

1 **SENATE FLOOR VERSION**

2 April 2, 2024

3 ENGROSSED HOUSE  
4 BILL NO. 3612

By: Harris, Hill, and West  
(Tammy) of the House

5 and

6 Gollihare of the Senate

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9 An Act relating to criminal procedure; authorizing  
10 courts to hold execution of prison sentences in  
abeyance under certain circumstances; providing for  
11 the completion of prison sentences with the  
Department of Corrections upon release from federal  
12 custody; providing exceptions; directing courts to  
make certain considerations; creating rebuttable  
13 presumption upon motions being filed; assigning  
certain responsibilities to the Department;  
14 prohibiting the release of offenders from custody  
until federal authorities take custody; providing  
15 exception for offenders sentenced to death; providing  
for codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 982b of Title 22, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. Upon motion of the district attorney of the county from  
23 which a sentence was imposed, the court may hold execution of a  
24 sentence of imprisonment in abeyance if the offender has a pending

1 sentence of incarceration to be served in the custody of the United  
2 States Bureau of Prisons or successor federal agency.

3 B. Any offender whose sentence has been held in abeyance  
4 pending execution of a federal sentence pursuant to subsection A of  
5 this section shall be returned to the Department of Corrections to  
6 complete execution of his or her sentence upon release from federal  
7 custody, unless the remainder of the sentence of the offender has  
8 been discharged, vacated, paroled, or commuted while the offender  
9 was in federal custody.

10 C. In determining whether to hold the execution of a sentence  
11 in abeyance pending execution of a federal sentence, the court shall  
12 consider the safety of the public, personnel of the Department of  
13 Corrections, personnel of law enforcement agencies, other inmates,  
14 and the offender. The filing of a motion to hold the execution of a  
15 sentence in abeyance by the district attorney shall create a  
16 rebuttable presumption that it is in the public interest to hold the  
17 sentence in abeyance and that the motion shall be granted.

18 D. The Department of Corrections shall be responsible for  
19 transportation of the offender from federal custody to state custody  
20 upon the release of the offender from federal custody.

21 E. An offender whose sentence has been held in abeyance pending  
22 execution of a federal sentence shall not be released from the  
23 custody of the Department of Corrections until and unless federal  
24 authorities take custody of the offender. In no event shall an

1 order holding execution of a state sentence in abeyance pursuant to  
2 this section result in the release of the offender from both state  
3 and federal custody simultaneously.

4 F. The provisions of this section shall not apply to any  
5 offender who has been sentenced to death and whose death sentence  
6 remains valid.

7 SECTION 2. This act shall become effective November 1, 2024.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
9 April 2, 2024 - DO PASS

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