conditions for parole;
directing evidence-based community programming be
used; providing for standards created by the
Department of Mental Health and Substance Abuse
Services; requiring compliance by certain treatment
providers; requiring certain training; providing for
certain parole; establishing certain requirements;
stating certain ineligible offenses; amending 57 O.S.
2011, Section 350, which relates to deduction of
sentence of time spent on parole; modifying
procedures; amending 57 O.S. 2011, Section 502, as
last amended by Section 1, Chapter 259, O.S.L. 2016

1 (57 O.S. Supp. 2016, Section 502), which relates to
2 definitions; modifying inclusions; amending 57 O.S.
3 2011, Section 510.9, as last amended by Section 31,
4 Chapter 210, O.S.L. 2016 (57 O.S Supp. 2016, Section
5 510.9), which relates to Electronic Monitoring
6 Program; modifying requirements; providing for
7 certain assessment; providing for alternative payment
8 options; amending 57 O.S. 2011, Section 512, which
9 relates to supervision of paroled inmates; directing
10 certain intake and orientation for parolee; requiring
11 certain compliance monitoring; providing for ability
12 to earn discharge credits; providing application;
13 prohibiting certain offenses from being eligible;
14 directing development of written guidelines;
15 directing maintenance of records; providing certain
16 notification; providing creation of a certification
17 of rehabilitation; providing application
18 requirements; authorizing certain consideration;
19 directing development of guidelines and procedures;
20 allowing certain appeal; amending 57 O.S. 2011,
21 Section 515, as amended by Section 4, Chapter 267,
22 O.S.L. 2012 (57 O.S. Supp. 2016, Section 515), which
23 relates to probation-parole officers; directing
24 officers to undergo annual training; providing
requirements; amending Section 2, Chapter 414, O.S.L.
2014 (57 O.S. Supp. 2016, Section 515a), which
relates to felony probation supervision; requiring
risk and needs assessment; directing the development
of treatment and supervision plan; providing for
establishment of regulations and rules for certain
contract providers; providing deadline for
implementation; providing for creation of matrix of
sanctions and incentives; amending 57 O.S. 2011,
Section 516, which relates to parole violators;
providing for hearing to justify revocation; allowing
for summons; allowing for warrant; directing action
toward revocation; amending 57 O.S. 2011, Section
517, as amended by Section 8, Chapter 228, O.S.L.
2012 (57 O.S. Supp. 2016, Section 517), which relates
to probation violators; authorizing revocation
actions; directing certain consideration; making
certain allowances; providing definition; amending 57
O.S. 2011, Section 571, as amended by Section 1,
Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2016, Section
571), which relates to definitions; amending
language; providing for noncodification; providing

1 for codification; providing an effective date; and
2 declaring an emergency.

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

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

8 It is the intent of this Legislature that the Pardon and Parole
9 Board as well as the Governor shall consider parole to be an
10 essential public safety mechanism used to incentivize compliance in
11 programming and treatment in prison and to provide effective
12 supervision upon release from prison. Parole shall be a means of
13 safely releasing compliant inmates in a timely fashion, with the
14 skills and resources necessary to be successful in the community.

15 SECTION 2. AMENDATORY 57 O.S. 2011, Section 138, as last
16 amended by Section 4, Chapter 360, O.S.L. 2015 (57 O.S. Supp. 2016,
17 Section 138), is amended to read as follows:

18 Section 138. A. Except as otherwise provided by law, every
19 inmate of a state correctional institution shall have their term of
20 imprisonment reduced monthly, based upon the class level to which
21 they are assigned. Earned credits may be subtracted from the total
22 credits accumulated by an inmate, upon recommendation of the
23 institution's disciplinary committee, following due process, and
24 upon approval of the warden or superintendent. Each earned credit

1 is equivalent to one (1) day of incarceration. Lost credits may be
2 restored by the warden or superintendent upon approval of the
3 classification committee. If a maximum and minimum term of
4 imprisonment is imposed, the provisions of this subsection shall
5 apply only to the maximum term. No deductions shall be credited to
6 any inmate serving a sentence of life imprisonment; however, a
7 complete record of the inmate's participation in work, school,
8 vocational training, or other approved program shall be maintained
9 by the Department for consideration by the paroling authority. No
10 earned credit deductions shall be credited or recorded for any
11 inmate serving any sentence for a criminal act which resulted in the
12 death of a police officer, a law enforcement officer, an employee of
13 the Department of Corrections, or an employee of a private prison
14 contractor and the death occurred while the police officer, law
15 enforcement officer, employee of the Department of Corrections, or
16 employee of a private prison contractor was acting within the scope
17 of their employment. No earned credit deductions shall be credited
18 or recorded for any person who is referred to an intermediate
19 revocation facility for violating any of the terms and conditions of
20 probation.

21 B. The Department of Corrections is directed to develop a
22 written policy and procedure whereby inmates shall be assigned to
23 one of four class levels determined by an adjustment review
24 committee of the facility to which the inmate is assigned. The

1 policies and procedures developed by the Department shall include,
2 but not be limited to, written guidelines pertaining to awarding
3 credits for rehabilitation, obtaining job skills and educational
4 enhancement, participation in and completion of alcohol/chemical
5 abuse programs, incentives for inmates to accept work assignments
6 and jobs, work attendance and productivity, conduct record,
7 participation in programs, cooperative general behavior, and
8 appearance. When assigning inmates to a class level the adjustment
9 review committee shall consider all aspects of the policy and
10 procedure developed by the Department including but not limited to
11 the criteria for awarding credits required by this subsection.

12 C. If an inmate is subject to misconduct, nonperformance or
13 disciplinary action, earned credits may be removed according to the
14 policies and procedures developed by the Department. Earned credits
15 removed for misconduct, nonperformance or disciplinary action may be
16 restored as provided by Department policy, if any.

17 D. 1. Class levels shall be as follows:

18 a. Class level 1 shall include inmates not eligible to
19 participate in class levels 2 through 4, and shall
20 include, but not be limited to, inmates on escape
21 status.

22 b. Class level 2 shall include an inmate who has been
23 given a work, education, or program assignment, has
24 received a good evaluation for participation in the

1 work, education, or program assignment, and has
2 received a good evaluation for personal hygiene and
3 maintenance of living area.

4 c. Class level 3 shall include an inmate who has been
5 incarcerated at least three (3) months, has received
6 an excellent work, education, or program evaluation,
7 and has received an excellent evaluation for personal
8 hygiene and maintenance of living area.

9 d. Class level 4 shall include an inmate who has been
10 incarcerated at least eight (8) months, has received
11 an outstanding work, education, or program evaluation,
12 and has received an outstanding evaluation for
13 personal hygiene and maintenance of living area.

14 2. a. Until November 1, 2001, class level corresponding
15 credits are as follows:

16 Class 1 - 0 Credits per month;

17 Class 2 - 22 Credits per month;

18 Class 3 - 33 Credits per month;

19 Class 4 - 44 Credits per month.

20 b. Class level corresponding credits beginning November
21 1, 2001, for inmates who have ever been convicted as
22 an adult or a youthful offender or adjudicated
23 delinquent as a juvenile for a felony offense
24

1 enumerated in subsection E of this section are as
2 follows:

3 Class 1 - 0 Credits per month;

4 Class 2 - 22 Credits per month;

5 Class 3 - 33 Credits per month;

6 Class 4 - 44 Credits per month.

7 c. Class level corresponding credits beginning November
8 1, 2001, for inmates who have never been convicted as
9 an adult or a youthful offender or adjudicated
10 delinquent as a juvenile for a felony offense
11 enumerated in subsection E of this section are as
12 follows:

13 Class 1 - 0 Credits per month;

14 Class 2 - 22 Credits per month;

15 Class 3 - 45 Credits per month;

16 Class 4 - 60 Credits per month.

17 Each inmate shall receive the above specified monthly credits
18 for the class to which he or she is assigned. In determining the
19 prior criminal history of the inmate, the Department of Corrections
20 shall review criminal history records available through the Oklahoma
21 State Bureau of Investigation, Federal Bureau of Investigation, and
22 National Crime Information Center to determine the reported felony
23 convictions of all inmates. The Department of Corrections shall
24 also review the Office of Juvenile Affairs Juvenile On-line Tracking

1 System for inmates who were adjudicated delinquent or convicted as a
2 youthful offender for a crime that would be an offense enumerated in
3 subsection E of this section.

4 3. In addition to the criteria established for each class in
5 paragraph 1 of this subsection, the following requirements shall
6 apply to each of levels 2 through 4:

- 7 a. satisfactory participation in the work, education, or
8 program assignment at the standard required for the
9 particular class level,
- 10 b. maintenance of a clean and orderly living area and
11 personal hygiene at the standard required for the
12 particular class level,
- 13 c. cooperative behavior toward facility staff and other
14 inmates, and
- 15 d. satisfactory participation in the requirements of the
16 previous class level.

17 4. The evaluation scale for assessing performance shall be as
18 follows:

- 19 a. Outstanding - For inmates who display consistently
20 exceptional initiative, motivation, and work habits.
- 21 b. Excellent - For inmates who display above-average work
22 habits with only minor errors and rarely perform below
23 expectations.

24

1 c. Good - For inmates who perform in a satisfactory
2 manner and complete tasks as required, doing what is
3 expected, with only occasional performance above or
4 below expectations.

5 d. Fair - For inmates who may perform satisfactorily for
6 some periods of time, but whose performance is marked
7 by obviously deficient and weak areas and could be
8 improved.

9 e. Poor - For inmates whose performance is unsatisfactory
10 and falls below expected and acceptable standards.

11 E. No person ever convicted as an adult or a youthful offender
12 or adjudicated delinquent as a juvenile in this state for any felony
13 offense enumerated in this subsection or a similar felony offense
14 pursuant to the provisions of another state, the United States, or a
15 military court shall be eligible for the credits provided by the
16 provisions of subparagraph c of paragraph 2 of subsection D of this
17 section.

18 1. Assault, battery, or assault and battery with a dangerous
19 weapon as defined by Section 645, subsection C of Section 652 of
20 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

21 2. Aggravated assault and battery on a police officer, sheriff,
22 highway patrolman, or any other officer of the law as defined by
23 Section 650, subsection C of Section 650.2, 650.5, subsection B of
24

1 Section 650.6, or subsection C of Section 650.7 of Title 21 of the
2 Oklahoma Statutes;

3 3. Poisoning with intent to kill as defined by Section 651 of
4 Title 21 of the Oklahoma Statutes;

5 4. Shooting with intent to kill as defined by Section 652 of
6 Title 21 of the Oklahoma Statutes;

7 5. Assault with intent to kill as defined by Section 653 of
8 Title 21 of the Oklahoma Statutes;

9 6. Assault with intent to commit a felony as defined by Section
10 681 of Title 21 of the Oklahoma Statutes;

11 7. Assaults while masked or disguised as defined by Section
12 1303 of Title 21 of the Oklahoma Statutes;

13 8. Entering premises of another while masked as defined by
14 Section 1302 of Title 21 of the Oklahoma Statutes;

15 9. Murder in the first degree as defined by Section 701.7 of
16 Title 21 of the Oklahoma Statutes;

17 10. Solicitation for Murder in the first degree as defined by
18 Section 701.16 of Title 21 of the Oklahoma Statutes;

19 11. Murder in the second degree as defined by Section 701.8 of
20 Title 21 of the Oklahoma Statutes;

21 12. Manslaughter in the first degree as defined by Section 711,
22 712 or 714 of Title 21 of the Oklahoma Statutes;

23 13. Manslaughter in the second degree as defined by Section 716
24 or 717 of Title 21 of the Oklahoma Statutes;

1 14. Kidnapping as defined by Section 741 of Title 21 of the
2 Oklahoma Statutes;

