

1 ENGROSSED SENATE AMENDMENTS  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2286

By: O'Donnell of the House

and

Treat of the Senate

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4  
5  
6  
7 [ pardon and parole - providing certain application  
8 of earned credits - providing for administrative  
9 parole for certain inmates - effective date -  
10 emergency ]

11  
12  
13 AUTHOR: Add the following Senate Coauthor: Pittman

14 AMENDMENT NO. 1. Page 39, lines 8-17, by striking all language

15 AMENDMENT NO. 2. Page 1, strike the enacting clause

16 and when the title is restored, amend the title to  
17 conform

1 Passed the Senate the 26th day of April, 2017.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2017.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

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11

12

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

14 SECTION 1. NEW LAW A new section of law not to be  
15 codified in the Oklahoma Statutes reads as follows:

16 It is the intent of this Legislature that the Pardon and Parole  
17 Board as well as the Governor shall consider parole to be an  
18 essential public safety mechanism used to incentivize compliance in  
19 programs and treatment in prison and to provide effective  
20 supervision upon release from prison. Parole shall be a means of  
21 safely releasing in a timely fashion compliant inmates with the  
22 skills and resources necessary to be successful in the community.

23

24

1 SECTION 2. AMENDATORY 57 O.S. 2011, Section 138, as last  
2 amended by Section 4, Chapter 360, O.S.L. 2015 (57 O.S. Supp. 2016,  
3 Section 138), is amended to read as follows:

4 Section 138. A. Except as otherwise provided by law, every  
5 inmate of a state correctional institution shall have their term of  
6 imprisonment reduced monthly, based upon the class level to which  
7 they are assigned. Earned credits may be subtracted from the total  
8 credits accumulated by an inmate, upon recommendation of the  
9 institution's disciplinary committee, following due process, and  
10 upon approval of the warden or superintendent. Each earned credit  
11 is equivalent to one (1) day of incarceration. Lost credits may be  
12 restored by the warden or superintendent upon approval of the  
13 classification committee. If a maximum and minimum term of  
14 imprisonment is imposed, the provisions of this subsection shall  
15 apply only to the maximum term. No deductions shall be credited to  
16 any inmate serving a sentence of life imprisonment; however, a  
17 complete record of the inmate's participation in work, school,  
18 vocational training, or other approved program shall be maintained  
19 by the Department for consideration by the paroling authority. No  
20 earned credit deductions shall be credited or recorded for any  
21 inmate serving any sentence for a criminal act which resulted in the  
22 death of a police officer, a law enforcement officer, an employee of  
23 the Department of Corrections, or an employee of a private prison  
24 contractor and the death occurred while the police officer, law

1 enforcement officer, employee of the Department of Corrections, or  
2 employee of a private prison contractor was acting within the scope  
3 of their employment. No earned credit deductions shall be credited  
4 or recorded for any person who is referred to an intermediate  
5 revocation facility for violating any of the terms and conditions of  
6 probation.

7 B. The Department of Corrections is directed to develop a  
8 written policy and procedure whereby inmates shall be assigned to  
9 one of four class levels determined by an adjustment review  
10 committee of the facility to which the inmate is assigned. The  
11 policies and procedures developed by the Department shall include,  
12 but not be limited to, written guidelines pertaining to awarding  
13 credits for rehabilitation, obtaining job skills and educational  
14 enhancement, participation in and completion of alcohol/chemical  
15 abuse programs, incentives for inmates to accept work assignments  
16 and jobs, work attendance and productivity, conduct record,  
17 participation in programs, cooperative general behavior, and  
18 appearance. When assigning inmates to a class level the adjustment  
19 review committee shall consider all aspects of the policy and  
20 procedure developed by the Department including but not limited to  
21 the criteria for awarding credits required by this subsection.

22 C. If an inmate is subject to misconduct, nonperformance or  
23 disciplinary action, earned credits may be removed according to the  
24 policies and procedures developed by the Department. Earned credits

1 removed for misconduct, nonperformance or disciplinary action may be  
2 restored as provided by Department policy, if any.

3 D. 1. Class levels shall be as follows:

4 a. Class level 1 shall include inmates not eligible to  
5 participate in class levels 2 through 4, and shall  
6 include, but not be limited to, inmates on escape  
7 status.

8 b. Class level 2 shall include an inmate who has been  
9 given a work, education, or program assignment, has  
10 received a good evaluation for participation in the  
11 work, education, or program assignment, and has  
12 received a good evaluation for personal hygiene and  
13 maintenance of living area.

14 c. Class level 3 shall include an inmate who has been  
15 incarcerated at least three (3) months, has received  
16 an excellent work, education, or program evaluation,  
17 and has received an excellent evaluation for personal  
18 hygiene and maintenance of living area.

19 d. Class level 4 shall include an inmate who has been  
20 incarcerated at least eight (8) months, has received  
21 an outstanding work, education, or program evaluation,  
22 and has received an outstanding evaluation for  
23 personal hygiene and maintenance of living area.  
24

1        2.    a.    Until November 1, 2001, class level corresponding  
2                    credits are as follows:

3                    Class 1 - 0 Credits per month;

4                    Class 2 - 22 Credits per month;

5                    Class 3 - 33 Credits per month;

6                    Class 4 - 44 Credits per month.

7                    b.    Class level corresponding credits beginning November  
8                    1, 2001, for inmates who have ever been convicted as  
9                    an adult or a youthful offender or adjudicated  
10                    delinquent as a juvenile for a felony offense  
11                    enumerated in subsection E of this section are as  
12                    follows:

13                    Class 1 - 0 Credits per month;

14                    Class 2 - 22 Credits per month;

15                    Class 3 - 33 Credits per month;

16                    Class 4 - 44 Credits per month.

17                    c.    Class level corresponding credits beginning November  
18                    1, 2001, for inmates who have never been convicted as  
19                    an adult or a youthful offender or adjudicated  
20                    delinquent as a juvenile for a felony offense  
21                    enumerated in subsection E of this section are as  
22                    follows:

23                    Class 1 - 0 Credits per month;

24                    Class 2 - 22 Credits per month;

1                   Class 3 - 45 Credits per month;

2                   Class 4 - 60 Credits per month.

3           Each inmate shall receive the above specified monthly credits  
4 for the class to which he or she is assigned. In determining the  
5 prior criminal history of the inmate, the Department of Corrections  
6 shall review criminal history records available through the Oklahoma  
7 State Bureau of Investigation, Federal Bureau of Investigation, and  
8 National Crime Information Center to determine the reported felony  
9 convictions of all inmates. The Department of Corrections shall  
10 also review the Office of Juvenile Affairs Juvenile On-line Tracking  
11 System for inmates who were adjudicated delinquent or convicted as a  
12 youthful offender for a crime that would be an offense enumerated in  
13 subsection E of this section.

14           3. In addition to the criteria established for each class in  
15 paragraph 1 of this subsection, the following requirements shall  
16 apply to each of levels 2 through 4 as listed in paragraph 1 of this  
17 subsection:

- 18           a. satisfactory participation in the work, education, or  
19           program assignment at the standard required for the  
20           particular class level,
- 21           b. maintenance of a clean and orderly living area and  
22           personal hygiene at the standard required for the  
23           particular class level,

1 c. cooperative behavior toward facility staff and other  
2 inmates, and

3 d. satisfactory participation in the requirements of the  
4 previous class level.

