

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 580

By: Shaw

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6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 providing definitions; stating authority of the
9 Pardon and Parole Board; directing Pardon and Parole
10 Board to adopt certain policies, procedures and
11 assessment instruments; authorizing certain prisoners
12 to request conditional release; providing hearing
13 procedures; providing procedures for granting and
14 denying conditional release requests; providing for
15 the appointment of guardians for certain prisoners
16 who request conditional release; providing guidelines
17 for discharge plans of certain prisoners; providing
18 for codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 332.21 of Title 57, unless there
22 is created a duplication in numbering, reads as follows:

23 For the purposes of this act:

24 1. "Aging prisoner" means any person incarcerated by the
Department of Corrections who is sixty (60) years of age or older;

2. "Conditional release" means the release of a prisoner from
prison prior to the completion of his or her sentence subject to
conditions set by the Pardon and Parole Board;

1 3. "Evidence-based" means policies, procedures, programs, and
2 practices that scientific research demonstrates is an accurate
3 assessment of the risks a prisoner poses to public safety when
4 placed on conditional release;

5 4. "Mentally disabled" for the purpose of this act means a
6 person who has a condition that is a mental impairment that
7 substantially limits one or more major life activities of an
8 individual;

9 5. "Mentally ill" for the purpose of this act means a person
10 who has a substantial disorder of thought, mood, perception,
11 psychological orientation or memory that significantly impairs
12 judgment, behavior, capacity to recognize reality or ability to meet
13 the ordinary demands of life; and

14 6. "Risk assessment instrument" means a peer-reviewed,
15 actuarial mechanism for determining the likelihood of a prisoner
16 posing a substantial public safety risk that is tested on the local
17 population of the state and tested for the purpose of granting
18 release from prison.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 332.22 of Title 57, unless there
21 is created a duplication in numbering, reads as follows:

22 A. The authority to grant conditional release under Section 3
23 of this act shall rest with the Pardon and Parole Board.

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1 B. The Department of Corrections shall select an evidence-based
2 risk assessment instrument to assess the public safety risk posed by
3 aging prisoners upon release.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 332.23 of Title 57, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Unless eligible for release at an earlier date, an aging
8 prisoner who has been committed to the Department of Corrections for
9 a term or terms of imprisonment shall have the ability to request a
10 conditional release hearing before the Pardon and Parole Board if
11 the prisoner has served, in actual custody, the shorter of:

- 12 1. Ten (10) years of the term or terms of imprisonment; or
- 13 2. One-third (1/3) of the total term or terms of imprisonment.

14 B. Once a prisoner requests a conditional release hearing under
15 subsection A of this section, the Pardon and Parole Board shall hold
16 a conditional release hearing. At any conditional release hearing:

17 1. The Pardon and Parole Board shall grant conditional release
18 to a prisoner if the Board finds by a preponderance of the evidence
19 that:

- 20 a. the prisoner, if released, can live and remain at
21 liberty without posing a substantial risk to public
22 safety, or
- 23 b. the prisoner, if released, will pose a substantial
24 risk to public safety but release conditions can be

1 imposed that will reduce this risk so that it is no
2 longer substantial.

3 2. The Pardon and Parole Board shall use the selected evidence-
4 based risk assessment instrument to make the determination provided
5 for in paragraph 1 of this subsection. This determination must not
6 be based solely on the offense or offenses for which the prisoner
7 was incarcerated.

8 3. The Pardon and Parole Board shall provide to the prisoner:

9 a. the opportunity to speak on his or her own behalf and
10 the option of having counsel present at the hearing,
11 and

12 b. the ability to challenge a risk assessment
13 determination.

14 C. If the Pardon and Parole Board denies the prisoner
15 conditional release the prisoner may reapply for conditional release
16 after twenty-four (24) months from the date of the decision made by
17 the Board.

18 D. If the Pardon and Parole Board grants the prisoner
19 conditional release the Department of Corrections shall, within
20 thirty (30) days of the decision and prior to the release of the
21 prisoner, prepare an individualized discharge plan that:

22 1. Sets conditions of supervision and treatment if necessary
23 for the release of a prisoner based on his or her individual risk
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1 assessment profile, as determined by the evidence-based risk
2 assessment instrument used to grant release;

3 2. Includes a brief statement of state and federal public
4 benefits available to the prisoner and contact information for
5 relevant government agencies;

6 3. Provides at release a thirty-day supply of all essential
7 medications to the prisoner if the prisoner was receiving these
8 essential medications or supplies while incarcerated; and

9 4. Assigns a social worker to assist in the reintegration of
10 the prisoner into society, find employment and housing, procure
11 medical care, procure any appropriate public benefits, and design
12 and implement additional details of an individualized discharge
13 plan.

14 E. If a prisoner, who the Department of Corrections determines
15 is mentally ill or mentally disabled, applies for conditional
16 release the Department of Corrections shall appoint a guardian to
17 represent the best interests of the prisoner at the conditional
18 release hearing. If the Board decides to grant release to the
19 prisoner, the Department of Corrections shall include in any
20 discharge plan the following:

21 1. An individualized assessment for clinically appropriate
22 forms of continuing mental health treatment and support services for
23 the prisoner, and

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1 2. A confirmed residential placement consistent with the
2 assessment in paragraph 1 of this subsection.

3 SECTION 4. This act shall become effective November 1, 2015.

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