

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 57th Legislature (2020)

4   ENGROSSED SENATE  
5   BILL NO. 1566

                                  By: Shaw of the Senate

  and

  Humphrey of the House

6  
7  
8  
9           An Act relating to earned discharge credits;  
10          directing certain discharge credits for certain  
11          compliance be given; prohibiting certain offenses  
12          from eligibility for discharge credits; requiring  
13          written policies and procedures; requiring  
14          maintenance of records and notification; directing  
15          the creation of rules of supervision and management  
16          of probation providers; providing for codification;  
17          and providing an effective date.

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

19           SECTION 1.        NEW LAW        A new section of law to be codified  
20          in the Oklahoma Statutes as Section 512.1 of Title 57, unless there  
21          is created a duplication in numbering, reads as follows:

22           A.   Every offender on felony probation supervision under Section  
23          515a of Title 57 of the Oklahoma Statutes, supervised by the  
24          Department of Corrections or by a private supervision provider,  
                shall be eligible to earn discharge credits for compliance with the  
                terms and conditions of probation supervision to reduce the term of

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

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

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

1 supervision period or sentence term is reduced at the point of  
2 discharge.

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

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

14 F. Once a combination of either time served in custody, if  
15 applicable, time served on any form of probation, parole or post-  
16 release supervision and earned discharge credits satisfy the total  
17 sentence, the supervising body shall order the discharge of the  
18 sentence of the offender.

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

22 A. Every offender released to parole supervision pursuant to  
23 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible  
24 to earn discharge credits for compliance with the terms and

1 conditions of parole supervision that reduce the offender's term of  
2 supervision. For every calendar month of compliance with the terms  
3 and conditions of parole supervision, the Department of Corrections  
4 shall award the offender earned discharge credits equal to thirty  
5 (30) calendar days to be applied toward a reduction of the parole  
6 supervision period. For the purposes of this section, "compliance"  
7 shall be defined as the absence of a violation report submitted by a  
8 Probation and Parole Officer during a calendar month. No person  
9 convicted of an offense under Section 13.1 or subsection C, D, E, F,  
10 G or J of Section 644 of Title 21 of the Oklahoma Statutes shall be  
11 eligible for earned discharge credits under this section.

12 B. The Department of Corrections shall develop written policies  
13 and procedures necessary for the implementation of earned discharge  
14 credits as authorized pursuant to this section. The policies and  
15 procedures developed by the Department of Corrections shall include,  
16 but not be limited to, written guidelines regarding the process to  
17 earn discharge credits and the application of the credits toward the  
18 reduction of the term of supervision or term of the sentence, the  
19 collection of data related to who earns credit, how much is applied  
20 and how much of the supervision period or sentence term is reduced  
21 at the point of discharge.

22 C. The Department shall maintain a record of credits earned by  
23 an offender under this section. At least every six (6) months from  
24

1 the date the offender is placed on parole, the Department shall  
2 notify the offender of the current parole termination date.

3 D. The Department shall notify the Pardon and Parole Board of  
4 the impending termination not less than thirty (30) days prior to  
5 the expected termination date. However, nothing in this section  
6 shall prohibit the Department from requesting parole termination  
7 earlier than the termination date authorized in subsection E of this  
8 section.

9 E. Once a combination of either time served in custody, if  
10 applicable, time served on any form of probation, parole or post-  
11 release supervision and earned discharge credits satisfy the total  
12 sentence, the Department shall order the final termination of the  
13 offender's parole supervision.

14 SECTION 3. This act shall become effective November 1, 2020.

15  
16 DIRECT TO CALENDAR.

17  
18  
19  
20  
21  
22  
23  
24