5 4. The evaluation scale for assessing performance shall be as  
6 follows:

7 a. Outstanding - For inmates who display consistently  
8 exceptional initiative, motivation, and work habits.

9 b. Excellent - For inmates who display above-average work  
10 habits with only minor errors and rarely perform below  
11 expectations.

12 c. Good - For inmates who perform in a satisfactory  
13 manner and complete tasks as required, doing what is  
14 expected, with only occasional performance above or  
15 below expectations.

16 d. Fair - For inmates who may perform satisfactorily for  
17 some periods of time, but whose performance is marked  
18 by obviously deficient and weak areas and could be  
19 improved.

20 e. Poor - For inmates whose performance is unsatisfactory  
21 and falls below expected and acceptable standards.

22 E. No person ever convicted as an adult or a youthful offender  
23 or adjudicated delinquent as a juvenile in this state for any felony  
24 offense enumerated in this subsection or a similar felony offense

1 pursuant to the provisions of another state, the United States, or a  
2 military court shall be eligible for the credits provided by the  
3 provisions of subparagraph c of paragraph 2 of subsection D of this  
4 section.

5 1. Assault, battery, or assault and battery with a dangerous  
6 weapon as defined by Section 645, subsection C of Section 652 of  
7 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

8 2. Aggravated assault and battery on a police officer, sheriff,  
9 highway patrolman, or any other officer of the law as defined by  
10 Section 650, subsection C of Section 650.2, 650.5, subsection B of  
11 Section 650.6, or subsection C of Section 650.7 of Title 21 of the  
12 Oklahoma Statutes;

13 3. Poisoning with intent to kill as defined by Section 651 of  
14 Title 21 of the Oklahoma Statutes;

15 4. Shooting with intent to kill as defined by Section 652 of  
16 Title 21 of the Oklahoma Statutes;

17 5. Assault with intent to kill as defined by Section 653 of  
18 Title 21 of the Oklahoma Statutes;

19 6. Assault with intent to commit a felony as defined by Section  
20 681 of Title 21 of the Oklahoma Statutes;

21 7. Assaults while masked or disguised as defined by Section  
22 1303 of Title 21 of the Oklahoma Statutes;

23 8. Entering premises of another while masked as defined by  
24 Section 1302 of Title 21 of the Oklahoma Statutes;

- 1        9. Murder in the first degree as defined by Section 701.7 of  
2 Title 21 of the Oklahoma Statutes;
- 3        10. Solicitation for Murder in the first degree as defined by  
4 Section 701.16 of Title 21 of the Oklahoma Statutes;
- 5        11. Murder in the second degree as defined by Section 701.8 of  
6 Title 21 of the Oklahoma Statutes;
- 7        12. Manslaughter in the first degree as defined by Section 711,  
8 712 or 714 of Title 21 of the Oklahoma Statutes;
- 9        13. Manslaughter in the second degree as defined by Section 716  
10 or 717 of Title 21 of the Oklahoma Statutes;
- 11       14. Kidnapping as defined by Section 741 of Title 21 of the  
12 Oklahoma Statutes;
- 13       15. Burglary in the first degree as defined by Section 1431 of  
14 Title 21 of the Oklahoma Statutes;
- 15       16. Burglary with explosives as defined by Section 1441 of  
16 Title 21 of the Oklahoma Statutes;
- 17       17. Kidnapping for extortion as defined by Section 745 of Title  
18 21 of the Oklahoma Statutes;
- 19       18. Maiming as defined by Section 751 of Title 21 of the  
20 Oklahoma Statutes;
- 21       19. Robbery as defined by Section 791 of Title 21 of the  
22 Oklahoma Statutes;
- 23       20. Robbery in the first degree as defined by Section 797 of  
24 Title 21 of the Oklahoma Statutes;

1        21. Robbery in the second degree as defined by Section 797 of  
2 Title 21 of the Oklahoma Statutes;

3        22. Armed robbery as defined by Section 801 of Title 21 of the  
4 Oklahoma Statutes;

5        23. Robbery by two or more persons as defined by Section 800 of  
6 Title 21 of the Oklahoma Statutes;

7        24. Robbery with dangerous weapon or imitation firearm as  
8 defined by Section 801 of Title 21 of the Oklahoma Statutes;

9        25. Any crime against a child provided for in Section 843.5 of  
10 Title 21 of the Oklahoma Statutes;

11       26. Wiring any equipment, vehicle or structure with explosives  
12 as defined by Section 849 of Title 21 of the Oklahoma Statutes;

13       27. Forcible sodomy as defined by Section 888 of Title 21 of  
14 the Oklahoma Statutes;

15       28. Rape in the first degree as defined by Sections 1111 and  
16 1114 of Title 21 of the Oklahoma Statutes;

17       29. Rape in the second degree as defined by Sections 1111 and  
18 1114 of Title 21 of the Oklahoma Statutes;

19       30. Rape by instrumentation as defined by Section 1111.1 of  
20 Title 21 of the Oklahoma Statutes;

21       31. Lewd or indecent proposition or lewd or indecent act with a  
22 child as defined by Section 1123 of Title 21 of the Oklahoma  
23 Statutes;

24

1           32. Sexual battery of a person over 16 as defined by Section  
2 1123 of Title 21 of the Oklahoma Statutes;

3           33. Use of a firearm or offensive weapon to commit or attempt  
4 to commit a felony as defined by Section 1287 of Title 21 of the  
5 Oklahoma Statutes;

6           34. Pointing firearms as defined by Section 1289.16 of Title 21  
7 of the Oklahoma Statutes;

8           35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of  
9 the Oklahoma Statutes;

10          36. Inciting to riot as defined by Section 1320.2 of Title 21  
11 of the Oklahoma Statutes;

12          37. Arson in the first degree as defined by Section 1401 of  
13 Title 21 of the Oklahoma Statutes;

14          38. Endangering human life during arson as defined by Section  
15 1405 of Title 21 of the Oklahoma Statutes;

16          39. Injuring or burning public buildings as defined by Section  
17 349 of Title 21 of the Oklahoma Statutes;

18          40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of  
19 Title 21 of the Oklahoma Statutes;

20          41. Extortion as defined by Section 1481 or 1486 of Title 21 of  
21 the Oklahoma Statutes;

22          42. Obtaining signature by extortion as defined by Section 1485  
23 of Title 21 of the Oklahoma Statutes;

