

1 **SENATE FLOOR VERSION**

2 February 20, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 616

5 By: Jech and Young

6 **[pardons and parole - consideration for parole -**
7 **Pardon and Parole Board - probation violators -**
8 **codification - effective date]**

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.7, as
12 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
13 2018, Section 332.7), is amended to read as follows:

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

- 18 1. Has completed serving one-third (1/3) of the sentence;
- 19 2. Has reached at least sixty (60) years of age and also has
20 served at least fifty percent (50%) of the time of imprisonment that
21 would have been imposed for that offense pursuant to the applicable
22 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
23 1997; provided, however, no inmate serving a sentence for crimes
24 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,

1 O.S.L. 1997, or serving a sentence of life imprisonment without
2 parole shall be eligible to be considered for parole pursuant to
3 this paragraph;

4 3. Has reached eighty-five percent (85%) of the midpoint of the
5 time of imprisonment that would have been imposed for an offense
6 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
7 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable
8 matrix; provided, however, no inmate serving a sentence of life
9 imprisonment without parole shall be eligible to be considered for
10 parole pursuant to this paragraph; or

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

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

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

6 1. A person eligible for parole under this subsection shall be
7 eligible for administrative parole under subsection R S of this
8 section once the person serves one-fourth (1/4) of the sentence or
9 consecutive sentences imposed; provided, however, no inmate serving
10 a sentence of life imprisonment without parole, a sentence for a
11 violent crime as set forth in Section 571 of this title or any crime
12 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes
13 shall be eligible for administrative parole.

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

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

3 1. At the initial hearing, the Pardon and Parole Board shall
4 review the completed report submitted by the staff of the Board and
5 shall conduct a vote regarding whether, based upon that report, the
6 Board decides to consider the person for parole at a subsequent
7 meeting of the Board; and

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

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

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

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

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

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

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

18 ~~G.~~ I. The Pardon and Parole Board shall promulgate rules for
19 the implementation of subsections A, B and C of this section. The
20 rules shall include, but not be limited to, procedures for
21 reconsideration of persons denied parole under this section and
22 procedure for determining what sentence a person eligible for parole
23 consideration pursuant to subsection A of this section would have
24 received under the applicable matrix.

1 ~~H.~~ J. The Pardon and Parole Board shall not recommend to the
2 Governor any person who has been convicted of three or more felonies
3 arising out of separate and distinct transactions, with three or
4 more incarcerations for such felonies, unless such person shall have
5 served the lesser of at least one-third (1/3) of the sentence
6 imposed, or ten (10) years; provided, that whenever the population
7 of the prison system exceeds ninety-five percent (95%) of the
8 capacity as certified by the State Board of Corrections, the Pardon
9 and Parole Board may, at its discretion, recommend to the Governor
10 for parole any person who is incarcerated for a nonviolent offense
11 not involving injury to a person and who is within six (6) months of
12 his or her statutory parole eligibility date.

13 ~~F.~~ K. Inmates sentenced to consecutive sentences shall not be
14 eligible for parole consideration on any such consecutive sentence
15 until one-third (1/3) of the aggregate term of the consecutive
16 ~~sentence~~ sentences has been served if sentenced for a crime
17 committed before November 1, 2018, or one-fourth (1/4) of the
18 aggregate term of the sentences if sentenced for a crime committed
19 on or after November 1, 2018, or where parole has been otherwise
20 limited by law, until the minimum term of incarceration has been
21 served as required by law. Unless otherwise ordered by the
22 sentencing court, any credit for jail time served shall be credited
23 to ~~only one offense~~ reduce the aggregate term. Parole eligibility
24 for consecutive sentences shall be determined by combining

1 consecutive sentences to arrive at an aggregate term of all
2 sentences imposed. The provisions of this subsection shall apply to
3 all consecutive sentences currently being served or a subsequent
4 sentence ordered to run consecutive to an existing sentence.

5 J. L. The Pardon and Parole Board shall consider the prior
6 criminal record of inmates under consideration for parole
7 recommendation or granting of parole.