3 15. Burglary in the first degree as defined by Section 1431 of
4 Title 21 of the Oklahoma Statutes;

5 16. Burglary with explosives as defined by Section 1441 of
6 Title 21 of the Oklahoma Statutes;

7 17. Kidnapping for extortion as defined by Section 745 of Title
8 21 of the Oklahoma Statutes;

9 18. Maiming as defined by Section 751 of Title 21 of the
10 Oklahoma Statutes;

11 19. Robbery as defined by Section 791 of Title 21 of the
12 Oklahoma Statutes;

13 20. Robbery in the first degree as defined by Section 797 of
14 Title 21 of the Oklahoma Statutes;

15 21. Robbery in the second degree as defined by Section 797 of
16 Title 21 of the Oklahoma Statutes;

17 22. Armed robbery as defined by Section 801 of Title 21 of the
18 Oklahoma Statutes;

19 23. Robbery by two or more persons as defined by Section 800 of
20 Title 21 of the Oklahoma Statutes;

21 24. Robbery with dangerous weapon or imitation firearm as
22 defined by Section 801 of Title 21 of the Oklahoma Statutes;

23 25. Any crime against a child provided for in Section 843.5 of
24 Title 21 of the Oklahoma Statutes;

1 26. Wiring any equipment, vehicle or structure with explosives
2 as defined by Section 849 of Title 21 of the Oklahoma Statutes;

3 27. Forcible sodomy as defined by Section 888 of Title 21 of
4 the Oklahoma Statutes;

5 28. Rape in the first degree as defined by Sections 1111 and
6 1114 of Title 21 of the Oklahoma Statutes;

7 29. Rape in the second degree as defined by Sections 1111 and
8 1114 of Title 21 of the Oklahoma Statutes;

9 30. Rape by instrumentation as defined by Section 1111.1 of
10 Title 21 of the Oklahoma Statutes;

11 31. Lewd or indecent proposition or lewd or indecent act with a
12 child as defined by Section 1123 of Title 21 of the Oklahoma
13 Statutes;

14 32. Sexual battery of a person over 16 as defined by Section
15 1123 of Title 21 of the Oklahoma Statutes;

16 33. Use of a firearm or offensive weapon to commit or attempt
17 to commit a felony as defined by Section 1287 of Title 21 of the
18 Oklahoma Statutes;

19 34. Pointing firearms as defined by Section 1289.16 of Title 21
20 of the Oklahoma Statutes;

21 35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of
22 the Oklahoma Statutes;

23 36. Inciting to riot as defined by Section 1320.2 of Title 21
24 of the Oklahoma Statutes;

- 1 37. Arson in the first degree as defined by Section 1401 of
2 Title 21 of the Oklahoma Statutes;
- 3 38. Endangering human life during arson as defined by Section
4 1405 of Title 21 of the Oklahoma Statutes;
- 5 39. Injuring or burning public buildings as defined by Section
6 349 of Title 21 of the Oklahoma Statutes;
- 7 40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of
8 Title 21 of the Oklahoma Statutes;
- 9 41. Extortion as defined by Section 1481 or 1486 of Title 21 of
10 the Oklahoma Statutes;
- 11 42. Obtaining signature by extortion as defined by Section 1485
12 of Title 21 of the Oklahoma Statutes;
- 13 43. Seizure of a bus, discharging firearm or hurling missile at
14 bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;
- 15 44. Mistreatment of a vulnerable adult as defined by Section
16 843.1 of Title 21 of the Oklahoma Statutes;
- 17 45. Sex offender providing services to a child as defined by
18 Section 404.1 of Title 10 of the Oklahoma Statutes;
- 19 46. A felony offense of domestic abuse as defined by subsection
20 C of Section 644 of Title 21 of the Oklahoma Statutes;
- 21 47. Prisoner placing body fluid on government employee as
22 defined by Section 650.9 of Title 21 of the Oklahoma Statutes;
- 23 48. Poisoning food or water supply as defined by Section 832 of
24 Title 21 of the Oklahoma Statutes;

1 49. Trafficking in children as defined by Section 866 of Title
2 21 of the Oklahoma Statutes;

3 50. Incest as defined by Section 885 of Title 21 of the
4 Oklahoma Statutes;

5 51. Procure, produce, distribute, or possess juvenile
6 pornography as defined by Section 1021.2 of Title 21 of the Oklahoma
7 Statutes;

8 52. Parental consent to juvenile pornography as defined by
9 Section 1021.3 of Title 21 of the Oklahoma Statutes;

10 53. Soliciting minor for indecent exposure as defined by
11 Section 1021 of Title 21 of the Oklahoma Statutes;

12 54. Distributing obscene material or child pornography as
13 defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

14 55. Child prostitution as defined by Section 1030 of Title 21
15 of the Oklahoma Statutes;

16 56. Procuring a minor for prostitution or other lewd acts as
17 defined by Section 1087 of Title 21 of the Oklahoma Statutes;

18 57. Transporting a child under 18 for purposes of prostitution
19 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

20 58. Inducing a minor to engage in prostitution as defined by
21 Section 1088 of Title 21 of the Oklahoma Statutes;

22 59. A felony offense of stalking as defined by subsection D of
23 Section 1173 of Title 21 of the Oklahoma Statutes;

24

1 60. Spread of infectious diseases as defined by Section 1192 of
2 Title 21 of the Oklahoma Statutes;

3 61. Advocate overthrow of government by force, commit or
4 attempt to commit acts to overthrow the government, organize or
5 provide assistance to groups to overthrow the government as defined
6 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma
7 Statutes;

8 62. Feloniously discharging a firearm as defined by Section
9 1289.17A of Title 21 of the Oklahoma Statutes;

10 63. Possession, use, manufacture, or threat of incendiary
11 device as defined by Section 1767.1 of Title 21 of the Oklahoma
12 Statutes;

13 64. Causing a personal injury accident while driving under the
14 influence as defined by Section 11-904 of Title 47 of the Oklahoma
15 Statutes; or

16 65. Using a motor vehicle to facilitate the discharge of a
17 firearm as defined by Section 652 of Title 21 of the Oklahoma
18 Statutes.

19 F. The policy and procedure developed by the Department of
20 Corrections shall include provisions for adjustment review
21 committees of not less than three members for each such committee.
22 Each committee shall consist of a classification team supervisor who
23 shall act as chairman, the case manager for the inmate being
24 reviewed or classified, a correctional officer or inmate counselor,

1 and not more than two other members, if deemed necessary, determined
2 pursuant to policy and procedure to be appropriate for the specific
3 adjustment review committee or committees to which they are
4 assigned. At least once every four (4) months the adjustment review
5 committee for each inmate shall evaluate the class level status and
6 performance of the inmate and determine whether or not the class
7 level for the inmate should be changed.

8 Any inmate who feels aggrieved by a decision made by an
9 adjustment review committee may utilize normal grievance procedures
10 in effect with the Department of Corrections and in effect at the
11 facility in which the inmate is incarcerated.

12 G. Inmates granted medical leaves for treatment that cannot be
13 furnished at the penal institution where incarcerated shall be
14 allowed the time spent on medical leave as time served. Any inmate
15 placed into administrative segregation for nondisciplinary reasons
16 by the institution's administration may be placed in Class 2. The
17 length of any jail term served by an inmate before being transported
18 to a state correctional institution pursuant to a judgment and
19 sentence of incarceration shall be deducted from the term of
20 imprisonment at the state correctional institution. Inmates
21 sentenced to the Department of Corrections and detained in a county
22 jail as a result of the Department's reception scheduling procedure
23 shall be awarded earned credits as provided for in subparagraph b of
24 paragraph 1 of subsection D of this section, beginning on the date

1 of the judgment and sentence, unless the inmate is convicted of a
2 misdemeanor or felony committed in the jail while the inmate is
3 awaiting transport to the Lexington Assessment and Reception Center
4 or other assessment and reception location determined by the
5 Director of the Department of Corrections.

6 H. Additional achievement earned credits for successful
7 completion of departmentally approved programs or for attaining
8 goals or standards set by the Department shall be awarded as
9 follows:

- 10 Bachelor's degree.....200 credits;
- 11 Associate's degree.....100 credits;
- 12 High School Diploma or High School
13 Equivalency Diploma.....90 credits;
- 14 Certification of Completion of
15 Vocational Training.....80 credits;
- 16 Successful completion of
17 Alcohol/Chemical Abuse Treatment
18 Program of not less than four (4)
19 months continuous participation.....70 credits;
- 20 Successful completion of other
21 Educational Accomplishments or
22 other programs not specified in
23 this subsection.....10-30 credits;

24

1 Achievement earned credits are subject to loss and restoration in
2 the same manner as earned credits.

3 I. The accumulated time of every inmate shall be tallied
4 monthly and maintained by the institution where the term of
5 imprisonment is being served. A record of said accumulated time
6 shall be:

7 1. Sent to the administrative office of the Department of
8 Corrections on a quarterly basis; and

9 2. Provided to the inmate.

10 J. For a crime committed on or after July 1, 2017, any person
11 in the custody of the Department of Corrections must serve one-
12 fourth (1/4) of the sentence before the application of earned
13 credits or any other type of credits, such that no credits shall
14 have the effect of reducing the length of the sentence to less than
15 one-fourth (1/4) of the sentence imposed.

16 SECTION 3. AMENDATORY 57 O.S. 2011, Section 332.1A, is
17 amended to read as follows:

18 Section 332.1A A. Each member of the Pardon and Parole Board
19 shall receive at least twelve (12) hours of training for the first
20 year and six (6) hours of training per year thereafter on matters
21 relating to the duties of the Board. ~~The training shall be provided~~
22 ~~by personnel of the Pardon and Parole Board according to guidelines~~
23 ~~adopted by the Board.~~

24

1 B. Each member of the Pardon and Parole Board shall complete
2 annual training based on guidance from the National Institute of
3 Corrections, the Association of Paroling Authorities International
4 or the American Probation and Parole Association. Annual training
5 curriculum shall include, but not be limited to, identifying,
6 understanding and targeting criminogenic needs, the principles of
7 effective intervention, core correctional practices and how to
8 support and encourage offender behavior change.

9 SECTION 4. AMENDATORY 57 O.S. 2011, Section 332.1B, is
10 amended to read as follows:

11 Section 332.1B A. To be eligible for appointment as a Pardon
12 and Parole Board member, a person shall possess ~~at least one of the~~
13 ~~following minimum qualifications:~~

14 ~~1. A bachelor's degree in the social sciences from an~~
15 ~~accredited college or university and five (5) years of experience in~~
16 ~~the criminal justice field;~~

17 ~~2. A master's degree and four (4) years of experience in the~~
18 ~~criminal justice field; or~~

19 ~~3. A juris doctorate and three (3) years of experience in the~~
20 ~~criminal justice field~~ a bachelor's degree from an accredited
21 college or university and have at least five (5) years of experience
22 in one or more of the following fields: criminal justice, parole,
23 probation, corrections, criminal law, law enforcement, psychiatry,
24

1 psychology, behavioral health, substance abuse services or social
2 work.

3 B. At least two members of the Pardon and Parole Board shall
4 have five (5) years of training or experience in clinical
5 psychology, substance abuse services or social work.

6 SECTION 5. AMENDATORY 57 O.S. 2011, Section 332.2, as
7 amended by Section 1, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
8 Section 332.2), is amended to read as follows:

9 Section 332.2 A. The Pardon and Parole Board, which shall meet
10 only on the call of the Chairman, is authorized, if and when an
11 application made to the Governor for a reprieve, commutation,
12 parole, pardon, or other act of clemency is certified thereto by the
13 Governor, to examine into the merits of said application and make
14 recommendations to the Governor in relation thereto, said
15 recommendation being advisory to the Governor and not binding
16 thereon.