24

- 1        43. Seizure of a bus, discharging firearm or hurling missile at  
2 bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;
- 3        44. Mistreatment of a vulnerable adult as defined by Section  
4 843.1 of Title 21 of the Oklahoma Statutes;
- 5        45. Sex offender providing services to a child as defined by  
6 Section 404.1 of Title 10 of the Oklahoma Statutes;
- 7        46. A felony offense of domestic abuse as defined by subsection  
8 C of Section 644 of Title 21 of the Oklahoma Statutes;
- 9        47. Prisoner placing body fluid on government employee as  
10 defined by Section 650.9 of Title 21 of the Oklahoma Statutes;
- 11       48. Poisoning food or water supply as defined by Section 832 of  
12 Title 21 of the Oklahoma Statutes;
- 13       49. Trafficking in children as defined by Section 866 of Title  
14 21 of the Oklahoma Statutes;
- 15       50. Incest as defined by Section 885 of Title 21 of the  
16 Oklahoma Statutes;
- 17       51. Procure, produce, distribute, or possess juvenile  
18 pornography as defined by Section 1021.2 of Title 21 of the Oklahoma  
19 Statutes;
- 20       52. Parental consent to juvenile pornography as defined by  
21 Section 1021.3 of Title 21 of the Oklahoma Statutes;
- 22       53. Soliciting minor for indecent exposure as defined by  
23 Section 1021 of Title 21 of the Oklahoma Statutes;
- 24

1       54. Distributing obscene material or child pornography as  
2 defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

3       55. Child prostitution as defined by Section 1030 of Title 21  
4 of the Oklahoma Statutes;

5       56. Procuring a minor for prostitution or other lewd acts as  
6 defined by Section 1087 of Title 21 of the Oklahoma Statutes;

7       57. Transporting a child under 18 for purposes of prostitution  
8 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

9       58. Inducing a minor to engage in prostitution as defined by  
10 Section 1088 of Title 21 of the Oklahoma Statutes;

11       59. A felony offense of stalking as defined by subsection D of  
12 Section 1173 of Title 21 of the Oklahoma Statutes;

13       60. Spread of infectious diseases as defined by Section 1192 of  
14 Title 21 of the Oklahoma Statutes;

15       61. Advocate overthrow of government by force, commit or  
16 attempt to commit acts to overthrow the government, organize or  
17 provide assistance to groups to overthrow the government as defined  
18 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma  
19 Statutes;

20       62. Feloniously discharging a firearm as defined by Section  
21 1289.17A of Title 21 of the Oklahoma Statutes;

22       63. Possession, use, manufacture, or threat of incendiary  
23 device as defined by Section 1767.1 of Title 21 of the Oklahoma  
24 Statutes;

1       64. Causing a personal injury accident while driving under the  
2 influence as defined by Section 11-904 of Title 47 of the Oklahoma  
3 Statutes; or

4       65. Using a motor vehicle to facilitate the discharge of a  
5 firearm as defined by Section 652 of Title 21 of the Oklahoma  
6 Statutes.

7       F. The policy and procedure developed by the Department of  
8 Corrections shall include provisions for adjustment review  
9 committees of not less than three members for each such committee.  
10 Each committee shall consist of a classification team supervisor who  
11 shall act as chairman, the case manager for the inmate being  
12 reviewed or classified, a correctional officer or inmate counselor,  
13 and not more than two other members, if deemed necessary, determined  
14 pursuant to policy and procedure to be appropriate for the specific  
15 adjustment review committee or committees to which they are  
16 assigned. At least once every four (4) months the adjustment review  
17 committee for each inmate shall evaluate the class level status and  
18 performance of the inmate and determine whether or not the class  
19 level for the inmate should be changed.

20       Any inmate who feels aggrieved by a decision made by an  
21 adjustment review committee may utilize normal grievance procedures  
22 in effect with the Department of Corrections and in effect at the  
23 facility in which the inmate is incarcerated.

1 G. Inmates granted medical leaves for treatment that cannot be  
2 furnished at the penal institution where incarcerated shall be  
3 allowed the time spent on medical leave as time served. Any inmate  
4 placed into administrative segregation for nondisciplinary reasons  
5 by the institution's administration may be placed in Class 2. The  
6 length of any jail term served by an inmate before being transported  
7 to a state correctional institution pursuant to a judgment and  
8 sentence of incarceration shall be deducted from the term of  
9 imprisonment at the state correctional institution. Inmates  
10 sentenced to the Department of Corrections and detained in a county  
11 jail as a result of the Department's reception scheduling procedure  
12 shall be awarded earned credits as provided for in subparagraph b of  
13 paragraph 1 of subsection D of this section, beginning on the date  
14 of the judgment and sentence, unless the inmate is convicted of a  
15 misdemeanor or felony committed in the jail while the inmate is  
16 awaiting transport to the Lexington Assessment and Reception Center  
17 or other assessment and reception location determined by the  
18 Director of the Department of Corrections.

19 H. Additional achievement earned credits for successful  
20 completion of departmentally approved programs or for attaining  
21 goals or standards set by the Department shall be awarded as  
22 follows:

- 23 Bachelor's degree.....200 credits;
- 24 Associate's degree.....100 credits;

1 High School Diploma or High School  
2 Equivalency Diploma.....90 credits;  
3 Certification of Completion of  
4 Vocational Training.....80 credits;  
5 Successful completion of  
6 Alcohol/Chemical Abuse Treatment  
7 Program of not less than four (4)  
8 months continuous participation.....70 credits;  
9 Successful completion of other  
10 Educational Accomplishments or  
11 other programs not specified in  
12 this subsection.....10-30 credits~~±~~.

13 Achievement earned credits are subject to loss and restoration in  
14 the same manner as earned credits.

15 I. The accumulated time of every inmate shall be tallied  
16 ~~monthly and maintained by the institution where the term of~~  
17 ~~imprisonment is being served.~~ A record of said accumulated time  
18 shall be~~±~~

- 19 ~~1. Sent to the administrative office of the Department of~~  
20 ~~Corrections on a quarterly basis; and~~  
21 ~~2. Provided~~ provided to the inmate.

22 J. For a crime committed on or after November 1, 2017, any  
23 person in the custody of the Department of Corrections must serve  
24 one-fourth (1/4) of the sentence before the application of earned

1 credits or any other type of credits. The application of credits  
2 shall not have the effect of reducing the length of the sentence to  
3 less than one-fourth (1/4) of the sentence imposed.

4 SECTION 3. AMENDATORY 57 O.S. 2011, Section 332.1A, is  
5 amended to read as follows:

6 Section 332.1A A. Each member of the Pardon and Parole Board  
7 shall receive at least twelve (12) hours of training for the first  
8 year and six (6) hours of training per year thereafter on matters  
9 relating to the duties of the Board. ~~The training shall be provided~~  
10 ~~by personnel of the Pardon and Parole Board according to guidelines~~  
11 ~~adopted by the Board.~~

12 B. Each member of the Pardon and Parole Board shall complete  
13 annual training based on guidance from the National Institute of  
14 Corrections, the Association of Paroling Authorities International  
15 or the American Probation and Parole Association. Annual training  
16 curriculum shall include, but not be limited to, identifying,  
17 understanding and targeting criminogenic needs, the principles of  
18 effective intervention, core correctional practices and how to  
19 support and encourage offender behavior change.