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

13 H. M. It shall be the duty of the Pardon and Parole Board to
14 cause an examination to be made at the penal institution where the
15 person is assigned, and to make inquiry into the conduct and the
16 record of the ~~said~~ the person during his custody in the Department
17 of Corrections, which shall be considered as a basis for
18 consideration of ~~said~~ the person for recommendation to the Governor
19 for parole. However, the Pardon and Parole Board shall not be
20 required to consider for parole any person who has completed the
21 time period provided for in this subsection if the person has
22 participated in a riot or in the taking of hostages, or has been
23 placed on escape status, while in the custody of the Department of

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1 Corrections. The Pardon and Parole Board shall adopt policies and
2 procedures governing parole consideration for such persons.

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

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

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1 ~~Q.~~ P. All references in this section to matrices or schedules
2 shall be construed with reference to the provisions of Sections 6,
3 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

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

8 ~~Q.~~ R. A person in the custody of the Department of Corrections
9 whose parole consideration date is calculated pursuant to subsection
10 B or C of this section, and is not serving a sentence of life
11 imprisonment without parole or who is not ~~convicted of~~ servng a
12 sentence for an offense designated as a violent offense by Section
13 571 of this title or any crime enumerated in Section 13.1 of Title
14 21 of the Oklahoma Statutes shall be eligible for administrative
15 parole under subsection ~~R~~ S of this section.

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

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

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

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

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

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

7 ~~S.~~ T. Any person granted parole pursuant to subsection ~~R~~ S of
8 this section shall be released from the institution at the time of
9 the parole eligibility date of the person as calculated under
10 subsection B or C of this section.

11 ~~T.~~ U. No less than ninety (90) days prior to the parole
12 eligibility date of the person, the Department shall notify the
13 Pardon and Parole Board in writing of the compliance or
14 noncompliance of the person with the case plan and any infractions
15 committed by the person.

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

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

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

3 SECTION 2. AMENDATORY 57 O.S. 2011, Section 350, is
4 amended to read as follows:

5 Section 350. A. Every person, hereinafter referred to as
6 "convict", who has been or who in the future may be sentenced to
7 imprisonment in any state penal institution shall, in addition to
8 any other deductions provided for by law, be entitled to a deduction
9 from his or her sentence for all time during which he or she has
10 been or may be on parole. The provisions of this section are hereby
11 declared to be both retroactive and prospective, and to apply to
12 convicts who are on parole on ~~the effective date of this act~~ October
13 1, 1981, as well as to convicts who may be paroled thereafter; and
14 shall at the discretion of the paroling authority apply to time on a
15 parole which has been or shall be revoked.

16 B. Beginning November 1, 1987, the paroling authority ~~also~~
17 ~~shall have the discretion to~~ may revoke all or any portion of the
18 parole except as provided pursuant to subsection C of this section.

19 C. Beginning November 1, 2019, the paroling authority may
20 revoke all or any portion of the parole in accordance with Section
21 516 of this title.

22 SECTION 3. AMENDATORY 57 O.S. 2011, Section 502, as last
23 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2018,
24 Section 502), is amended to read as follows:

1 Section 502. As used in this title, unless the context
2 otherwise requires:

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

4 2. "Department" means the Department of Corrections of this
5 state;

6 3. "Director" means the Director of the Department of
7 Corrections;

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

12 5. "Institutions" means the Oklahoma State Penitentiary located
13 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
14 Granite, Oklahoma; the Lexington Assessment and Reception Center
15 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
16 located at Lexington, Oklahoma; the Jackie Brannon Correctional
17 Center located at McAlester, Oklahoma; the Howard C. McLeod
18 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
19 Correctional Center located at Stringtown, Oklahoma; the Jim E.
20 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
21 Bassett Correctional Center located at McLoud, Oklahoma; the R.B.
22 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the
23 James Crabtree Correctional Center located at Helena, Oklahoma; the
24 Jess Dunn Correctional Center located at Taft, Oklahoma; the John

1 Lilley Correctional Center located at Boley, Oklahoma; the William
2 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.
3 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;
4 the Northeast Oklahoma Correctional Center located at Vinita,
5 Oklahoma; the Clara Waters and Kate Barnard Community Corrections
6 Centers located at Oklahoma City, Oklahoma; the Community
7 Corrections Centers located at Lawton, Enid, Oklahoma City and Union
8 City; the Charles E. "Bill" Johnson Correctional Center, located
9 east of Alva, Oklahoma; the Southern Oklahoma Resource Center
10 located at Pauls Valley, Oklahoma; and other facilities under the
11 jurisdiction and control of the Department of Corrections or
12 hereafter established by the Department of Corrections;

