

1 **SENATE FLOOR VERSION**

2 February 12, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 118

5 By: Griffin

6 [**pardon and parole - pardon and parole hearings -**
7 **documentation to be provided to the Governor -**
8 **effective date**]

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

10 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.7, as
11 amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2014,
12 Section 332.7), is amended to read as follows:

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

- 17 1. Has completed serving one-third (1/3) of the sentence;
- 18 2. Has reached at least sixty (60) years of age and also has
19 served at least fifty percent (50%) of the time of imprisonment that
20 would have been imposed for that offense pursuant to the applicable
21 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
22 1997; provided, however, no inmate serving a sentence for crimes
23 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
24 O.S.L. 1997, or serving a sentence of life imprisonment without

1 parole shall be eligible to be considered for parole pursuant to
2 this paragraph;

3 3. Has reached eighty-five percent (85%) of the midpoint of the
4 time of imprisonment that would have been imposed for an offense
5 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
6 Section 6, Chapter 133, O.S.L. 1997, 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; or

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

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

22 C. The parole hearings conducted for persons pursuant to
23 paragraph 3 of subsection A of this section or for any person who
24 was convicted of a violent crime as set forth in Section 571 of this

1 title and who is eligible for parole consideration pursuant to
2 either paragraph 1 of subsection A of this section or subsection B
3 of this section shall be conducted in two stages, as follows:

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

9 2. At the subsequent meeting, the Board shall hear from the
10 following, in this order: offenders and their delegations, District
11 Attorneys or their designees and other law enforcement personnel,
12 and any victim or representatives of the victim that want to contest
13 the granting of parole to that person. Immediately upon conclusion
14 of the victim or representatives of the victim's presentation, the
15 Board ~~and~~ shall publicly conduct a vote regarding whether parole
16 should be recommended for that person and record such vote pursuant
17 to the provisions of the Oklahoma Open Meeting Act.

18 D. Any inmate who has parole consideration dates calculated
19 pursuant to subsection A, B or C of this section shall be considered
20 at the earliest such date. Except as otherwise directed by the
21 Pardon and Parole Board, any person who has been considered for
22 parole and was denied parole or who has waived consideration shall
23 not be reconsidered for parole:

24

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

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

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

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

24

1 G. 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 of
7 the prison system exceeds ninety-five percent (95%) of the capacity
8 as certified by the State Board of Corrections, the Pardon and
9 Parole Board may, at its discretion, recommend to the Governor for
10 parole any person who is incarcerated for a nonviolent offense not
11 involving injury to a person and who is within six (6) months of his
12 or her statutory parole eligibility date.

13 H. 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 consecutive sentence has been served or
16 where parole has been otherwise limited by law, until the minimum
17 term of incarceration has been served as required by law. Unless
18 otherwise ordered by the sentencing court, any credit for jail time
19 served shall be credited to only one offense.

20 I. The Pardon and Parole Board shall consider the prior
21 criminal record of inmates under consideration for parole
22 recommendation or granting of parole. In the event the Board grants
23 parole for a nonviolent offender who has previously been convicted
24 of an offense enumerated in Section 13.1 of Title 21 of the Oklahoma

1 Statutes or Section 571 of this title, such offender shall be
2 subject to nine (9) months' postimprisonment supervision upon
3 release.

4 J. It shall be the duty of the Pardon and Parole Board to cause
5 an examination to be made at the penal institution where the person
6 is assigned, and to make inquiry into the conduct and the record of
7 the ~~said~~ person during his or her custody in the Department of
8 Corrections, which shall be considered as a basis for consideration
9 of ~~said~~ the person for recommendation to the Governor for parole.
10 However, the Pardon and Parole Board shall not be required to
11 consider for parole any person who has completed the time period
12 provided for in this subsection if the person has participated in a
13 riot or in the taking of hostages, or has been placed on escape
14 status, while in the custody of the Department of Corrections. The
15 Pardon and Parole Board shall adopt policies and procedures
16 governing parole consideration for such persons.

17 K. Any person in the custody of the Department of Corrections
18 who is convicted of an offense not designated as a violent offense
19 by Section 571 of this title, is not a citizen of the United States
20 and is subject to or becomes subject to a final order of deportation
21 issued by the United States Department of Justice shall be
22 considered for parole to the custody of the United States
23 Immigration and Naturalization Service for continuation of
24 deportation proceedings at any time subsequent to reception and

1 processing through the Department of Corrections. No person shall
2 be considered for parole under this subsection without the
3 concurrence of at least three members of the Pardon and Parole
4 Board. The vote on whether or not to consider such person for
5 parole and the names of the concurring Board members shall be set
6 forth in the written minutes of the meeting of the Board at which
7 the issue is considered.

8 L. Upon application of any person convicted and sentenced by a
9 court of this state and relinquished to the custody of another state
10 or federal authorities pursuant to Section 61.2 of Title 21 of the
11 Oklahoma Statutes, the Pardon and Parole Board may determine a
12 parole consideration date consistent with the provisions of this
13 section and criteria established by the Pardon and Parole Board.

14 M. All references in this section to matrices or schedules
15 shall be construed with reference to the provisions of Sections 6,
16 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

17 N. Any person in the custody of the Department of Corrections
18 who is convicted of a felony sex offense pursuant to Section 582 of
19 this title who is paroled shall immediately be placed on intensive
20 supervision.

21 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.19, is
22 amended to read as follows:

23 Section 332.19. Within thirty (30) days after approval of an
24 application for pardon, the Pardon and Parole Board shall forward

1 all relevant documentation to the Governor. If such documentation
2 includes audio and video recording of the offender, anyone speaking
3 in support of the offender, or both the offender and anyone speaking
4 in support of the offender, then audio and video recording of the
5 District Attorney or his or her designee, any law enforcement
6 personnel, as well as the victim or the victim's representative,
7 shall likewise be forwarded to the Governor. If the Board is unable
8 to forward any of these audio and video presentations to the
9 Governor, then none of the recordings shall be forwarded to the
10 Governor. Upon receipt, the Governor shall have ninety (90) days to
11 grant or deny the application for pardon. If an application for
12 pardon is not approved by the Pardon and Parole Board, the
13 application for pardon shall be deemed denied. If no action is
14 taken by the Governor, the application shall be deemed denied. The
15 Pardon and Parole Board shall notify the person making application
16 for pardon of all actions taken by the Pardon and Parole Board or
17 the Governor regarding the application for pardon.

18 SECTION 3. This act shall become effective November 1, 2015.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 February 12, 2015 - DO PASS AS AMENDED
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