20 SECTION 4. AMENDATORY 57 O.S. 2011, Section 332.1B, is  
21 amended to read as follows:

22 Section 332.1B A. To be eligible for appointment as a Pardon  
23 and Parole Board member, a person shall possess ~~at least one of the~~  
24 ~~following minimum qualifications:~~

1 ~~1. A bachelor's degree in the social sciences from an~~  
2 ~~accredited college or university and five (5) years of experience in~~  
3 ~~the criminal justice field;~~

4 ~~2. A master's degree and four (4) years of experience in the~~  
5 ~~criminal justice field; or~~

6 ~~3. A juris doctorate and three (3) years of experience in the~~  
7 ~~criminal justice field~~ a bachelor's degree from an accredited  
8 college or university and have at least five (5) years of experience  
9 in one or more of the following fields: criminal justice, parole,  
10 probation, corrections, criminal law, law enforcement, mental health  
11 services, substance abuse services or social work.

12 B. At least two members of the Pardon and Parole Board shall  
13 have five (5) years of training or experience in mental health  
14 services, substance abuse services or social work.

15 SECTION 5. AMENDATORY 57 O.S. 2011, Section 332.2, as  
16 amended by Section 1, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,  
17 Section 332.2), is amended to read as follows:

18 Section 332.2 A. The Pardon and Parole Board, which shall meet  
19 only on the call of the Chairman, is authorized, if and when an  
20 application made to the Governor for a reprieve, commutation,  
21 parole, pardon, or other act of clemency is certified thereto by the  
22 Governor, to examine into the merits of said application and make  
23 recommendations to the Governor in relation thereto, said

1 recommendation being advisory to the Governor and not binding  
2 thereon.

3 B. Any consideration for commutation shall be made only after  
4 application is made to the Pardon and Parole Board pursuant to the  
5 procedures set forth in this section. The Pardon and Parole Board  
6 shall provide a copy of the application to the district attorney,  
7 the victim or representative of the victim and the Office of the  
8 Attorney General within ten (10) business days of receipt of such  
9 application.

10 C. An application for commutation must be sent to the trial  
11 officials, who shall have twenty (20) business days to provide a  
12 written recommendation or protest prior to consideration of the  
13 application. Trial officials shall include:

14 1. The current elected judge of the court where the conviction  
15 was had;

16 2. The current elected district attorney of the jurisdiction  
17 where the conviction was had; or

18 3. The chief or head administrative officer of the arresting  
19 law enforcement agency.

20 D. In cases resolved prior to the tenure of the present  
21 officeholders, the recommendation or protest of persons holding such  
22 offices at the time of conviction may also be considered by the  
23 Board.

24

1 E. The recommendation for commutation of a sentence by a trial  
2 official may include the following:

3 1. A statement that the penalty now appears to be excessive;

4 2. A recommendation of a definite term now considered by the  
5 official as just and proper; and

6 3. A statement of the reasons for the recommendation based upon  
7 facts directly related to the case which were not available to the  
8 court or jury at the time of the trial or based upon there having  
9 been a statutory change in penalty for the crime which makes the  
10 original penalty appear excessive.

11 F. The Pardon and Parole Board shall schedule the application  
12 on a commutation docket in compliance with the notice requirements  
13 set forth herein. The Board shall provide the victim or  
14 representative of the victim at least twenty (20) days to offer  
15 recommendations or protests before consideration of the application.

16 G. Applications for commutation shall be given impartial review  
17 as required in Section 10 of Article VI of the Oklahoma  
18 Constitution.

19 H. Any consideration for pardon shall be made only after  
20 application is made to the Pardon and Parole Board. Upon receipt of  
21 an application for pardon, the Board shall provide a copy of the  
22 application to the district attorney, the victim or representative  
23 of the victim and the Office of the Attorney General within twenty  
24 (20) business days of receipt of such application. The district

1 attorney and the victim or representative of the victim shall have  
2 twenty (20) business days to provide written recommendation or  
3 protest prior to the consideration of the application. The Board  
4 shall schedule the application on a pardon docket in compliance with  
5 the notice requirements set forth herein.

6 I. In accordance with Section 10 of Article VI of the Oklahoma  
7 Constitution, the Board shall communicate to the Legislature, at  
8 each regular session, by providing a summary of the activities of  
9 the Board. This summary shall include, but not be limited to, the  
10 following Board activity:

11 1. The approval or recommendation rates of the Board for both  
12 violent and nonviolent offenses;

13 2. The parole approval rates for each individual Board member  
14 for both violent and nonviolent offenses; and

15 3. The percentage of public comments to and personal  
16 appearances before the Board including victim protests and personal  
17 appearances, district attorney protests and personal appearances,  
18 and delegate recommendations and personal appearances on behalf of  
19 the offender.

20 This summary shall be made available to the public through  
21 publication on the website of the Pardon and Parole Board.

22 J. The Pardon and Parole Board shall provide a copy of their  
23 regular docket and administrative parole docket to each district  
24 attorney in this state at least twenty (20) days before such docket

1 is considered by the Board, or in the case of a supplemental,  
2 addendum or special docket, at least ten (10) days before such  
3 docket is considered by the Board, and shall notify the district  
4 attorney of any recommendations for commutations or paroles no later  
5 than twenty (20) days after the docket is considered by the Board.

6 K. The Pardon and Parole Board shall notify all victims or  
7 representatives of the victim in writing at least twenty (20) days  
8 before an inmate is considered by the Board provided the Board has  
9 received a request from the victim or representatives of the victim  
10 for notice. The Board shall provide all victims or representatives  
11 of the victim with the date, time and place of the scheduled meeting  
12 and rules for attendance and providing information or input to the  
13 Board regarding the inmate or the crime. If requested by the victim  
14 or representatives of the victim, the Board shall allow the victim  
15 or representatives of the victim to testify at the parole hearing of  
16 the inmate for at least five (5) minutes.

17 L. The Pardon and Parole Board shall notify all victims or  
18 representatives of the victim in writing of the decision of the  
19 Board no later than twenty (20) days after the inmate is considered  
20 by the Board.

21 M. Any notice required to be provided to the victims or the  
22 representatives of the victim shall be mailed by first-class mail to  
23 the last-known address of the victim or representatives of the  
24 victim. It is the responsibility of the victims or representatives

1 of the victim to provide the Pardon and Parole Board a current  
2 mailing address. The victim-witness coordinator of the district  
3 attorney shall assist the victims or representatives of the victim  
4 with supplying their address to the Board if they wish to be  
5 notified. Upon failure of the Pardon and Parole Board to notify a  
6 victim who has requested notification and has provided a current  
7 mailing address, the final decision of the Board may be voidable,  
8 provided, the victim who failed to receive notification requests a  
9 reconsideration hearing within thirty (30) days of the  
10 recommendation by the Board for parole. The Pardon and Parole Board  
11 may reconsider previous action and may rescind a recommendation if  
12 deemed appropriate as determined by the Board.

13 N. For purposes of this section, "victim" shall mean all  
14 persons who have suffered direct or threatened physical or emotional  
15 harm, or financial loss as the result of the commission or attempted  
16 commission of criminally injurious conduct, and "representatives of  
17 the victim" shall mean those persons who are members of the  
18 immediate family of the victim, including stepparents, stepbrothers,  
19 stepsisters, and stepchildren.