17 B. Any consideration for commutation shall be made only after
18 application is made to the Pardon and Parole Board pursuant to the
19 procedures set forth in this section. The Pardon and Parole Board
20 shall provide a copy of the application to the district attorney,
21 the victim or representative of the victim and the Office of the
22 Attorney General within ten (10) business days of receipt of such
23 application.

24

1 C. An application for commutation must be sent to the trial
2 officials, who shall have twenty (20) business days to provide a
3 written recommendation or protest prior to consideration of the
4 application. Trial officials shall include:

5 1. The current elected judge of the court where the conviction
6 was had;

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

9 3. The chief or head administrative officer of the arresting
10 law enforcement agency.

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

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

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

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

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

1 F. The Pardon and Parole Board shall schedule the application
2 on a commutation docket in compliance with the notice requirements
3 set forth herein. The Board shall provide the victim or
4 representative of the victim at least twenty (20) days to offer
5 recommendations or protests before consideration of the application.

6 G. Applications for commutation shall be given impartial review
7 as required in Section 10 of Article VI of the Oklahoma
8 Constitution.

9 H. Any consideration for pardon shall be made only after
10 application is made to the Pardon and Parole Board. Upon receipt of
11 an application for pardon, the Board shall provide a copy of the
12 application to the district attorney, the victim or representative
13 of the victim and the Office of the Attorney General within twenty
14 (20) business days of receipt of such application. The district
15 attorney and the victim or representative of the victim shall have
16 twenty (20) business days to provide written recommendation or
17 protest prior to the consideration of the application. The Board
18 shall schedule the application on a pardon docket in compliance with
19 the notice requirements set forth herein.

20 I. In accordance with Section 10 of Article VI of the Oklahoma
21 Constitution, the Board shall communicate to the Legislature, at
22 each regular session, by providing a summary of the activities of
23 the Board. This summary shall include, but not be limited to, the
24 following Board activity:

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

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

5 3. The percentage of public comments to and personal
6 appearances before the Board including victim protests and personal
7 appearances, district attorney protests and personal appearances,
8 and delegate recommendations and personal appearances on behalf of
9 the offender.

10 This summary shall be made available to the public through
11 publication on the website of the Pardon and Parole Board.

12 J. The Pardon and Parole Board shall provide a copy of their
13 regular docket and administrative parole docket to each district
14 attorney in this state at least twenty (20) days before such docket
15 is considered by the Board, or in the case of a supplemental,
16 addendum or special docket, at least ten (10) days before such
17 docket is considered by the Board, and shall notify the district
18 attorney of any recommendations for commutations or paroles no later
19 than twenty (20) days after the docket is considered by the Board.

20 K. The Pardon and Parole Board shall notify all victims or
21 representatives of the victim in writing at least twenty (20) days
22 before an inmate is considered by the Board provided the Board has
23 received a request from the victim or representatives of the victim
24 for notice. The Board shall provide all victims or representatives

1 of the victim with the date, time and place of the scheduled meeting
2 and rules for attendance and providing information or input to the
3 Board regarding the inmate or the crime. If requested by the victim
4 or representatives of the victim, the Board shall allow the victim
5 or representatives of the victim to testify at the parole hearing of
6 the inmate for at least five (5) minutes.

7 L. The Pardon and Parole Board shall notify all victims or
8 representatives of the victim in writing of the decision of the
9 Board no later than twenty (20) days after the inmate is considered
10 by the Board.

11 M. Any notice required to be provided to the victims or the
12 representatives of the victim shall be mailed by first-class mail to
13 the last-known address of the victim or representatives of the
14 victim. It is the responsibility of the victims or representatives
15 of the victim to provide the Pardon and Parole Board a current
16 mailing address. The victim-witness coordinator of the district
17 attorney shall assist the victims or representatives of the victim
18 with supplying their address to the Board if they wish to be
19 notified. Upon failure of the Pardon and Parole Board to notify a
20 victim who has requested notification and has provided a current
21 mailing address, the final decision of the Board may be voidable,
22 provided, the victim who failed to receive notification requests a
23 reconsideration hearing within thirty (30) days of the
24 recommendation by the Board for parole. The Pardon and Parole Board

1 may reconsider previous action and may rescind a recommendation if
2 deemed appropriate as determined by the Board.

3 N. For purposes of this section, "victim" shall mean all
4 persons who have suffered direct or threatened physical or emotional
5 harm, or financial loss as the result of the commission or attempted
6 commission of criminally injurious conduct, and "representatives of
7 the victim" shall mean those persons who are members of the
8 immediate family of the victim, including stepparents, stepbrothers,
9 stepsisters, and stepchildren.

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

24

1 P. All victim information maintained by the Department of
2 Corrections and the Pardon and Parole Board shall be confidential
3 and shall not be released.

4 SECTION 6. AMENDATORY 57 O.S. 2011, Section 332.7, as
5 amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
6 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 July 1, 2017, 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 July 1, 2017, any person
18 in the custody of the Department of Corrections shall be eligible
19 for parole after serving one-fourth (1/4) of the sentence or
20 aggregate term of the consecutive sentences imposed, according to
21 the following criteria:

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

1 the aggregate term made up of consecutive sentences imposed;
2 provided, however no inmate serving a sentence of life imprisonment
3 without parole or a sentence for a violent crime as set forth in
4 Section 571 of this title shall be eligible for administrative
5 parole;

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

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

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

24

1 2. At the subsequent meeting, the Board shall hear from any
2 victim or representatives of the victim that want to contest the
3 granting of parole to that person and shall conduct a vote regarding
4 whether parole should be recommended for that person.

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

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

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

23 ~~E.~~ F. If the Pardon and Parole Board denies parole, the Board
24 shall state on the record the reason for denial.

1 G. If the Board denies parole for any person convicted of a
2 crime other than those set forth in Section 13.1 of Title 21 of the
3 Oklahoma Statutes, the Board shall suggest a course of remediation
4 for the inmate in preparation for the next parole consideration.

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

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

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

1 Parole Board may, at its discretion, recommend to the Governor for
2 parole any person who is incarcerated for a nonviolent offense not
3 involving injury to a person and who is within six (6) months of his
4 or her statutory parole eligibility date.

5 ~~H.~~ K. Inmates sentenced to consecutive sentences shall not be
6 eligible for parole consideration on any such consecutive sentence
7 until one-third (1/3) of the aggregate term of the consecutive
8 sentence ~~has~~ or sentences have been served or where parole has been
9 otherwise limited by law, until the minimum term of incarceration
10 has been served as required by law. Unless otherwise ordered by the
11 sentencing court, any credit for jail time served shall be credited
12 to ~~only one offense~~ reduce the aggregate term. Parole eligibility
13 for consecutive sentences shall be determined by combining
14 consecutive sentences to arrive at an aggregate term of all
15 sentences imposed.

16 ~~I.~~ L. The Pardon and Parole Board shall consider the ~~prior~~
17 ~~criminal record of inmates under consideration for parole~~
18 ~~recommendation or granting of parole~~ following factors when
19 determining the suitability of an inmate for parole:

20 1. The circumstances and severity of the offense for which the
21 person was convicted, and the circumstances and severity of previous
22 convictions;

23 2. Whether the inmate has a suitable residence;
24

1 3. Compliance by the inmate with the case plan developed in
2 accordance with Section 512 of this title;

3 4. Whether there is reasonable probability that the inmate, if
4 released on parole, will remain at liberty without violating the
5 law;

6 5. An updated victim impact statement or recommendation in
7 accordance with Section 332.8 of this title; and

8 6. Any testimony presented to the Board by the victim or the
9 designated representative of the victim under Section 332.2 of this
10 title.

11 M. In the event the Board grants parole for a nonviolent
12 offender who has previously been convicted of an offense enumerated
13 in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571
14 of this title, such offender shall be subject to nine (9) months
15 postimprisonment supervision upon release.

16 ~~J.~~ N. It shall be the duty of the Pardon and Parole Board to
17 cause an examination to be made at the penal institution where the
18 person is assigned, and to make inquiry into the conduct and the
19 record of the said person during his custody in the Department of
20 Corrections, which shall be considered as a basis for consideration
21 of said person for recommendation to the Governor for parole.

22 ~~However, the~~ The Pardon and Parole Board, in consultation with the
23 Department of Corrections, shall promulgate rules for the
24 development of a structured, publically available reporting

1 worksheet to be compiled by employees of the Board when conducting
2 parole investigations. The Pardon and Parole Board shall not be
3 required to consider for parole any person who has completed the
4 time period provided for in this subsection if the person has
5 participated in a riot or in the taking of hostages, or has been
6 placed on escape status, while in the custody of the Department of
7 Corrections. The Pardon and Parole Board shall adopt policies and
8 procedures governing parole consideration for such persons.

9 ~~R.~~ O. Any person in the custody of the Department of
10 Corrections who is convicted of an offense not designated as a
11 violent offense by Section 571 of this title, is not a citizen of
12 the United States and is subject to or becomes subject to a final
13 order of deportation issued by the United States Department of
14 Justice shall be considered for parole to the custody of the United
15 States Immigration and Naturalization Service for continuation of
16 deportation proceedings at any time subsequent to reception and
17 processing through the Department of Corrections. No person shall
18 be considered for parole under this subsection without the
19 concurrence of at least three members of the Pardon and Parole
20 Board. The vote on whether or not to consider such person for
21 parole and the names of the concurring Board members shall be set
22 forth in the written minutes of the meeting of the Board at which
23 the issue is considered.

1 ~~L.~~ P. Upon application of any person convicted and sentenced by
2 a court of this state and relinquished to the custody of another
3 state or federal authorities pursuant to Section 61.2 of Title 21 of
4 the Oklahoma Statutes, the Pardon and Parole Board may determine a
5 parole consideration date consistent with the provisions of this
6 section and criteria established by the Pardon and Parole Board.

7 ~~M.~~ Q. All references in this section to matrices or schedules
8 shall be construed with reference to the provisions of Sections 6,
9 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

10 ~~N.~~ R. Any person in the custody of the Department of
11 Corrections who is convicted of a felony sex offense pursuant to
12 Section 582 of this title who is paroled shall immediately be placed
13 on intensive supervision.

14 S. A person in the custody of the Department of Corrections
15 whose parole consideration date is calculated pursuant to subsection
16 B of this section, and is not serving a sentence of life
17 imprisonment without parole or who is not convicted of an offense
18 designated as a violent offense by Section 571 of this title shall
19 be eligible for administrative parole under subsection T of this
20 section.

21 T. The Pardon and Parole Board shall grant administrative
22 parole to any person in the custody of the Department of Corrections
23 without a hearing, if:
24

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

3 2. A victim as defined in Section 332.2 of this title, or the
4 district attorney speaking on behalf of a victim, has not requested
5 a hearing;

6 3. The person has not received a class X-1 through X-11
7 infraction within two (2) years of the parole eligibility date;

8 4. The person has not received a class X-12 through X-24
9 infraction within one (1) year of the parole eligibility date; or

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

12 U. Any person granted parole pursuant to subsection T of this
13 section shall be released from the institution at the time of the
14 person's parole eligibility date as calculated under subsection C of
15 this section.

16 V. No less than thirty (30) days prior to the person's parole
17 eligibility date, the Department shall notify the Pardon and Parole
18 Board in writing of the person's compliance or noncompliance with
19 the case plan and any infractions committed by the person.