13 6. "Intermediate revocation facility" means a corrections
14 center operated by the Department of Corrections or a private
15 facility or public trust operating pursuant to contract with the
16 Department of Corrections which provides housing and intensive
17 programmatic services for offenders who have violated the terms or
18 conditions of probation as determined by a supervising probation
19 officer. "Intensive programmatic services" offered by the
20 Department of Corrections includes, but shall not be limited to,
21 alcohol and substance abuse counseling and treatment, mental health
22 counseling and treatment and domestic violence courses and treatment
23 programs;

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

12 8. "Private prison contractor" means:

- 13 a. a nongovernmental entity or public trust which,
14 pursuant to a contract with the Department of
15 Corrections, operates an institution within the
16 Department other than a halfway house or intermediate
17 sanctions facility, or provides for the housing, care,
18 and control of inmates and performs other functions
19 related to these responsibilities within a minimum,
20 medium, or maximum security level facility not owned
21 by the Department but operated by the contractor, or
22 b. a nongovernmental entity or public trust which,
23 pursuant to a contract with the United States or
24 another state, provides for the housing, care, and

1 control of minimum or medium security inmates in the
2 custody of the United States or another state, and
3 performs other functions related to these
4 responsibilities other than a halfway house or
5 intermediate sanctions facility within a facility
6 owned or operated by the contractor;

7 9. "Technical violation" means a violation of the rules and
8 conditions of supervision, other than:

9 a. commission of a new criminal offense for which felony
10 or misdemeanor charges are filed, including violation
11 of a protective order pursuant to Section 60.6 of
12 Title 22 of the Oklahoma Statutes,

13 b. absconding, defined as failing to initially report or
14 missing assigned reporting requirements for an excess
15 of sixty (60) days, or

16 c. any violation of the Specialized Sex Offender Rules;
17 and

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

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

4 A. Every offender on felony probation supervision under Section
5 515a of Title 57 of the Oklahoma Statutes shall be eligible to earn
6 discharge credits for compliance with the terms and conditions of
7 probation supervision to reduce the term of supervision and the
8 overall term of the sentence. For every calendar month of
9 compliance with the terms and conditions of probation supervision,
10 the supervising body, defined for the purposes of this section as
11 the Department of Corrections, district attorney or private
12 supervision provider responsible for the supervision of felony
13 probationers, shall award the offender earned discharge credits
14 equal to thirty (30) calendar days to be applied toward a reduction
15 of the probation supervision term ordered under Section 991a of
16 Title 22 of the Oklahoma Statutes. For every calendar month of
17 compliance with the terms and conditions of probation supervision,
18 the supervising body shall award an offender earned discharge
19 credits equal to fifteen (15) calendar days to be applied towards a
20 reduction of the overall term of the probation sentence ordered
21 under Section 991a of Title 22 of the Oklahoma Statutes. For the
22 purposes of this section, "compliance" shall be defined as the
23 absence of a violation report submitted by the supervising body
24 during a calendar month.

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

5 C. Every supervising body shall develop written policies and
6 procedures necessary for the implementation of earned discharge
7 credits for offenders on felony probation supervision as authorized
8 pursuant to this section. The policies and procedures developed by
9 the supervising bodies shall include, but not be limited to, written
10 guidelines regarding the process to earn discharge credits and the
11 application of the credits toward the reduction of the term of
12 supervision or term of the sentence, the collection of data related
13 to who earns credit, how much is applied and how much of the
14 supervision period or sentence term is reduced at the point of
15 discharge.

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

22 E. Every supervising body shall notify the court not less than
23 thirty (30) days prior to the expected discharge date. However,
24 nothing in this section shall prohibit the supervising body from

1 requesting termination of the sentence earlier than the termination
2 date of the sentence authorized in subsection F of this section.

3 F. Once a combination of time served in custody, if applicable,
4 time served on any form of probation, parole or post-release
5 supervision and earned discharge credits satisfy the total sentence,
6 the supervising body shall order the discharge of the sentence of
7 the offender unless it is determined that termination would
8 interrupt the completion of a necessary treatment program. If the
9 supervising body finds that termination of the sentence would
10 interrupt the completion of a necessary treatment program, the
11 offender shall complete the treatment program and then have his or
12 her sentence discharged. Upon an offender's termination from
13 probation supervision, all outstanding fines, fees or costs,
14 excluding restitution, shall be converted into a civil action.