20 O. All meetings of the Pardon and Parole Board shall comply  
21 with Section 301 et seq. of Title 25 of the Oklahoma Statutes;  
22 provided that the Board shall have the authority to limit the number  
23 of persons attending in support of, or in opposition to, any inmate  
24 being considered for parole and shall have the authority to exclude

1 persons from attendance in accordance with prison security  
2 regulations and the capacity of the meeting room. Persons excluded  
3 from attending the meeting under this provision shall be informed of  
4 their right to be informed of the vote of the Board in accordance  
5 with Section 312 of Title 25 of the Oklahoma Statutes. Provided  
6 further, nothing in this section shall be construed to prevent any  
7 member of the press or any public official from attending any  
8 meeting of the Pardon and Parole Board, except as provided by the  
9 Oklahoma Open Meeting Act.

10 P. All victim information maintained by the Department of  
11 Corrections and the Pardon and Parole Board shall be confidential  
12 and shall not be released.

13 SECTION 6. AMENDATORY 57 O.S. 2011, Section 332.7, as  
14 amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,  
15 Section 332.7), is amended to read as follows:

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

- 20 1. Has completed serving one-third (1/3) of the sentence;
- 21 2. Has reached at least sixty (60) years of age and also has  
22 served at least fifty percent (50%) of the time of imprisonment that  
23 would have been imposed for that offense pursuant to the applicable  
24 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.

1 1997; provided, however, no inmate serving a sentence for crimes  
2 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,  
3 O.S.L. 1997, or serving a sentence of life imprisonment without  
4 parole shall be eligible to be considered for parole pursuant to  
5 this paragraph;

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

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

19 B. For a crime committed on or after July 1, 1998, and before  
20 November 1, 2017, any person in the custody of the Department of  
21 Corrections shall be eligible for consideration for parole who has  
22 completed serving one-third (1/3) of the sentence; provided,  
23 however, no inmate serving a sentence of life imprisonment without  
24

1 parole shall be eligible to be considered for parole pursuant to  
2 this subsection.

3 C. For a crime committed on or after November 1, 2017, any  
4 person in the custody of the Department of Corrections shall be  
5 eligible for parole after serving one-fourth (1/4) of the sentence  
6 or aggregate term of the consecutive sentences imposed, according to  
7 the following criteria:

8 1. A person eligible for parole under this subsection shall be  
9 eligible for administrative parole under subsection T of this  
10 section once the person serves one-fourth (1/4) of the sentence or  
11 the aggregate term made up of consecutive sentences imposed;  
12 provided, however, no inmate serving a sentence of life imprisonment  
13 without parole or a sentence for a violent crime as set forth in  
14 Section 571 of this title shall be eligible for administrative  
15 parole;

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

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

1 ~~either~~ subsection B or subsection C of Section 7 of this act,  
2 paragraph 1 of subsection A of this section ~~or,~~ subsection B or  
3 paragraph 2 of subsection C of this section shall be conducted in  
4 two stages, as follows:

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

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

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

21 1. Within three (3) years of the denial or waiver, if the  
22 person was convicted of a violent crime, as set forth in Section 571  
23 of this title, and was eligible for consideration pursuant to  
24 subsection B or subsection C of Section 7 of this act, paragraph 1

1 of subsection A of this section ~~or~~, subsection B of this section or  
2 paragraph 2 of subsection C of this section, unless the person is  
3 within one (1) year of discharge; or

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

10 ~~E.~~ F. If the Pardon and Parole Board denies parole, the Board  
11 shall state on the record the reason for denial.

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

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

21 ~~F.~~ I. The Pardon and Parole Board shall promulgate rules for  
22 the implementation of subsections A, B and C of this section. The  
23 rules shall include, but not be limited to, procedures for  
24 reconsideration of persons denied parole under this section and

1 procedure for determining what sentence a person eligible for parole  
2 consideration pursuant to subsection A of this section would have  
3 received under the applicable matrix.

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

16 ~~H.~~ K. Inmates sentenced to consecutive sentences shall not be  
17 eligible for parole consideration on any such consecutive sentence  
18 until one-third (1/3) of the aggregate term of the consecutive  
19 sentence ~~has~~ or sentences have been served or where parole has been  
20 otherwise limited by law, until the minimum term of incarceration  
21 has been 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.

3 ~~F.~~ L. The Pardon and Parole Board shall consider the ~~prior~~  
4 ~~criminal record of inmates under consideration for parole~~  
5 ~~recommendation or granting of parole~~ following factors when  
6 determining the suitability of an inmate for parole:

7 1. The circumstances and severity of the offense for which the  
8 person was convicted, and the circumstances and severity of previous  
9 convictions;

10 2. Whether the inmate has a suitable residence;

11 3. Compliance by the inmate with the case plan developed in  
12 accordance with Section 512 of this title;

13 4. Whether there is reasonable probability that the inmate, if  
14 released on parole, will not jeopardize public safety and will  
15 remain at liberty without violating the law;

16 5. An updated victim impact statement or recommendation in  
17 accordance with Section 332.8 of this title;

18 6. Any testimony presented to the Board by the victim or the  
19 designated representative of the victim under Section 332.2 of this  
20 title; and

21 7. Any written statement from a district attorney.

22 M. In the event the Board grants parole for a nonviolent  
23 offender who has previously been convicted of an offense enumerated  
24 in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571

1 of this title, such offender shall be subject to nine (9) months  
2 postimprisonment supervision upon release.

3 ~~J.~~ N. It shall be the duty of the Pardon and Parole Board to  
4 cause an examination to be made at the penal institution where the  
5 person is assigned, and to make inquiry into the conduct and the  
6 record of the said person during his custody in the Department of  
7 Corrections, which shall be considered as a basis for consideration  
8 of said person for recommendation to the Governor for parole.

9 ~~However, the~~ The Pardon and Parole Board, in consultation with the  
10 Department of Corrections, shall develop a structured, publicly  
11 available reporting worksheet to be compiled by employees of the  
12 Board when conducting parole investigations. The Pardon and Parole  
13 Board shall not be required to consider for parole any person who  
14 has completed the time period provided for in this subsection if the  
15 person has participated in a riot or in the taking of hostages, or  
16 has been placed on escape status, while in the custody of the  
17 Department of Corrections. The Pardon and Parole Board shall adopt  
18 policies and procedures governing parole consideration for such  
19 persons.

20 ~~K.~~ O. Any person in the custody of the Department of  
21 Corrections who is convicted of an offense not designated as a  
22 violent offense by Section 571 of this title, is not a citizen of  
23 the United States and is subject to or becomes subject to a final  
24 order of deportation issued by the United States Department of

1 Justice shall be considered for parole to the custody of the United  
2 States Immigration and Naturalization Service for continuation of  
3 deportation proceedings at any time subsequent to reception and  
4 processing through the Department of Corrections. No person shall  
5 be considered for parole under this subsection without the  
6 concurrence of at least three members of the Pardon and Parole  
7 Board. The vote on whether or not to consider such person for  
8 parole and the names of the concurring Board members shall be set  
9 forth in the written minutes of the meeting of the Board at which  
10 the issue is considered.

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

17 ~~M.~~ Q. All references in this section to matrices or schedules  
18 shall be construed with reference to the provisions of Sections 6,  
19 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

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

24

1       S. A person in the custody of the Department of Corrections  
2 whose parole consideration date is calculated pursuant to subsection  
3 B of this section, and is not serving a sentence of life  
4 imprisonment without parole or who is not convicted of an offense  
5 designated as a violent offense by Section 571 of this title shall  
6 be eligible for administrative parole under subsection T of this  
7 section.