20 W. A hearing before the Pardon and Parole Board shall be held
21 if:

22 1. A victim, or district attorney speaking on behalf of a
23 victim, has requested a hearing;

24

1 2. The Department has found that the person failed to comply
2 with the case plan, or there is insufficient information for the
3 Department to determine compliance with the case plan;

4 3. The person has been found guilty of committing a class A, or
5 a class X-1 through X-24 disciplinary infraction within the
6 timeframes specified in subsection T of this section; or

7 4. The person has been found guilty of committing a serious
8 disciplinary infraction in the intervening period following the
9 person's parole approval under this section.

10 X. Any person who is not granted parole under this section
11 shall be otherwise eligible for parole pursuant to subsection D of
12 this section.

13 Y. Any person who is granted administrative parole under
14 subsection T of this section shall be supervised and managed by the
15 Department of Corrections in the same manner as a parolee who has
16 been granted parole pursuant to subsection D of this section. The
17 person is subject to all of the rules and regulations of parole.

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 332.7b of Title 57, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Notwithstanding Section 332.7 of Title 57 of the Oklahoma
22 Statutes, an inmate in the custody of the Department of Corrections
23 who is at least fifty (50) years of age, and who has served no less
24 than ten (10) years of the sentence or sentences imposed by the

1 court shall be eligible for parole pursuant to Section 332.7 of
2 Title 57 of the Oklahoma Statutes if:

3 1. The inmate is not serving a sentence for a felony sex
4 offense required by law to register pursuant to the Sex Offenders
5 Registration Act; or

6 2. The inmate was not sentenced to death or life without the
7 possibility of parole.

8 B. Notwithstanding Section 332.7 of Title 57 of the Oklahoma
9 Statutes, an inmate in the custody of the Department of Corrections
10 who is at least sixty-five (65) years of age, and who has served no
11 less than ten (10) years of the sentence or sentences imposed by the
12 court shall be eligible for administrative parole in accordance with
13 the procedures established in Section 332.7 of Title 57 of the
14 Oklahoma Statutes if:

15 1. The inmate is serving a term or terms of imprisonment for a
16 nonviolent offense, as defined as a crime not listed in Section 571
17 of Title 57 of the Oklahoma Statutes or in Section 13.1 of Title 21
18 of the Oklahoma Statutes;

19 2. The inmate is not serving a term or terms of imprisonment
20 for a felony sex offense required by law to register pursuant to the
21 Sex Offenders Registration Act;

22 3. The inmate is not sentenced to death or life without the
23 possibility of parole; or
24

1 4. An inmate whom the medical director of the Department of
2 Corrections has determined to be medically frail.

3 SECTION 8. AMENDATORY 57 O.S. 2011, Section 332.8, as
4 amended by Section 3, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,
5 Section 332.8), is amended to read as follows:

6 Section 332.8 No recommendations to the Governor for parole
7 shall be made nor any paroles granted by the Board in relation to
8 any inmate in a penal institution in the State of Oklahoma unless
9 the Pardon and Parole Board considers the victim impact statements
10 if presented to the jury, or the judge in the event a jury was
11 waived, at the time of sentencing and, in every appropriate case, as
12 a condition of parole, monetary restitution of economic loss as
13 defined by Section 991f of Title 22 of the Oklahoma Statutes,
14 incurred by a victim of the crime for which the inmate was
15 imprisoned. In every case, the Pardon and Parole Board ~~shall first~~
16 ~~consider the number of previous felony convictions and the type of~~
17 ~~criminal violations leading to any such felony convictions, then~~
18 ~~shall consider either suitable employment or a suitable residence,~~
19 ~~and finally~~ shall mandate participation in education programs to
20 achieve the proficiency level established in Section 510.7 of this
21 title or, at the discretion of the Board require the attainment of a
22 general education diploma, as a condition for release on parole.
23 The Board shall consider the availability of programs and the
24 waiting period for such programs in setting conditions of parole

1 release. The Board may require any program to be completed after
2 the inmate is released on parole as a condition of parole, and for
3 inmates convicted of crimes other than those set forth in Section
4 571 of this title or Section 13.1 of Title 21 of the Oklahoma
5 Statutes, priority shall be given to programming in the community
6 where it is available rather than in the prison facility.
7 Programming and treatment ordered as conditions or stipulations for
8 parole must be evidence-based. For the purposes of this section,
9 "evidence-based" shall be defined as programming and treatment that
10 has been proven through peer-reviewed criminological research to
11 reliably produce reductions in recidivism. A facsimile signature of
12 the inmate on parole papers that is transmitted to the Board shall
13 be an accepted means of acknowledgement of parole conditions. The
14 probation and parole officer shall render reasonable assistance to
15 any person making application for parole, in helping to obtain
16 suitable employment or enrollment in an education program or a
17 suitable residence. Any inmate who fails to satisfactorily attend
18 and make satisfactory progress in the educational program in which
19 the inmate has been required to participate as a condition of
20 parole, may have his or her parole revoked. If an inmate's parole
21 is revoked, such inmate shall be returned to confinement in the
22 custody of the Department of Corrections.

23
24

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 332.8a of Title 57, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Department of Mental Health and Substance Abuse Services
5 shall establish standards to ensure treatment provided to people
6 involved in the criminal justice system as a component of their
7 supervision plan or as part of any court-imposed sanction adheres to
8 scientific research on recidivism reduction.

9 B. The Department shall require that all public and private
10 treatment programs meet these standards required under subsection A
11 of this section.

12 C. All providers under contract with the Department whose
13 duties include supervision of felony probationers pursuant to
14 Section 515a of Title 57 of the Oklahoma Statutes shall:

15 1. Complete, upon hire and on an annual basis, training courses
16 including but not limited to best practices in providing treatment
17 to the criminal justice-involved population; and

18 2. Adopt the standards established in subsection A of this
19 section to promote an evidence-based continuum of community-based
20 services for individuals with substance abuse and mental illness
21 intended to reduce recidivism.

22 SECTION 10. AMENDATORY 57 O.S. 2011, Section 350, is
23 amended to read as follows:

24

1 Section 350. A. Every person, hereinafter referred to as
2 "convict", who has been or who in the future may be sentenced to
3 imprisonment in any state penal institution shall, in addition to
4 any other deductions provided for by law, be entitled to a deduction
5 from his sentence for all time during which he has been or may be on
6 parole. The provisions of this section are hereby declared to be
7 both retroactive and prospective, and to apply to convicts who are
8 on parole on the effective date of this act as well as to convicts
9 who may be paroled thereafter; and, except as provided under
10 subsection D of this section, shall at the discretion of the
11 paroling authority apply to time on a parole which has been or shall
12 be revoked.

13 B. Beginning November 1, 1987, the paroling authority also
14 shall have the discretion to revoke all or any portion of the
15 parole, except as provided under subsection C of this section.

16 C. Beginning July 1, 2017, if the sentence of an offender is
17 revoked for a technical violation as defined in Section 502 of this
18 title, the paroling authority shall have the discretion to revoke a
19 portion of the parole subject to the restrictions in Section 516 of
20 this title.

21 D. Beginning July 1, 2017, if the sentence of an offender on
22 parole is revoked and returned to imprisonment in any state penal
23 institution, he or she shall be entitled to a deduction from his or
24 her sentence for the time during which he or she has been on parole.

1 The Department of Corrections shall deduct the number of days the
2 offender was on parole from the sentence imposed and calculate the
3 new discharge date.

4 SECTION 11. AMENDATORY 57 O.S. 2011, Section 502, as
5 last amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.
6 2016, Section 502), is amended to read as follows:

7 Section 502. As used in this title, unless the context
8 otherwise requires:

- 9 1. "Board" means the State Board of Corrections;
- 10 2. "Department" means the Department of Corrections of this
11 state;
- 12 3. "Director" means the Director of the Department of
13 Corrections;
- 14 4. "Halfway house" means a private facility for the placement
15 of inmates in a community setting for the purpose of reintegrating
16 into the community inmates who are nearing their release dates. The
17 term shall not include private prisons;
- 18 5. "Institutions" means the Oklahoma State Penitentiary located
19 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
20 Granite, Oklahoma; the Lexington Assessment and Reception Center
21 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
22 located at Lexington, Oklahoma; the Jackie Brannon Correctional
23 Center located at McAlester, Oklahoma; the Howard C. McLeod
24 Correctional Center located at Farris, Oklahoma; the Mack H. Alford

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

19 6. "Intermediate revocation facility" means a corrections
20 center operated by the Department of Corrections or a private
21 facility or public trust operating pursuant to contract with the
22 Department of Corrections which provides housing and intensive
23 programmatic services for offenders who have violated the terms or
24 conditions of probation as determined by a supervising probation

1 officer. "Intensive programmatic services" offered by the
2 Department of Corrections includes, but shall not be limited to,
3 alcohol and substance abuse counseling and treatment, mental health
4 counseling and treatment and domestic violence courses and treatment
5 programs;

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

17 8. "Private prison contractor" means:

18 a. a nongovernmental entity or public trust which,
19 pursuant to a contract with the Department of
20 Corrections, operates an institution within the
21 Department other than a halfway house or intermediate
22 sanctions facility, or provides for the housing, care,
23 and control of inmates and performs other functions
24 related to these responsibilities within a minimum,

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

12 9. "Risk and needs assessment" means an actuarial tool
13 validated on the correctional population of the state that
14 determines the risk of an individual to reoffend and the criminal
15 risk factors that, when addressed, reduce the risk of an individual
16 to reoffend; and

17 10. "Technical violation" means a violation of the rules or
18 conditions of supervision, not including new offenses in which new
19 felony or misdemeanor charges are filed.

20 SECTION 12. AMENDATORY 57 O.S. 2011, Section 510.9, as
21 last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp.
22 2016, Section 510.9), is amended to read as follows:

23 Section 510.9 A. There is hereby created the Electronic
24 Monitoring Program for inmates in the custody of the Department of

1 Corrections who are sentenced for a nonviolent offense not included
2 as a violent offense defined in Section 571 of this title. The
3 Department is authorized to use an electronic monitoring global
4 positioning device to satisfy its custody duties and
5 responsibilities.

6 B. After an inmate has been processed and received through a
7 Department Assessment and Reception Center, has been incarcerated
8 for a minimum of ninety (90) days, and has met the criteria
9 established in subsection C of Section 521 of this title, the
10 Director of the Department of Corrections may assign the inmate, if
11 eligible, to the Electronic Monitoring Program. Nothing shall
12 prohibit the Director from assigning an inmate to the Electronic
13 Monitoring Program while assigned to the accredited halfway house or
14 transitional living facility. The following inmates, youthful
15 offenders, and juveniles shall not be eligible for assignment to the
16 program:

17 1. Any inmate serving a sentence of more than five (5) years
18 who has ~~eleven (11)~~ twenty-four (24) months or more left on the
19 sentence or any inmate serving a sentence of five (5) years or less
20 whose initial custody assessment requires placement above the
21 minimum security level;

22 2. Inmates convicted of a violent offense within the previous
23 ten (10) years pursuant to Section 571 of this title;

24

1 3. Inmates convicted of any violation of the provisions of the
2 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
3 of the Oklahoma Statutes;

4 4. Inmates denied parole within the previous twelve (12) months
5 pursuant to Section 332.7 of this title;

6 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
7 the Oklahoma Statutes who are not receptive to substance abuse
8 treatment and follow-up treatment;

9 6. Inmates removed from the Electronic Monitoring Program or
10 any other alternative to incarceration authorized by law for
11 violation of any rule or condition of the program and reassigned to
12 imprisonment in a correctional facility;

13 7. Inmates deemed by the Department to be a security risk or
14 threat to the public;

15 8. Inmates requiring educational, medical or other services or
16 programs not available in a community setting as determined by the
17 Department;

18 9. Inmates convicted of any violation of subsection C of
19 Section 644 of Title 21 of the Oklahoma Statutes or who have an
20 active protection order that was issued under the Protection from
21 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
22 Oklahoma Statutes;

23 10. Inmates who have outstanding felony warrants or detainers
24 from another jurisdiction;

1 11. Inmates convicted of a sex offense who, upon release from
2 incarceration, would be required by law to register pursuant to the
3 Sex Offender Registration Act;

4 12. Inmates convicted of racketeering activity as defined in
5 Section 1402 of Title 22 of the Oklahoma Statutes;

6 13. Inmates convicted pursuant to subsection F of Section 2-401
7 of Title 63 of the Oklahoma Statutes;

8 14. Inmates convicted pursuant to Section 650 of Title 21 of
9 the Oklahoma Statutes;

10 15. Inmates who have escaped from a penal or correctional
11 institution within the previous ten (10) years; or

12 16. Inmates who currently have active misconduct actions on
13 file with the Department of Corrections.

