

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 3159

6 By: Hickman and Peterson of the
7 House

8 and

9 Griffin of the Senate

10 **[crimes and punishments - required service of prison
11 sentence for certain crimes - earned credits -
12 effective date]**

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as
15 last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.
16 2015, Section 13.1), is amended to read as follows:

17 Section 13.1. Persons convicted of:

18 1. First degree murder as defined in Section 701.7 of this
19 title;

20 2. Second degree murder as defined by Section 701.8 of this
21 title;

22 3. Manslaughter in the first degree as defined by Section 711
23 of this title;

1 4. Poisoning with intent to kill as defined by Section 651 of
2 this title;

3 5. Shooting with intent to kill, use of a vehicle to facilitate
4 use of a firearm, crossbow or other weapon, assault, battery, or
5 assault and battery with a deadly weapon or by other means likely to
6 produce death or great bodily harm, as provided for in Section 652
7 of this title;

8 6. Assault with intent to kill as provided for in Section 653
9 of this title;

10 7. Conjoint robbery as defined by Section 800 of this title;

11 8. Robbery with a dangerous weapon as defined in Section 801 of
12 this title;

13 9. First degree robbery as defined in Section 797 of this
14 title;

15 10. First degree rape as provided for in Section 1111, 1114 or
16 1115 of this title;

17 11. First degree arson as defined in Section 1401 of this
18 title;

19 12. First degree burglary as provided for in Section 1436 of
20 this title;

21 13. Bombing as defined in Section 1767.1 of this title;

22 14. Any crime against a child provided for in Section 843.5 of
23 this title;

24 15. Forcible sodomy as defined in Section 888 of this title;

1 16. Child pornography or aggravated child pornography as
2 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of
3 this title;

4 17. Child prostitution as defined in Section 1030 of this
5 title;

6 18. Lewd molestation of a child as defined in Section 1123 of
7 this title;

8 19. Abuse of a vulnerable adult as defined in Section 10-103 of
9 Title 43A of the Oklahoma Statutes who is a resident of a nursing
10 facility;

11 20. Aggravated trafficking as provided for in subsection C of
12 Section 2-415 of Title 63 of the Oklahoma Statutes;

13 21. Aggravated assault and battery upon any person defending
14 another person from assault and battery; or

15 22. Human trafficking as provided for in Section 748 of this
16 title,

17 shall be required to serve not less than eighty-five percent (85%)
18 of any sentence of imprisonment imposed by the judicial system prior
19 to becoming eligible for consideration for parole. Once the person
20 has served eighty-five percent (85%) of the sentence imposed, the
21 person shall be placed on the first available parole docket of the
22 Pardon and Parole Board immediately following the date upon which
23 the person has served the required term of imprisonment. Persons
24 convicted of these offenses shall ~~not~~ be eligible ~~for~~ to receive and

1 accumulate earned credits or any other type of credits which have
2 the effect of reducing the length of while serving the sentence to
3 less than of imprisonment. In no instance shall the number of
4 earned credits accumulated by a person exceed five percent (5%) of
5 the total number of days of the prison sentence of the person. The
6 Department of Corrections may apply the accumulated credits after
7 eighty-five percent (85%) of the sentence imposed has been served
8 provided, however, in no instance shall the application of earned
9 credits result in the immediate discharge of the person from
10 custody. The granting of earned credits shall be at the discretion
11 of the Director based on the criteria provided for in Section 138 of
12 Title 57 of the Oklahoma Statutes.

13 SECTION 2. This act shall become effective November 1, 2016.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
15 April 6, 2016 - DO PASS AS AMENDED
16
17
18
19
20
21
22
23
24