8       T. The Pardon and Parole Board shall by majority vote grant  
9 administrative parole to any person in the custody of the Department  
10 of Corrections without a hearing, if:

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

13       2. A victim as defined in Section 332.2 of this title, or the  
14 district attorney speaking on behalf of a victim, has not requested  
15 a hearing;

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

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

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

22       U. Any person granted parole pursuant to subsection T of this  
23 section shall be released from the institution at the time of the  
24

1 parole eligibility date of the person as calculated under subsection  
2 B or subsection C of this section.

3 V. No less than ninety (90) days prior to the parole  
4 eligibility date of the person, the Department shall notify the  
5 Pardon and Parole Board in writing of the compliance or  
6 noncompliance of the person with the case plan and any infractions  
7 committed by the person.

8 W. A hearing before the Pardon and Parole Board shall be held  
9 if:

10 1. A victim, or district attorney speaking on behalf of a  
11 victim, has requested a hearing;

12 2. The Department has found that the person failed to comply  
13 with the case plan, or there is insufficient information for the  
14 Department to determine compliance with the case plan;

15 3. The person has been found guilty of committing a class A, or  
16 a primary or secondary class disciplinary infraction within the time  
17 frames specified in subsection T of this section; or

18 4. The person has been found guilty of committing a serious  
19 disciplinary infraction in the intervening period following the  
20 parole approval of the person under this section.

21 X. Any person who is not granted administrative parole shall be  
22 otherwise eligible for parole pursuant to this section.

23 Y. Any person who is granted administrative parole under  
24 subsection T of this section shall be supervised and managed by the

1 Department of Corrections in the same manner as a parolee who has  
2 been granted parole pursuant to this section. The person is subject  
3 to all of the rules and regulations of parole.

4 SECTION 7. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 332.7b of Title 57, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. No inmate shall be eligible for parole consideration under  
8 this section who is serving a sentence for:

9 1. A felony sex offense required by law to register pursuant to  
10 the Sex Offenders Registration Act;

11 2. An offense set forth in Section 13.1 of Title 21 of the  
12 Oklahoma Statutes; or

13 3. A sentence of death or life without the possibility of  
14 parole.

15 B. Notwithstanding subsection A, B or C of Section 332.7 of  
16 Title 57 of the Oklahoma Statutes, an inmate in the custody of the  
17 Department of Corrections who is at least fifty (50) years of age,  
18 and who has served no less than ten (10) years of the sentence or  
19 sentences imposed by the court shall be eligible for parole  
20 consideration pursuant to Section 332.7 of Title 57 of the Oklahoma  
21 Statutes.

22 C. 1. Notwithstanding subsection A, B or C of Section 332.7 of  
23 Title 57 of the Oklahoma Statutes, an inmate serving a term or terms  
24 of imprisonment in the custody of the Department of Corrections who

1 is at least sixty-five (65) years of age, and who has served no less  
2 than ten (10) years of the sentence or sentences imposed by the  
3 court shall be recommended by the Pardon and Parole Board for parole  
4 consideration by the Governor in accordance with Section 10 of  
5 Article 6 of the Oklahoma Constitution.

6 2. After reaching fifty-five (55) years of age, an inmate whom  
7 the medical director of the Department of Corrections has determined  
8 to be medically frail shall be recommended by the Pardon and Parole  
9 Board for parole consideration by the Governor, after having served  
10 no less than ten (10) years of the sentence or sentences imposed by  
11 the court.

12 D. Notwithstanding subsection A, B or C of Section 332.7 of  
13 Title 57 of the Oklahoma Statutes, an inmate in the custody of the  
14 Department of Corrections who has reached fifty-five (55) years of  
15 age, has been sentenced for a nonviolent offense as defined as an  
16 offense not listed in Section 571 of Title 57 of the Oklahoma  
17 Statutes, and who has served no less than ten (10) years of the  
18 sentence or sentences imposed by the court shall be eligible for  
19 administrative parole in accordance with the procedures established  
20 in subsection T of Section 332.7 of Title 57 of the Oklahoma  
21 Statutes.

22 SECTION 8. AMENDATORY 57 O.S. 2011, Section 332.8, as  
23 amended by Section 3, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016,  
24 Section 332.8), is amended to read as follows:

1 Section 332.8 No recommendations to the Governor for parole  
2 shall be made nor any paroles granted by the Board in relation to  
3 any inmate in a penal institution in the State of Oklahoma unless  
4 the Pardon and Parole Board considers the victim impact statements  
5 if presented to the jury, or the judge in the event a jury was  
6 waived, at the time of sentencing and, in every appropriate case, as  
7 a condition of parole, monetary restitution of economic loss as  
8 defined by Section 991f of Title 22 of the Oklahoma Statutes,  
9 incurred by a victim of the crime for which the inmate was  
10 imprisoned. In every case in which the risk and needs assessment  
11 identifies education as a factor increasing the likelihood of future  
12 criminal activity, the Pardon and Parole Board ~~shall first consider~~  
13 ~~the number of previous felony convictions and the type of criminal~~  
14 ~~violations leading to any such felony convictions, then shall~~  
15 ~~consider either suitable employment or a suitable residence, and~~  
16 ~~finally~~ shall mandate participation in education programs to achieve  
17 the proficiency level established in Section 510.7 of this title or,  
18 at the discretion of the Board require the attainment of a general  
19 education diploma, as a condition for release on parole. The Board  
20 shall consider the availability of programs and the waiting period  
21 for such programs in setting conditions of parole release. The  
22 Board may require any program to be completed after the inmate is  
23 released on parole as a condition of parole, and for inmates  
24 convicted of crimes other than those set forth in Section 571 of

1 this title or Section 13.1 of Title 21 of the Oklahoma Statutes,  
2 priority shall be given to programs in the community where they are  
3 available rather than in the prison facility. Programs and  
4 treatment ordered as conditions or stipulations for parole must be  
5 evidence-based. For the purposes of this section, "evidence-based"  
6 shall be defined as programs and treatment that have been proven  
7 through peer-reviewed criminological research to reliably produce  
8 reductions in recidivism. A facsimile signature of the inmate on  
9 parole papers that is transmitted to the Board shall be an accepted  
10 means of acknowledgement of parole conditions. The probation and  
11 parole officer shall render reasonable assistance to any person  
12 making application for parole, in helping to obtain suitable  
13 employment or enrollment in an education program or a suitable  
14 residence. Any inmate who fails to satisfactorily attend and make  
15 satisfactory progress in the educational program in which the inmate  
16 has been required to participate as a condition of parole, may have  
17 his or her parole revoked. If an inmate's parole is revoked, such  
18 inmate shall be returned to confinement in the custody of the  
19 Department of Corrections.

20 SECTION 9. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 332.8a of Title 57, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The Department of Mental Health and Substance Abuse Services  
24 shall establish standards to ensure mental health and substance

1 abuse treatment provided to people involved in the criminal justice  
2 system as a component of their supervision plan or as part of any  
3 court-imposed sanction adheres to scientific research on recidivism  
4 reduction.