14 C. Every eligible inmate assigned to the Electronic Monitoring
15 Program shall remain in such program until one of the following
16 conditions has been met:

17 1. The inmate discharges the term of the sentence;

18 2. The inmate is removed from the Electronic Monitoring Program
19 for violation of any rule or condition of the program and reassigned
20 to imprisonment in a correctional facility; or

21 3. The inmate is paroled ~~by the Governor~~ pursuant to Section
22 332.7 of this title.

23 D. After an inmate has been assigned to the Electronic
24 Monitoring Program, denial of parole pursuant to Section 332.7 of

1 this title, shall not be cause for removal from the program,
2 provided the inmate has not violated the rules or conditions of the
3 program. The inmate may remain assigned to the program, if
4 otherwise eligible, until the completion of the sentence.

5 E. The Electronic Monitoring Program shall require active
6 supervision of the inmate in a community setting by a correctional
7 officer or other employee of the Department of Corrections with
8 monitoring by a global positioning device approved by the Department
9 under such rules and conditions as may be established by the
10 Department. If an inmate violates any rule or condition of the
11 program, the Department may take necessary disciplinary action
12 consistent with the rules established pursuant to this section,
13 including reassignment to a higher level of security or removing the
14 inmate from the program with reassignment to imprisonment in a
15 correctional facility. Any inmate who escapes from the Electronic
16 Monitoring Program shall be subject to the provisions of Section 443
17 of Title 21 of the Oklahoma Statutes.

18 F. Upon an inmate's assignment to the Electronic Monitoring
19 Program, the Department of Corrections shall administer a validated
20 risk and needs assessment; provided, however, a risk and needs
21 assessment shall not be required if the inmate was assessed within
22 three (3) months prior to being assigned to the Electronic
23 Monitoring Program. The Department shall use the results of the
24

1 risk and needs assessment to develop an individualized case plan for
2 the inmate.

3 G. Upon an inmate assigned to the Electronic Monitoring Program
4 becoming eligible for parole consideration, pursuant to Section
5 332.7 of this title, the Department of Corrections shall deliver the
6 inmate, in person, to a correctional facility for interview,
7 together with any Department records necessary for the Pardon and
8 Parole Board's investigation. Inmates assigned to the Electronic
9 Monitoring Program shall not be allowed to waive consideration or
10 recommendation for parole.

11 ~~G.~~ H. Prior to placement of any eligible inmate assigned to the
12 Electronic Monitoring Program being placed in a community setting,
13 the Department of Corrections shall deliver a written notification
14 to the sheriff and district attorney of the county, and the chief
15 law enforcement officer of any incorporated city or town in which
16 the inmate is to be monitored and supervised under the program. The
17 district attorney shall disseminate such information to victims of
18 the crime for which the inmate is serving sentence, if any, when the
19 victims are known to live in the same city, town or county.

20 ~~H.~~ I. An inmate assigned to the Electronic Monitoring Program
21 may be required to pay the Department of Corrections for all or part
22 of any monitoring equipment or fee, substance abuse treatment
23 program or follow-up treatment expense, supervision cost, or other
24 costs while assigned to the program. The Department shall determine

1 whether the inmate has the ability to pay all or part of such fee or
2 costs. If the Department determines that an inmate is not able to
3 pay all or part of such fee or costs associated with the program,
4 the Department shall waive, subsidize or establish a payment plan
5 for the fee or costs associated with the program. No inmate may be
6 excluded from the Electronic Monitoring Program for an inability to
7 pay the fee or costs associated with the program.

8 ~~I.~~ J. The Department of Corrections shall promulgate and adopt
9 rules and procedures necessary to implement the Electronic
10 Monitoring Program, including but not limited to methods of
11 monitoring and supervision, disciplinary action, reassignment to
12 higher and lower security levels, removal from the program, and
13 costs of monitoring and supervision to be paid by the inmate, if
14 any.

15 ~~J.~~ K. An inmate assigned to the Electronic Monitoring Program
16 shall, within thirty (30) days of being placed in a community
17 setting, report to the court clerk and the district attorney of the
18 county from which the judgment and sentence resulting in
19 incarceration arose to address payment of any fines, costs,
20 restitution and assessments owed by the inmate, if any.

21 SECTION 13. AMENDATORY 57 O.S. 2011, Section 512, is
22 amended to read as follows:
23
24

1 Section 512. A. Any inmate in a state penal institution who
2 has been granted a parole shall be released from the institution
3 upon the following conditions:

4 1. That he comply with specified requirements of the Division
5 of Community Services of the Department of Corrections under the
6 active supervision of a Probation and Parole Officer. Such active
7 supervision shall be for a period not to exceed three (3) years,
8 except as provided in paragraph 2 of this section.

9 2. That he be actively supervised by a Probation and Parole
10 Officer for an extended period not to exceed the expiration of the
11 maximum term or terms for which he was sentenced if convicted of a
12 sex offense or upon the determination by the Division of Community
13 Services that the best interests of the public and the parolee will
14 be served by such an extended period of supervision.

15 Provided, for the purposes of this section, the term "sex
16 offense" shall not include a violation of paragraph 1 of subsection
17 A of Section 1021 of Title 21 of the Oklahoma Statutes.

18 The Probation and Parole Officer, upon information sufficient to
19 give him reasonable grounds to believe that the parolee has violated
20 the terms of and conditions of his parole, shall notify the Deputy
21 Director of the Division of Community Services in accordance with
22 Section 516 of Title 57 of the Oklahoma Statutes.

23 B. Upon receiving an offender on parole, the Department shall:
24

1 1. Conduct an intake and orientation for the parolee. The
2 parolee shall present to the Department within three (3) business
3 days of release from confinement for the purpose of intake and
4 orientation to parole supervision. The intake shall consist of the
5 personal information of the offender and shall include, but not be
6 limited to, name, address, phone numbers, employment and employment
7 history, family information and criminal history. The Department
8 shall also provide an orientation to the parolee. The orientation
9 shall explain rules and conditions, reporting instructions,
10 consequences for violations of the rules and conditions which
11 include reviewing the sanctions and incentives matrix established by
12 the Department, and expectations for the parolee while on
13 supervision;

14 2. Administer a risk and needs assessment on each individual on
15 parole within forty-five (45) business days of release from
16 confinement. The results of the risk and needs assessment conducted
17 in accordance with this paragraph shall be used to guide supervision
18 responses consistent with evidence-based practices as to the level
19 of supervision and the practices used to reduce recidivism. The
20 risk and needs assessment shall be administered and scored by
21 qualified personnel in the Department or personnel certified by the
22 Department of Mental Health and Substance Abuse Services;

23 3. Develop an individualized treatment and supervision plan for
24 each person assessed as moderate to high risk to reoffend;

1 4. Monitor the compliance or noncompliance of the offender with
2 all monetary obligations and parole requirements ordered by the
3 Pardon and Parole Board which may include, but not be limited to,
4 the following:

- 5 a. substance abuse testing,
- 6 b. employment or education verification,
- 7 c. criminal history background checks,
- 8 d. verification of the payment of fines, costs,
9 assessments, restitution, prosecution fees and
10 supervision fees,
- 11 e. verification of attendance and completion of community
12 service requirements, or
- 13 f. verification of attendance and completion of
14 counseling or treatment programs; and

15 5. Provide sanctions in accordance with Section 20 of this act
16 in the event the offender violates the rules and conditions of
17 parole supervision which may include, but not be limited to, the
18 following:

- 19 a. increased reporting requirements,
- 20 b. increased substance abuse testing,
- 21 c. increased counseling or substance abuse meetings,
- 22 d. short-term period of incarceration in jail,
- 23 e. additional community service hours,

- 1 f. electronic monitoring or installation of an ignition
2 interlock device, or
3 g. revocation.

4 When recommending a short-term period of incarceration in jail,
5 additional community service hours, electronic monitoring or
6 installation of an ignition interlock device, the Department shall
7 obtain approval from the Pardon and Parole Board prior to
8 implementing the sanction.

9 C. The Department shall have the authority to implement
10 additional supervision requirements including, but not limited to,
11 the following:

12 1. Individualized treatment and supervision plans based upon
13 the results of any substance abuse assessment and evaluation, risk
14 and needs assessment and any other assessment or evaluation
15 conducted on the individual. The individualized treatment plan may
16 include additional reporting requirements and additional programming
17 requirements. The treatment plan shall be developed to assist the
18 offender with successful progress toward completion of parole
19 supervision;

20 2. Random substance abuse testing to ensure the compliance and
21 sobriety of the offender;

22 3. Progress reports as requested by the Pardon and Parole
23 Board; and

1 4. Specialized supervision or case management for violators of
2 conditions of supervision that involve a victim of domestic
3 violence.

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

7 A. Every offender on felony probation supervision under Section
8 515a of Title 57 of the Oklahoma Statutes, whether conducted by the
9 Department of Corrections, the district attorney or a private
10 supervision provider, shall be eligible to earn discharge credits
11 for compliance with the terms and conditions of probation
12 supervision to reduce the term of supervision and the overall term
13 of the sentence. For every calendar month of compliance with the
14 terms and conditions of probation supervision, the Department or
15 supervising body shall award the offender earned discharge credits
16 equal to thirty (30) calendar days to be applied towards a reduction
17 of the probation supervision term ordered under Section 991a of
18 Title 22 of the Oklahoma Statutes. For every calendar month of
19 compliance with the terms and conditions of probation supervision,
20 the Department shall award an offender earned discharge credits
21 equal to fifteen (15) calendar days to be applied towards a
22 reduction of the overall term of the sentence ordered under Section
23 991a of Title 22 of the Oklahoma Statutes. For the purposes of this
24 section, "compliance" shall be defined as the absence of a violation

1 report submitted by a probation and parole officer or supervising
2 body during a calendar month.

3 B. No person convicted of an offense under Section 13.1 or
4 Section 644 of Title 21 of the Oklahoma Statutes shall be eligible
5 for earned discharge credits under this section.

6 C. Every provider responsible for the supervision of felony
7 probationers, including the Department of Corrections, district
8 attorneys and private supervision providers, is directed to develop
9 written policies and procedures necessary for the implementation of
10 earned discharge credits for offenders on felony probation
11 supervision as authorized under this section. The policies and
12 procedures developed by the Department of Corrections, district
13 attorneys and private supervision providers shall include, but not
14 be limited to, written guidelines regarding the process to earn
15 discharge credits and the application of the credits toward the
16 reduction of the term of supervision, the collection of data related
17 to who earns credit, how much is applied and how much of the
18 supervision period is reduced at the point of discharge as well as
19 information when discharge credit is not earned.

20 D. Every provider responsible for the supervision of felony
21 probationers, including the Department of Corrections, district
22 attorneys and private supervision providers, shall maintain a record
23 of credits earned by an offender under this section. At least every
24 six (6) months from the date the offender is placed on probation,

1 the provider shall notify the offender of the current discharge date
2 for the term of supervision and the overall sentence of the
3 offender.