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

18 A. Every offender released to parole supervision pursuant to
19 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible
20 to earn discharge credits for compliance with the terms and
21 conditions of parole supervision that reduce the offender's term of
22 supervision. For every calendar month of compliance with the terms
23 and conditions of parole supervision, the Department of Corrections
24 shall award the offender earned discharge credits equal to thirty

1 (30) calendar days to be applied toward a reduction of the parole
2 supervision period. For the purposes of this section, "compliance"
3 shall be defined as the absence of a violation report submitted by a
4 Probation and Parole Officer during a calendar month. No person
5 convicted of an offense under Section 13.1 or subsections C, D, E,
6 F, G or J of Section 644 of Title 21 of the Oklahoma Statutes shall
7 be eligible for earned discharge credits under this section.

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

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

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

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

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

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

19 A. The Supreme Court, in coordination with the Department of
20 Corrections, shall establish regulations by rule for all providers
21 under contract with a district court whose duties include
22 supervision of felony probationers pursuant to Section 515a of Title
23 57 of the Oklahoma Statutes. These rules shall guide the
24 supervision and management of people on probation supervision and

1 the performance of the provider. The rules developed pursuant to
2 this section shall include, but not be limited to:

3 1. The use of a risk and needs assessment, as defined in
4 Section 502 of Title 57 of the Oklahoma Statutes, to guide
5 supervision and programming decisions and the development of an
6 individualized case plan pursuant to Section 515a of Title 57 of the
7 Oklahoma Statutes;

8 2. The application of the earned discharge program pursuant to
9 Section 4 of this act;

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

13 4. The collection and reporting of data required under Section
14 1002 of Title 57 of the Oklahoma Statutes.

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

20 1. Identifying, understanding, targeting and effectively
21 addressing an individual's criminal risk and need factors and
22 barriers to successful completion of supervision;

23 2. Supporting and encouraging compliance and behavior change;

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

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

6 C. Each judicial district shall be responsible for developing
7 and administering procedures by rule for the implementation of the
8 requirements in this section. The chief judge of each judicial
9 district shall carry out this mandate within one (1) year of the
10 effective date of this act.

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

14 A. The Department of Corrections shall develop a matrix of
15 sanctions and incentives to address behavior committed by parolees
16 and probationers who are being supervised by the Department. The
17 Department shall be authorized to use a violation response and
18 intermediate sanction process based on the matrix to apply to any
19 technical violations of the terms and conditions of parole and
20 probation, as defined in Section 502 of Title 57 of the Oklahoma
21 Statutes. The matrix shall be used for probationers in accordance
22 with the procedures laid out in Section 991b of Title 22 of the
23 Oklahoma Statutes, and for parolees in accordance with this section.

1 B. Within four (4) working days of the discovery of a parole
2 violation, the Probation and Parole Officer shall initiate the
3 violation response and intermediate sanction process. The Probation
4 and Parole Officer shall complete a sanction form, which shall
5 specify the technical violation, sanction and action plan to correct
6 the noncompliant behavior resulting in the technical violation. The
7 Probation and Parole Officer shall refer to the matrix to determine
8 the supervision, treatment and sanctions appropriate to address the
9 noncompliant behavior. The Probation and Parole Officer shall refer
10 the violation information and recommended response with a sanction
11 plan to the Department of Corrections to be heard by a hearing
12 officer. The Department of Corrections shall develop the policies
13 and procedures necessary to implement this section.

14 C. The Department of Corrections shall establish procedures to
15 hear responses to technical violations and review sanction plans for
16 parolees including the following:

17 1. Hearing officers shall report through a chain of command
18 separate from that of the supervising Probation and Parole Officers;

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

22 3. The hearing shall be held unless the offender waives the
23 right to the hearing;

24 4. The hearings shall be electronically recorded; and

1 5. The Department shall provide to the Pardon and Parole Board
2 a record of all violations and actions taken pursuant to this
3 subsection.

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

18 E. Absent a finding by the Probation and Parole Officer of an
19 offender's willful nonpayment, an offender's failure to pay fines
20 and costs may not serve as a basis for revocation.