5 B. The Department shall require that all public and private  
6 treatment programs meet these standards required under subsection A  
7 of this section.

8 C. All providers under contract with the Department whose  
9 duties include supervision of felony probationers pursuant to  
10 Section 515a of Title 57 of the Oklahoma Statutes shall:

11 1. Complete, upon hire and on a continuing basis, training  
12 courses including, but not limited to, best practices in providing  
13 treatment to the criminal justice-involved population; and

14 2. Adopt the standards established in subsection A of this  
15 section to promote an evidence-based continuum of community-based  
16 services for individuals with substance abuse and mental illness  
17 that is intended to reduce recidivism.

18 SECTION 10. AMENDATORY 57 O.S. 2011, Section 350, is  
19 amended to read as follows:

20 Section 350. A. Every person, hereinafter referred to as  
21 "convict", who has been or who in the future may be sentenced to  
22 imprisonment in any state penal institution shall, in addition to  
23 any other deductions provided for by law, be entitled to a deduction  
24 from his sentence for all time during which he has been or may be on

1 parole. The provisions of this section are hereby declared to be  
2 both retroactive and prospective, and to apply to convicts who are  
3 on parole on the effective date of this act as well as to convicts  
4 who may be paroled thereafter; and, except as provided under  
5 subsection D of this section, shall at the discretion of the  
6 paroling authority apply to time on a parole which has been or shall  
7 be revoked.

8 B. Beginning November 1, 1987, the paroling authority also  
9 shall have the discretion to revoke all or any portion of the  
10 parole, except as provided under subsection C of this section.

11 C. Beginning November 1, 2017, if the sentence of an offender  
12 is revoked for a technical violation as defined in Section 502 of  
13 this title, the paroling authority shall have the discretion to  
14 revoke a portion of the parole subject to the restrictions in  
15 Section 516 of this title.

16 D. Beginning November 1, 2017, if the sentence of an offender  
17 on parole is revoked and the offender is returned to imprisonment in  
18 any state penal institution, he or she shall be entitled to a  
19 deduction from his or her sentence for the time during which he or  
20 she has been on parole. The Department of Corrections shall deduct  
21 the number of days the offender was on parole from the sentence  
22 imposed and calculate the new discharge date.

23  
24

1 SECTION 11. AMENDATORY 57 O.S. 2011, Section 502, as  
2 last amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.  
3 2016, Section 502), is amended to read as follows:

4 Section 502. As used in this title, unless the context  
5 otherwise requires:

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

7 2. "Department" means the Department of Corrections of this  
8 state;

9 3. "Director" means the Director of the Department of  
10 Corrections;

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

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

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

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

1 counseling and treatment and domestic violence courses and treatment  
2 programs;

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

14 8. "Private prison contractor" means:

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

1           b. a nongovernmental entity or public trust which,  
2           pursuant to a contract with the United States or  
3           another state, provides for the housing, care, and  
4           control of minimum or medium security inmates in the  
5           custody of the United States or another state, and  
6           performs other functions related to these  
7           responsibilities other than a halfway house or  
8           intermediate sanctions facility within a facility  
9           owned or operated by the contractor; and

10         9. "Risk and needs assessment" means a validated actuarial tool  
11         that determines the risk of an individual to reoffend and the  
12         criminal risk factors that, when addressed, reduce the risk of an  
13         individual to reoffend.

14         SECTION 12.         AMENDATORY         57 O.S. 2011, Section 510.9, as  
15         last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp.  
16         2016, Section 510.9), is amended to read as follows:

17         Section 510.9 A. There is hereby created the Electronic  
18         Monitoring Program for inmates in the custody of the Department of  
19         Corrections who are sentenced for a nonviolent offense not included  
20         as a violent offense defined in Section 571 of this title. The  
21         Department is authorized to use an electronic monitoring global  
22         positioning device to satisfy its custody duties and  
23         responsibilities.

1           B. After an inmate has been processed and received through a  
2 Department Assessment and Reception Center, has been incarcerated  
3 for a minimum of ninety (90) days, and has met the criteria  
4 established in subsection C of Section 521 of this title, the  
5 Director of the Department of Corrections may assign the inmate, if  
6 eligible, to the Electronic Monitoring Program. Nothing shall  
7 prohibit the Director from assigning an inmate to the Electronic  
8 Monitoring Program while assigned to the accredited halfway house or  
9 transitional living facility. The following inmates, youthful  
10 offenders, and juveniles shall not be eligible for assignment to the  
11 program:

12           1. Any inmate serving a sentence of more than five (5) years  
13 who has ~~eleven (11)~~ twenty-four (24) months or more left on the  
14 sentence or any inmate serving a sentence of five (5) years or less  
15 whose initial custody assessment requires placement above the  
16 minimum security level;

17           2. Inmates convicted of a violent offense within the previous  
18 ten (10) years pursuant to Section 571 of this title;

19           3. Inmates convicted of any violation of the provisions of the  
20 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63  
21 of the Oklahoma Statutes;

22           4. Inmates denied parole within the previous twelve (12) months  
23 pursuant to Section 332.7 of this title;

24

1           5. Inmates convicted pursuant to Section 11-902 of Title 47 of  
2 the Oklahoma Statutes who are not receptive to substance abuse  
3 treatment and follow-up treatment;

4           6. Inmates removed from the Electronic Monitoring Program or  
5 any other alternative to incarceration authorized by law for  
6 violation of any rule or condition of the program and reassigned to  
7 imprisonment in a correctional facility;

8           7. Inmates deemed by the Department to be a security risk or  
9 threat to the public;

10          8. Inmates requiring educational, medical or other services or  
11 programs not available in a community setting as determined by the  
12 Department;

13          9. Inmates convicted of any violation of subsection C of  
14 Section 644 of Title 21 of the Oklahoma Statutes or who have an  
15 active protection order that was issued under the Protection from  
16 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the  
17 Oklahoma Statutes;

18          10. Inmates who have outstanding felony warrants or detainers  
19 from another jurisdiction;

20          11. Inmates convicted of a sex offense who, upon release from  
21 incarceration, would be required by law to register pursuant to the  
22 Sex Offender Registration Act;

23          12. Inmates convicted of racketeering activity as defined in  
24 Section 1402 of Title 22 of the Oklahoma Statutes;

1 13. Inmates convicted pursuant to subsection F of Section 2-401  
2 of Title 63 of the Oklahoma Statutes;

3 14. Inmates convicted pursuant to Section 650 of Title 21 of  
4 the Oklahoma Statutes;

5 15. Inmates who have escaped from a penal or correctional  
6 institution within the previous ten (10) years; or

7 16. Inmates who currently have active misconduct actions on  
8 file with the Department of Corrections.

9 C. Every eligible inmate assigned to the Electronic Monitoring  
10 Program shall remain in such program until one of the following  
11 conditions has been met:

12 1. The inmate discharges the term of the sentence;

13 2. The inmate is removed from the Electronic Monitoring Program  
14 for violation of any rule or condition of the program and reassigned  
15 to imprisonment in a correctional facility; or

16 3. The inmate is paroled by the Governor or by the Pardon and  
17 Parole Board pursuant to Section 332.7 of this title.