4 E. Every provider responsible for the supervision of felony
5 probationers, including the Department of Corrections, district
6 attorneys and private supervision providers, shall notify the court
7 not less than thirty (30) days prior to the expected termination
8 date. However, nothing in this section shall prohibit the
9 Department, district attorney or a private supervision provider from
10 requesting termination of the sentence earlier than the termination
11 date of the sentence authorized in subsection F of this section.

12 F. Once a combination of time served in custody, if applicable,
13 time served on any form of probation, parole or post-release
14 supervision and earned discharge credits satisfy the total sentence,
15 the supervising agency shall order the discharge of the sentence of
16 the offender unless it is determined that discharge of the sentence
17 would interrupt the completion of a necessary treatment program. If
18 the Department finds that discharging the sentence would interrupt
19 the completion of a necessary treatment program, the offender shall
20 complete the treatment program and then have his or his sentence
21 discharged. Upon an offender's termination from probation
22 supervision, all outstanding fines, fees or costs, excluding
23 restitution, shall be converted into a civil action.

24

1 SECTION 15. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Every offender on parole supervision under Section 512 of
5 Title 57 of the Oklahoma Statutes shall be eligible to earn
6 discharge credits for compliance with the terms and conditions of
7 parole supervision that reduce the offender's term of supervision.
8 For every calendar month of compliance with the terms and conditions
9 of parole supervision, the Department shall award an offender earned
10 discharge credits equal to thirty (30) calendar days to be applied
11 towards a reduction of the parole supervision period. For the
12 purposes of this section, "compliance" shall be deemed the absence
13 of an initial violation report submitted by a probation and parole
14 officer during a calendar month. No person convicted of an offense
15 under Section 13.1 of Title 21 of the Oklahoma Statutes shall be
16 eligible for earned discharge credits under this section.

17 B. The Department of Corrections is directed to develop a
18 written policy and procedure for the implementation of earned
19 discharge credits authorized under this section. The policies and
20 procedures developed by the Department of Corrections shall include,
21 but not be limited to, written guidelines regarding the process to
22 earn discharge credits and the application of the credits toward the
23 reduction of the term of supervision, the collection of data related
24 to who earns credit, how much is applied and how much of the

1 supervision period is reduced at the point of discharge as well as
2 information when discharge credit is not earned.

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

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

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

1 earlier than the termination date authorized in subsection D of this
2 section.

3 SECTION 16. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 512.3 of Title 57, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Department of Corrections may issue a certificate of
7 rehabilitation to any person who meets the eligibility requirements
8 established under subsection B of this section.

9 B. Persons authorized to apply for a certificate of
10 rehabilitation, as provided herein, must be within one of the
11 following categories:

12 1. The person has not previously convicted a crime of violence
13 under Section 571 of Title 21 of the Oklahoma Statutes or a sex
14 offense as defined under Section 40 of Title 21 of the Oklahoma
15 Statutes;

16 2. The person was convicted of a misdemeanor or felony that is
17 not a crime of violence under Section 571 of Title 21 of the
18 Oklahoma Statutes or a sex offense as defined under Section 40 of
19 Title 21 of the Oklahoma Statutes;

20 3. The person has been released under administrative parole
21 pursuant to Section 332.7 of Title 57 of the Oklahoma Statutes;

22 4. The person is under the jurisdiction or supervision of the
23 Pardon and Parole Board, the Department of Corrections, a district
24 attorney or private supervision provider under conditions of parole,

1 probation or post-release supervision and has been in compliance
2 with the terms and conditions of supervision for at least six (6)
3 months. For the purposes of this section, "compliance" shall be
4 deemed the absence of a violation report submitted by a probation
5 and parole officer or supervising body; or

6 5. The person is no longer under the supervision or
7 jurisdiction of a corrections agency and can apply for a certificate
8 of rehabilitation upon a letter of support from their case manager
9 or parole or probation officer.

10 C. A licensing board may not deny, suspend or revoke an
11 occupational license or certificate for any applicant who has been
12 issued a certificate of rehabilitation solely on the basis that the
13 applicant has previously been convicted of the crime that is the
14 subject of the certificate of rehabilitation, unless the licensing
15 board determines that:

16 1. There is a direct relationship between the applicant's
17 previous conviction and the specific occupational license or
18 certificate sought; or

19 2. The issuance of the license or certificate would involve an
20 unreasonable risk to property or to the safety or welfare of
21 specific individuals or the general public.

22 D. For the purposes of this section, "a licensing board" shall
23 be defined as any bureau, department, division, board, agency or
24

1 commission of this state or of a municipality in this state that
2 issues a license.

3 E. In making a determination under subsection C of this
4 section, the licensing board shall consider:

5 1. The policy of this state expressed in this section;

6 2. The specific duties and responsibilities required of a
7 licensee or certificate holder;

8 3. Whether the applicant's previous conviction has any impact
9 on the applicant's fitness or ability to perform the duties and
10 responsibilities authorized by the license or certificate;

11 4. The age of the applicant at the time of the conviction and
12 the amount of time that has elapsed since the conviction;

13 5. The seriousness of the offense for which the applicant was
14 convicted;

15 6. Other information provided by the applicant or on the
16 applicant's behalf with regard to the applicant's rehabilitation and
17 good conduct; and

18 7. The legitimate interest of the Department in protecting
19 property and the safety and welfare of specific individuals or the
20 general public.

21 F. At the request of any person who has been denied a license
22 or certificate, a public agency or private employer shall provide,
23 within thirty (30) days of the request, a written statement setting
24 forth the reason for the denial. Appeal of the action of the

1 licensing board may be made in accordance with the provisions of the
2 Administrative Procedures Act.

3 G. Any person whose application for a certificate of
4 rehabilitation has been denied shall have the right to appeal to the
5 Department within thirty (30) days of the written receipt of the
6 initial decision.

7 H. The Department of Corrections shall adopt policies and
8 procedures establishing an application and review process necessary
9 for the implementation of the certificate of rehabilitation
10 authorized under this section.

11 SECTION 17. AMENDATORY 57 O.S. 2011, Section 515, as
12 amended by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2016,
13 Section 515), is amended to read as follows:

14 Section 515. A. All ~~probation-parole~~ parole and probation
15 officers shall be deemed peace officers and shall possess the powers
16 granted by law to peace officers. ~~Probation-parole~~ Parole and
17 probation officers shall meet all of the training and qualifications
18 for peace officers required by Section 3311 of Title 70 of the
19 Oklahoma Statutes. Qualifications for probation-parole officers
20 shall be good character and a bachelor's degree from an accredited
21 college or university including at least twenty-four (24) credit
22 hours in any combination of psychology, sociology, social work,
23 criminology, education, criminal justice administration, penology or
24 police science.

1 B. The Department shall require all parole and probation
2 officers that supervise felony offenders on probation or parole
3 supervision to undergo annual training regarding:

4 1. Identifying, understanding and targeting the criminal risk
5 factors of the individual;

6 2. Principles of effective risk intervention;

7 3. Supporting and encouraging compliance and behavior change;

8 and

9 4. Responding to violations committed by offenders on
10 supervision for an offense involving a victim of domestic violence.

11 SECTION 18. AMENDATORY Section 2, Chapter 414, O.S.L.
12 2014 (57 O.S. Supp. 2016, Section 515a), is amended to read as
13 follows:

14 Section 515a. A. Felony probation supervision, whether
15 conducted by the Department of Corrections, a district attorney or
16 private supervision provider shall incorporate all minimum
17 supervision standards provided for in subsection B of this section.

18 B. Upon receiving an offender on probation supervision, the
19 supervising agency shall:

20 1. Conduct an intake and orientation for the offender. The
21 offender shall present to the principal office of the supervising
22 agency within three (3) business days of sentencing or within three
23 (3) business days of release from confinement if any term of
24 incarceration is ordered, for the purpose of intake and orientation

1 to probation supervision. The intake shall consist of the personal
2 information of the offender and shall include, but not be limited
3 to, name, address, phone numbers, employment and employment history,
4 family information and criminal history. The supervising agency
5 shall also provide an orientation to the offender. The orientation
6 shall explain rules and conditions, reporting instructions,
7 consequences for violations of the rules and conditions pursuant to
8 Section 991b of Title 22 of the Oklahoma Statutes, and expectations
9 of the offender subject to probation supervision;

10 2. Administer a risk and needs assessment on each individual on
11 probation supervision within forty-five (45) business days of
12 sentencing or within forty-five (45) business days of release from
13 confinement. The results of the risk and needs assessment conducted
14 in accordance with this paragraph shall be used to guide supervision
15 responses consistent with evidence-based practices as to the level
16 of supervision and the practices used to reduce recidivism. The
17 risk and needs assessment shall be administered and scored by
18 qualified personnel in the Department or personnel certified by the
19 Department of Mental Health and Substance Abuse Services;

20 3. Develop an individualized treatment and supervision plan for
21 each person assessed as moderate or high risk to reoffend;

22 4. Require the offender to complete within ninety (90) days of
23 intake and orientation, an approved substance abuse assessment and
24 evaluation, if deemed appropriate by the court; provided, however, a

1 substance abuse assessment and evaluation shall not be required if
2 the offender has been previously assessed within one (1) year prior
3 to the date of sentencing, unless ordered by the court. Substance
4 abuse assessments and evaluations ordered by the court shall be
5 administered and scored by assessment personnel certified by the
6 Department of Mental Health and Substance Abuse Services;

7 3. 5. Require the offender to receive an assessment for
8 batterers through a certified program for batterers, if deemed
9 appropriate by the court, within sixty (60) business days of
10 sentencing or within sixty (60) business days of release from
11 confinement. The assessment of the batterer ordered by the court
12 shall be administered and scored by qualified personnel in the
13 Department of Corrections or personnel certified by the Department
14 of Mental Health and Substances Abuse Services;

15 6. Monitor the compliance or noncompliance of the offender with
16 all monetary obligations and probation requirements ordered by the
17 court which may include, but not be limited to, the following:

- 18 a. substance abuse testing,
- 19 b. employment or education verification,
- 20 c. criminal history background checks,
- 21 d. verification of the payment of fines, costs,
- 22 assessments, restitution, prosecution fees and
- 23 supervision fees,
- 24

- 1 e. verification of attendance and completion of community
2 service requirements, or
3 f. verification of attendance and completion of
4 counseling or treatment programs;

5 ~~4.~~ 7. Provide sanctions in accordance with paragraph 1 of
6 subsection B of Section 991b of Title 22 of the Oklahoma Statutes in
7 the event the offender violates the rules and conditions of
8 probation supervision which may include, but not be limited to, the
9 following:

- 10 a. increased reporting requirements,
11 b. increased substance abuse testing,
12 c. increased counseling or substance abuse meetings,
13 d. short-term period of incarceration in jail or
14 intermediate revocation facilities,
15 e. additional community service hours,
16 f. electronic monitoring or installation of an ignition
17 interlock device, or
18 g. revocation or acceleration of the suspended or
19 deferred sentence; and

20 ~~5.~~ 8. Provide a written sanction report to the court and
21 offender specifying the violation, sanction and plan to correct the
22 noncompliant behavior of the offender. When recommending a short-
23 term period of incarceration in jail, additional community service
24 hours, electronic monitoring or installation of an ignition

1 interlock device, the supervising agency shall obtain court approval
2 prior to implementing the sanction.