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

23 Section 516. A. Except as provided in ~~subsection~~ subsections B
24 and C of this section, the probation and parole officer shall, upon

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

17 B. The Probation and Parole Officer shall, upon information
18 sufficient to give the officer reasonable grounds to believe that
19 the parolee has committed a technical violation of the terms and
20 conditions of parole, as defined in Section 502 of this title,
21 respond in accordance with the procedures established in Section 7
22 of this act for the use of the sanctions matrix. If the severity of
23 a violation warrants a more severe response, intermediate sanctions
24 within the sanctions matrix have been exhausted and the Department

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

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

1 not more than two (2) years, or for the remainder of the sentence,
2 whichever is less. The Governor may depart from the periods of
3 imprisonment required under this subsection if the offender is on
4 parole supervision for an offense listed in Section 13.1 of Title 21
5 of the Oklahoma Statutes.

6 D. If a parolee is arrested and detained on a warrant pursuant
7 to subsection A or subsection B of this section, the Pardon and
8 Parole Board shall hold the preliminary hearing with fifteen (15)
9 calendar days from the date the parolee is detained on the warrant.
10 The Board may, in its discretion, continue parole and modify the
11 terms and conditions of parole or forward the decision to the
12 Governor who may deliberate for a further fifteen (15) days. If the
13 Governor revokes parole of a technical violation, the Governor shall
14 impose a period of imprisonment as required pursuant to subsection C
15 of this section.

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

1 technical violation, the Governor shall impose a period of
2 imprisonment as required pursuant to subsection C of this section.

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

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

20 SECTION 9. AMENDATORY 57 O.S. 2011, Section 517, as
21 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018,
22 Section 517), is amended to read as follows:

23 Section 517. A. A Probation and Parole Officer, upon
24 information sufficient to give the officer reasonable grounds to

1 believe that a probationer has ~~been charged with or found guilty of~~
2 ~~committing a felony or misdemeanor offense, or has escaped from~~
3 ~~custody as provided in Section 443 of Title 21 of the Oklahoma~~
4 ~~Statutes,~~ committed a violation, other than a technical violation as
5 defined in Section 502 of this title, of the terms of and conditions
6 of probation, shall notify the Department. If it is determined that
7 the facts justify revocation action, the Department shall issue a
8 warrant for the arrest of the probationer and the warrant shall have
9 the force and effect of any warrant of arrest issued by a district
10 court in this state. A probationer ~~shall~~ may, after arrest, be
11 immediately incarcerated in the nearest county jail or intermediate
12 sanctions facility to await action by the court as to whether the
13 probation will be revoked.

14 B. A Probation and Parole Officer, upon information sufficient
15 to give the officer reasonable grounds to believe that a probationer
16 has ~~violated the terms or conditions of probation,~~ may notify the
17 Department. ~~If it is determined that the facts justify disciplinary~~
18 ~~sanctions, the Department shall issue a warrant for the arrest of~~
19 ~~the probationer and the warrant shall have the force and effect of~~
20 ~~any warrant of arrest issued by a district court in this state. The~~
21 ~~probationer shall, after arrest, be immediately incarcerated in the~~
22 ~~nearest county jail or intermediate sanction facility to await~~
23 ~~action by the court as to whether disciplinary sanctions shall be~~
24 ~~imposed. Upon approval of the court and the Department of~~

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

23 C. Any probationer for whom a warrant for arrest ~~issues~~ is
24 issued as provided in subsection A or B of this section may, at the

1 discretion of the court, be placed in an intermediate sanctions
2 facility pending or following any action by the court as to
3 revocation of probation or required additional conditions to remain
4 on probation. A probationer may be processed by the Department on
5 an expedited basis through any facility serving such purpose or may
6 be processed directly by the intermediate sanctions facility.

7 D. Nothing in this section shall preclude a district attorney
8 from initiating an application to revoke a suspended sentence
9 pursuant to subsection A of this section without a recommendation
10 from the Department or from initiating an application to revoke a
11 suspended sentence and referring the person to an intermediate
12 revocation facility without a recommendation from the Department
13 pursuant to subsection B of this section, when the district attorney
14 believes that competent evidence justifies the revocation of the
15 suspended sentence.

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

19 SECTION 10. This act shall become effective November 1, 2019.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 February 20, 2019 - DO PASS AS AMENDED
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