3 C. The supervising agency shall have the authority to implement
4 additional supervision requirements including, but not limited to,
5 the following:

6 1. Individualized treatment and supervision plans based upon
7 the results of any substance abuse assessment and evaluation, risk
8 and needs assessment and any other assessment or evaluation
9 conducted on the individual. The individualized treatment plan may
10 include additional reporting requirements and additional counseling
11 and substance abuse meeting requirements. The treatment plan shall
12 be developed to assist the offender with successful progress toward
13 completion of probation supervision;

14 2. Random substance abuse testing to ensure the compliance and
15 sobriety of the offender; ~~and~~

16 3. Progress reports as requested by the court; and

17 4. Specialized supervision or case management for violators of
18 conditions of supervision that include a victim of domestic
19 violence.

20 SECTION 19. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 515b of Title 57, unless there
22 is created a duplication in numbering, reads as follows:

23 A. The Supreme Court shall establish regulations by rule for
24 all providers under contract with a district court whose duties

1 include supervision of felony probationers pursuant to Section 515a
2 of Title 57 of the Oklahoma Statutes. These rules shall guide the
3 supervision and management of people on probation supervision and
4 the performance of the provider. The rules and regulations
5 developed under this section shall include, but not be limited to:

6 1. The use of a risk and needs assessment to guide supervision
7 and programming decisions and the development of an individualized
8 case plan pursuant to Section 512 of Title 57 of the Oklahoma
9 Statutes;

10 2. The application of the earned discharge program pursuant to
11 Section 14 of this act;

12 3. The application of the graduated sanctions and incentives
13 matrix pursuant to Section 20 of this act; and

14 4. The collection and reporting of data as required under
15 Section 14 of this act.

16 B. For the purposes of this subsection, a risk and needs
17 assessment means the use of an actuarial assessment tool validated
18 on an Oklahoma corrections population to determine a person's risk
19 to reoffend and the characteristics that, if addressed, reduce the
20 risk to reoffend.

21 C. Any provider under contract with a district court whose
22 duties include supervision of felony probations pursuant to Section
23 14 of this act shall complete, upon hiring and on an annual basis,
24 training courses, including, but not limited to:

- 1 1. Identifying, understanding and targeting an individual's
- 2 criminal risk factors;
- 3 2. Principles of effective risk interventions;
- 4 3. Supporting and encouraging compliance and behavior change;
- 5 4. The use of a graduated sanctions matrix developed by the
- 6 Department of Corrections according to Section 20 of this act; and
- 7 5. If applicable, best practices on graduated responses to
- 8 domestic violence offenders and victim sensitivity training.

9 D. Each judicial district shall be responsible for developing
10 and administering procedures and rules for the implementation of the
11 requirements in this section. The chief judge of each judicial
12 district shall carry out this mandate within one (1) year of the
13 effective date of this act.

14 SECTION 20. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 515c of Title 57, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Department of Corrections shall develop a matrix of
18 sanctions and incentives to address behavior committed by parolees
19 who are being supervised by the Department. The Department shall be
20 authorized to use a graduated response process based on the matrix
21 to apply to any technical violations of the terms and conditions of
22 parole.

23 B. Within four (4) working days of the discovery of the
24 violation, the parole and probation officer shall initiate the

1 graduated response process. The parole and probation officer shall
2 complete a sanction form, which shall specify the technical
3 violation, sanction and action plan to correct the noncompliant
4 behavior resulting in the technical violation. The parole and
5 probation officer shall refer to the sanctioning matrix to determine
6 the supervision, treatment and sanctions appropriate to address the
7 noncompliant behavior. The parole and probation officer shall refer
8 the violation information and recommended response with a sanction
9 plan to the Department of Corrections to be heard by a hearing
10 officer. The Department of Corrections shall develop a sanction and
11 incentive matrix, forms, policies and procedures necessary to
12 implement this provision. If the severity of the violation warrants
13 or graduated use of sanctions has been exhausted and the
14 noncompliant behavior has continued, the parole and probation
15 officer may recommend revocation.

16 C. The Department of Corrections shall establish procedures to
17 hear responses to technical violations and review sanction plans
18 including the following:

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

21 2. The Department shall provide the offender written notice of
22 the violation, the evidence relied upon and the reason the sanction
23 was imposed;

24

1 3. The hearing shall be held unless the offender waives the
2 right to the hearing;

3 4. The hearings shall be electronically recorded; and

4 5. The Department shall provide to the Governor a record of all
5 violations and actions taken pursuant to this subsection.

6 D. The hearing officer shall determine based on a preponderance
7 of the evidence whether a technical violation occurred. Upon a
8 finding that a technical violation occurred, the hearing officer may
9 order the offender to participate in the recommended sanction plan
10 or may modify the plan. Offenders who accept the sanction plan
11 shall sign a violation response sanction form, and the hearing
12 officer shall then impose the sanction. Failure of the offender to
13 comply with the imposed sanction plan shall constitute a violation
14 of the rules and conditions of supervision that may result in a
15 revocation proceeding. If an offender does not voluntarily accept
16 the recommended sanction plan, the Department shall either both
17 impose the sanction and allow the offender to appeal to the district
18 court or request a revocation proceeding as provided by law.

19 E. Absent a finding by the parole and probation officer of an
20 offender's willful nonpayment, an offender's failure to pay fines
21 and costs may not serve as a basis for revocation.

22 SECTION 21. AMENDATORY 57 O.S. 2011, Section 516, is
23 amended to read as follows:

1 Section 516. A. Except as provided in ~~subsection~~ subsections B
2 and C of this section, the probation and parole officer shall, upon
3 information sufficient to give the officer reasonable grounds to
4 believe that the parolee has ~~violated~~ committed a violation, other
5 than a technical violation as defined in Section 502 of this title,
6 of the terms of and conditions of parole, notify the Department of
7 Corrections. If it is determined that the facts justify revocation
8 action, the Department shall issue a warrant for the arrest of the
9 parolee and the warrant shall have the force and effect of any
10 warrant of arrest issued by a district court in this state. The
11 parolee shall, after arrest, be immediately incarcerated in the
12 nearest county jail, intermediate sanctions facility, or a
13 Department of Corrections facility to await action by the Governor
14 as to whether the parole will be revoked. Parole time shall cease
15 to run after the issuance of a warrant for arrest by the Department
16 of Corrections for a parolee who has absconded, and earned credits
17 shall not be accrued during any period of time when the parolee is
18 incarcerated pending revocation action by the Governor.

19 B. The probation and parole officer shall, upon information
20 sufficient to give the officer reasonable grounds to believe that
21 the parolee has committed a technical violation of the terms and
22 conditions of parole, as defined in Section 502 of this title,
23 notify the Department of Corrections. If the options within the
24 sanctions and incentive matrix established in Section 20 of this act

1 have been exhausted and the Department has determined that the facts
2 justify revocation of parole, the Department shall issue a summons
3 requiring the parolee to appear before the Pardon and Parole Board
4 for a preliminary revocation hearing. If the parolee fails to
5 appear at the preliminary revocation hearing, or if the Department
6 finds that a warrant is justified for the protection of public
7 safety, the Department shall issue a warrant for the arrest of the
8 parolee and the warrant shall have the force and effect of any
9 warrant of arrest issued by a district court in this state, and the
10 parolee shall be held in accordance with subsection A of this
11 section.

12 C. If a parolee is issued a summons pursuant to subsection B of
13 this section, the Pardon and Parole Board shall hold the preliminary
14 revocation within twenty (20) calendar days from the date the
15 summons is issued. The Board may, in its discretion, continue
16 parole and modify the terms and conditions of parole or forward the
17 decision on to the Governor. If the Governor revokes parole for a
18 technical violation of the terms or conditions of parole, as defined
19 in Section 502 of the title, the Governor shall impose a period of
20 imprisonment of not more than fifteen (15) days for the first
21 application for revocation, not more than thirty (30) days for the
22 second application for revocation and not more than sixty (60) days
23 for the third application for revocation. For the fourth and
24 subsequent application for revocation for a technical violation, the

1 Governor may impose a period of imprisonment of not more than five
2 (5) years.

3 D. If a parolee is arrested and detained on a warrant pursuant
4 to subsection B of this section, the Pardon and Parole Board shall
5 hold the executive revocation hearing within ten (10) calendar days
6 from the date the parolee is detained on the warrant. The Board
7 may, in its discretion, continue parole and modify the terms and
8 conditions of parole or forward the decision to the Governor. If
9 the Governor revokes parole for a technical violation, the Governor
10 may impose a period of imprisonment as required under subsection C
11 of this section.

12 E. If the Board does not hold a preliminary revocation hearing
13 within ten (10) calendar days as required under subsection D of this
14 section, the parolee shall be released from a county jail,
15 intermediate sanctions facility or a Department of Corrections
16 facility and shall return to parole status. The Pardon and Parole
17 Board may subsequently hold a preliminary revocation hearing within
18 a reasonable timeframe. The Board may, in its discretion, continue
19 parole and modify the terms and conditions of parole or forward the
20 decision to the Governor. If the Governor revokes parole for a
21 technical violation, the Governor may impose a period of
22 imprisonment as required under subsection C of this section.

23 F. Any parolee determined to have violated any terms or
24 conditions of parole by the supervising parole officer may be given

1 the option, at the discretion of the Department of Corrections, to
2 be placed in an intermediate sanctions facility for disciplinary
3 sanction and programmatic services in lieu of revocation or when
4 revocation action by the Governor is deemed unnecessary for the
5 nature of the violation. Any parolee for whom a warrant for arrest
6 issues as provided in subsection A of this section may, at the
7 discretion of the Department or the Governor, be placed in an
8 intermediate sanctions facility pending or following any action by
9 the Governor as to revocation of parole or required additional
10 conditions to remain on parole. A parolee may be received and
11 processed into the custody of the Department on an expedited basis
12 through any facility serving such purpose or may be processed
13 directly by the intermediate sanctions facility.

14 G. The Department and the Pardon and Parole Board shall adopt
15 rules and regulations related to this section.

16 SECTION 22. AMENDATORY 57 O.S. 2011, Section 517, as
17 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2016,
18 Section 517), is amended to read as follows:

19 Section 517. A. A Probation and Parole Officer, upon
20 information sufficient to give the officer reasonable grounds to
21 believe that a probationer has been charged with or found guilty of
22 committing a felony or misdemeanor offense, or has escaped from
23 custody as provided in Section 443 of Title 21 of the Oklahoma
24 Statutes, shall notify the Department. If it is determined that the

1 facts justify revocation action, the Department shall issue a
2 warrant for the arrest of the probationer and the warrant shall have
3 the force and effect of any warrant of arrest issued by a district
4 court in this state. A probationer ~~shall~~ may, after arrest, be
5 immediately incarcerated in the nearest county jail or intermediate
6 sanctions facility to await action by the court as to whether the
7 probation will be revoked.

8 B. A Probation and Parole Officer, upon information sufficient
9 to give the officer reasonable grounds to believe that a probationer
10 has ~~violated the terms or conditions of probation,~~ may notify the
11 Department. ~~If it is determined that the facts justify disciplinary~~
12 ~~sanctions, the Department shall issue a warrant for the arrest of~~
13 ~~the probationer and the warrant shall have the force and effect of~~
14 ~~any warrant of arrest issued by a district court in this state. The~~
15 ~~probationer shall, after arrest, be immediately incarcerated in the~~
16 ~~nearest county jail or intermediate sanction facility to await~~
17 ~~action by the court as to whether disciplinary sanctions shall be~~
18 ~~imposed. Upon approval of the court and the Department of~~
19 ~~Corrections, the probationer shall be placed in an intermediate~~
20 ~~revocation facility for disciplinary sanction and intensive~~
21 ~~programmatic services in lieu of a first revocation. Repeated~~
22 ~~violations by the probationer of the terms and conditions of~~
23 ~~probation may result in a revocation proceeding committed a~~
24 technical violation of the terms or conditions of probation, as

1 defined in Section 502 of this title, may notify the Department. If
2 it is determined that the facts justify revocation action, the
3 Department shall issue a summons requiring the probationer to appear
4 at a revocation hearing. The district attorney may petition the
5 court to issue a warrant in place of a summons for a compelling
6 reason in the interest of public safety. If the probationer fails
7 to appear at the hearing ordered by the summons, or if the court
8 approves the district attorney's petition for a warrant, the
9 Department shall issue a warrant for the arrest of the probationer
10 and the warrant shall have the force and effect of any warrant
11 issued by a district court in this state. The probationer may,
12 after arrest, be immediately incarcerated in the nearest county jail
13 or intermediate sanction facility to await action by the court as to
14 whether disciplinary sanctions will be imposed.

15 C. ~~Any probationer for whom a warrant for arrest issues as~~
16 ~~provided in subsection A of this section may, at the discretion of~~
17 ~~the court, be placed in an intermediate sanctions facility pending~~
18 ~~or following any action by the court as to revocation of probation~~
19 ~~or required additional conditions to remain on probation.~~ The court
20 shall hold a revocation hearing for any probationer who is issued a
21 summons within twenty (20) calendar days from the date the summons
22 is issued. The court may, in its discretion, revoke probation or
23 continue probation and modify the terms and conditions thereof. The
24 court shall consider the employment status of the offender when

1 making a determination as to whether to revoke or continue the
2 offender on probation. Upon a finding the offender is employed and
3 a revocation sentence would result in a disruption of employment,
4 the court may, in lieu of revocation, order the probationer to serve
5 weekends in a county jail pursuant to Section 991a of Title 22 of
6 the Oklahoma Statutes, at the discretion of the court. If the court
7 revokes probation for a technical violation of the terms or
8 conditions of probation, the court shall impose a period of
9 imprisonment of not more than fifteen (15) days for the first
10 application for revocation, not more than thirty (30) days for the
11 second application for revocation and not more than sixty (60) days
12 for the third application for revocation. For the fourth and
13 subsequent application for revocation for a technical violation, the
14 court may impose a period of imprisonment of not more than five (5)
15 years or the remainder of the maximum sentence imposed, whichever is
16 less. If the court does not hold a revocation hearing within twenty
17 (20) calendar days pursuant to this section, the probationer shall
18 be returned to probation status. The court may subsequently hold a
19 revocation hearing and may revoke probation or continue probation
20 and modify the terms and conditions of probation. If the court
21 revokes probation for a technical violation, the court shall impose
22 a period of imprisonment that follows the revocation periods
23 outlined in this section.

24

1 D. If the court revokes probation for violations other than a
2 technical violation, the court shall follow the procedures outlined
3 in Section 991b or Section 991c of Title 22 of the Oklahoma
4 Statutes.

5 E. If the probationer has been arrested and detained on a
6 warrant and the court does not hold a revocation hearing within ten
7 (10) days, the probationer shall be released from county jail,
8 intermediate sanctions facility or Department of Corrections
9 facility and shall return to probation status. The court may
10 subsequently hold a revocation hearing and may revoke probation or
11 continue probation and modify the terms and conditions of probation.
12 If the court revokes probation for a technical violation and imposes
13 a period of imprisonment, the court shall impose a period of
14 imprisonment that follows the revocation periods outlined in this
15 section.

16 F. The judge may depart from the periods of imprisonment
17 required under subsection C of this section if the offender is on
18 probation supervision for an offense under Section 13.1 of Title 21
19 of the Oklahoma Statutes.

20 G. A probationer may be processed by the Department on an
21 expedited basis through any facility serving such purpose or may be
22 processed directly by the intermediate sanctions facility.

23 ~~D.~~ H. Nothing in this section shall preclude a district
24 attorney from initiating an application to revoke a suspended

1 sentence pursuant to subsection A of this section without a
2 recommendation from the Department or from initiating an application
3 to revoke a suspended sentence and referring the person to an
4 intermediate revocation facility without a recommendation from the
5 Department pursuant to subsection B of this section, when the
6 district attorney believes that competent evidence justifies the
7 revocation of the suspended sentence.

8 I. For purposes of this section, the term "probationer" means
9 any offender on a deferred judgment or suspended sentence supervised
10 by the Department of Corrections or another supervising body.

11 SECTION 23. AMENDATORY 57 O.S. 2011, Section 571, as
12 amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2016,
13 Section 571), is amended to read as follows:

14 Section 571. As used in the Oklahoma Statutes, unless another
15 definition is specified:

16 1. "Capacity" means the actual available bedspace as certified
17 by the State Board of Corrections subject to applicable federal and
18 state laws and the rules and regulations promulgated under such
19 laws;

20 2. "Violent crime" means any of the following felony offenses
21 and any attempts to commit or conspiracy or solicitation to commit
22 the following crimes:

23 a. assault, battery, or assault and battery with a
24 dangerous or deadly weapon, as provided for in

1 Sections 645 and 652 of Title 21 of the Oklahoma
2 Statutes;

3 b. shooting with intent to kill, assault, battery, or
4 assault and battery with a deadly weapon or by other
5 means likely to produce death or great bodily harm, as
6 provided for in Section 652 of Title 21 of the
7 Oklahoma Statutes;

8 c. aggravated assault and battery on a police officer,
9 sheriff, highway patrolman, or any other officer of
10 the law, as provided for in Section 650 of Title 21 of
11 the Oklahoma Statutes;

12 d. poisoning with intent to kill, as provided for in
13 Section 651 of Title 21 of the Oklahoma Statutes;

14 e. shooting with intent to kill, as provided for in
15 Section 652 of Title 21 of the Oklahoma Statutes;

16 f. assault with intent to kill, as provided for in
17 Section 653 of Title 21 of the Oklahoma Statute;

18 g. assault with intent to commit a felony, as provided
19 for in Section 681 of Title 21 of the Oklahoma
20 Statutes;

21 h. assaults with a dangerous weapon or other instrument
22 of punishment while masked or disguised, as provided
23 for in Section 1303 of Title 21 of the Oklahoma
24 Statutes;

- 1 i. murder in the first degree, as provided for in Section
2 701.7 of Title 21 of the Oklahoma Statutes;
- 3 j. murder in the second degree, as provided for in
4 Section 701.8 of Title 21 of the Oklahoma Statutes;
- 5 k. manslaughter in the first degree, as provided for in
6 Section 711 of Title 21 of the Oklahoma Statutes;
- 7 l. manslaughter in the second degree, as provided for in
8 Section 716 of Title 21 of the Oklahoma Statutes;
- 9 m. kidnapping, as provided for in Section 741 of Title 21
10 of the Oklahoma Statutes;
- 11 n. burglary in the first degree, as provided for in
12 Section 1431 of Title 21 of the Oklahoma Statutes;
- 13 o. burglary with explosives, as provided for in Section
14 1441 of Title 21 of the Oklahoma Statutes;
- 15 p. kidnapping for extortion, as provided for in Section
16 745 of Title 21 of the Oklahoma Statutes;
- 17 q. maiming, as provided for in Section 751 of Title 21 of
18 the Oklahoma Statutes;
- 19 r. robbery, as provided for in Section 791 of Title 21 of
20 the Oklahoma Statutes;
- 21 s. robbery in the first degree, as provided for in
22 Section 797 et seq. of Title 21 of the Oklahoma
23 Statutes;
- 24

- 1 t. robbery in the second degree, as provided for in
2 Section 797 et seq. of Title 21 of the Oklahoma
3 Statutes;
- 4 u. armed robbery, as provided for in Section 801 of Title
5 21 of the Oklahoma Statutes;
- 6 v. robbery by two (2) or more persons, as provided for in
7 Section 800 of Title 21 of the Oklahoma Statutes;
- 8 w. robbery with dangerous weapon or imitation firearm, as
9 provided for in Section 801 of Title 21 of the
10 Oklahoma Statutes;
- 11 x. child abuse, as provided for in Section 843.5 of Title
12 21 of the Oklahoma Statutes;
- 13 y. wiring any equipment, vehicle or structure with
14 explosives, as provided for in Section 849 of Title 21
15 of the Oklahoma Statutes;
- 16 z. forcible sodomy, as provided for in Section 888 of
17 Title 21 of the Oklahoma Statutes;
- 18 aa. rape in the first degree, as provided for in Section
19 1114 of Title 21 of the Oklahoma Statutes;
- 20 bb. rape in the second degree, as provided for in Section
21 1114 of Title 21 of the Oklahoma Statutes;
- 22 cc. rape by instrumentation, as provided for in Section
23 1111.1 of Title 21 of the Oklahoma Statutes;
24

- 1 dd. lewd or indecent proposition or lewd or indecent act
2 with a child under sixteen (16) years of age, as
3 provided for in Section 1123 of Title 21 of the
4 Oklahoma Statutes;
- 5 ee. use of a firearm or offensive weapon to commit or
6 attempt to commit a felony, as provided for in Section
7 1287 of Title 21 of the Oklahoma Statutes;
- 8 ff. pointing firearms, as provided for in Section 1289 of
9 Title 21 of the Oklahoma Statutes;
- 10 gg. rioting, as provided for in Section 1311 of Title 21 of
11 the Oklahoma Statutes;
- 12 hh. inciting to riot, as provided for in Section 1320.2 of
13 Title 21 of the Oklahoma Statutes;
- 14 ii. arson in the first degree, as provided for in Section
15 1401 of Title 21 of the Oklahoma Statutes;
- 16 jj. injuring or burning public buildings, as provided for
17 in Section 349 of Title 21 of the Oklahoma Statutes;
- 18 kk. sabotage, as provided for in Section 1262 of Title 21
19 of the Oklahoma Statutes;
- 20 ll. criminal syndicalism, as provided for in Section 1261
21 of Title 21 of the Oklahoma Statutes;
- 22 mm. extortion, as provided for in Section 1471 of Title 21
23 of the Oklahoma Statutes;
- 24

- 1 nn. obtaining signature by extortion, as provided for in
2 Section 1485 of Title 21 of the Oklahoma Statutes;
- 3 oo. seizure of a bus, discharging firearm or hurling
4 missile at bus, as provided for in Section 1903 of
5 Title 21 of the Oklahoma Statutes;
- 6 pp. mistreatment of a mental patient, as provided for in
7 Section 843.1 of Title 21 of the Oklahoma Statutes;
- 8 qq. using a vehicle to facilitate the discharge of a weapon
9 pursuant to Section 652 of Title 21 of the Oklahoma
10 Statutes;
- 11 rr. bombing offenses as defined in Section 1767.1 of Title
12 21 of the Oklahoma Statutes;
- 13 ss. child pornography or aggravated child pornography as
14 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
15 of Title 21 of the Oklahoma Statutes;
- 16 tt. child prostitution as defined in Section 1030 of Title
17 21 of the Oklahoma Statutes;
- 18 uu. abuse of a vulnerable adult as defined in Section 10-
19 103 of Title 43A of the Oklahoma Statutes who is a
20 resident of a nursing facility;
- 21 vv. aggravated trafficking as provided for in subsection C
22 of Section 2-415 of Title 63 of the Oklahoma Statutes;
- 23 ww. aggravated assault and battery upon any person
24 defending another person from assault and battery, as

1 provided for in Section 646 of Title 21 of the Oklahoma
2 Statutes;

3 xx. human trafficking as provided for in Section 748 of
4 Title 21 of the Oklahoma Statutes; or

5 yy. terrorism crimes as provided in Sections 1268 et seq.
6 of Title 21 of the Oklahoma Statutes.

7 Such offenses shall constitute exceptions to nonviolent offenses
8 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

9 SECTION 24. This act shall become effective July 1, 2017.

10 SECTION 25. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 SECTION 26. This act shall become effective November 1, 2017.

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