18 D. After an inmate has been assigned to the Electronic  
19 Monitoring Program, denial of parole pursuant to Section 332.7 of  
20 this title, shall not be cause for removal from the program,  
21 provided the inmate has not violated the rules or conditions of the  
22 program. The inmate may remain assigned to the program, if  
23 otherwise eligible, until the completion of the sentence.

24

1 E. The Electronic Monitoring Program shall require active  
2 supervision of the inmate in a community setting by a correctional  
3 officer or other employee of the Department of Corrections with  
4 monitoring by a global positioning device approved by the Department  
5 under such rules and conditions as may be established by the  
6 Department. If an inmate violates any rule or condition of the  
7 program, the Department may take necessary disciplinary action  
8 consistent with the rules established pursuant to this section,  
9 including reassignment to a higher level of security or removing the  
10 inmate from the program with reassignment to imprisonment in a  
11 correctional facility. Any inmate who escapes from the Electronic  
12 Monitoring Program shall be subject to the provisions of Section 443  
13 of Title 21 of the Oklahoma Statutes.

14 F. Upon assignment of an inmate to the Electronic Monitoring  
15 Program, the Department of Corrections shall administer a validated  
16 risk and needs assessment; provided, however, a risk and needs  
17 assessment shall not be required if the inmate was assessed within  
18 six (6) months prior to being assigned to the Electronic Monitoring  
19 Program. The Department shall use the results of the risk and needs  
20 assessment to develop an individualized case plan for the inmate.

21 G. Upon an inmate assigned to the Electronic Monitoring Program  
22 becoming eligible for parole consideration, pursuant to Section  
23 332.7 of this title, the Department of Corrections shall deliver the  
24 inmate, in person, to a correctional facility for interview,

1 together with any Department records necessary for the Pardon and  
2 Parole Board's investigation. Inmates assigned to the Electronic  
3 Monitoring Program shall not be allowed to waive consideration or  
4 recommendation for parole.

5 ~~G.~~ H. Prior to placement of any eligible inmate assigned to the  
6 Electronic Monitoring Program being placed in a community setting,  
7 the Department of Corrections shall deliver a written notification  
8 to the sheriff and district attorney of the county, and the chief  
9 law enforcement officer of any incorporated city or town in which  
10 the inmate is to be monitored and supervised under the program. The  
11 district attorney shall disseminate such information to victims of  
12 the crime for which the inmate is serving sentence, if any, when the  
13 victims are known to live in the same city, town or county.

14 ~~H.~~ I. An inmate assigned to the Electronic Monitoring Program  
15 may be required to pay the Department of Corrections for all or part  
16 of any monitoring equipment or fee, substance abuse treatment  
17 program or follow-up treatment expense, supervision cost, or other  
18 costs while assigned to the program. The Department shall determine  
19 whether the inmate has the ability to pay all or part of such fee or  
20 costs. If the Department determines that an inmate is not able to  
21 pay all or part of such fee or costs associated with the program,  
22 the Department shall waive, subsidize or establish a payment plan  
23 for the fee or costs associated with the program. No inmate may be  
24

1 excluded from the Electronic Monitoring Program for an inability to  
2 pay the fee or costs associated with the program.

3 ~~F.~~ J. The Department of Corrections shall promulgate and adopt  
4 rules and procedures necessary to implement the Electronic  
5 Monitoring Program, including but not limited to methods of  
6 monitoring and supervision, disciplinary action, reassignment to  
7 higher and lower security levels, removal from the program, and  
8 costs of monitoring and supervision to be paid by the inmate, if  
9 any.

10 ~~J.~~ K. An inmate assigned to the Electronic Monitoring Program  
11 shall, within thirty (30) days of being placed in a community  
12 setting, report to the court clerk and the district attorney of the  
13 county from which the judgment and sentence resulting in  
14 incarceration arose to address payment of any fines, costs,  
15 restitution and assessments owed by the inmate, if any.

16 SECTION 13. AMENDATORY 57 O.S. 2011, Section 512, is  
17 amended to read as follows:

18 Section 512. A. Any inmate in a state penal institution who  
19 has been granted a parole shall be released from the institution  
20 upon the following conditions:

21 1. That he comply with specified requirements of the Division  
22 of Community Services of the Department of Corrections under the  
23 active supervision of a Probation and Parole Officer. Such active  
24

1 supervision shall be for a period not to exceed three (3) years,  
2 except as provided in paragraph 2 of this section.

3 2. That he be actively supervised by a Probation and Parole  
4 Officer for an extended period not to exceed the expiration of the  
5 maximum term or terms for which he was sentenced if convicted of a  
6 sex offense or upon the determination by the Division of Community  
7 Services that the best interests of the public and the parolee will  
8 be served by such an extended period of supervision.

9 Provided, for the purposes of this section, the term "sex  
10 offense" shall not include a violation of paragraph 1 of subsection  
11 A of Section 1021 of Title 21 of the Oklahoma Statutes.

12 The Probation and Parole Officer, upon information sufficient to  
13 give him reasonable grounds to believe that the parolee has violated  
14 the terms of and conditions of his parole, shall notify the Deputy  
15 Director of the Division of Community Services in accordance with  
16 Section 516 of Title 57 of the Oklahoma Statutes.

17 B. Upon receiving an offender on parole, the Department shall:

18 1. Conduct an intake and orientation for the parolee. The  
19 parolee shall present himself or herself to the Department within  
20 three (3) business days of release from confinement for the purpose  
21 of intake and orientation to parole supervision. The intake shall  
22 consist of the personal information of the offender and shall  
23 include, but not be limited to, name, address, phone numbers,  
24 employment and employment history, family information and criminal

1 history. The Department shall also provide an orientation to the  
2 parolee. The orientation shall explain rules and conditions,  
3 reporting instructions, consequences for violations of the rules and  
4 conditions which include reviewing the sanctions and incentives  
5 matrix established by the Department, and expectations for the  
6 parolee while on supervision;

7 2. Administer a risk and needs assessment on each individual on  
8 parole within thirty (30) calendar days of release from confinement.  
9 The results of the risk and needs assessment conducted in accordance  
10 with this paragraph shall be used to guide supervision responses  
11 consistent with evidence-based practices as to the level of  
12 supervision and the practices used to reduce recidivism. The risk  
13 and needs assessment shall be administered and scored by qualified  
14 personnel in the Department or individuals approved by the  
15 Department of Mental Health and Substance Abuse Services;

16 3. Develop an individualized case plan for each person assessed  
17 as moderate to high risk to reoffend;

18 4. Monitor the compliance or noncompliance of the offender with  
19 all monetary obligations and parole requirements ordered by the  
20 Pardon and Parole Board which may include, but not be limited to,  
21 the following:

- 22 a. substance abuse testing,
- 23 b. employment or education verification,
- 24 c. criminal history background checks,

- d. verification of the payment of fines, costs, assessments, restitution, prosecution fees and supervision fees,
- e. verification of attendance and completion of community service requirements, or
- f. verification of attendance and completion of counseling or treatment programs; and

5. Provide sanctions in accordance with Section 20 of this act in the event the offender violates the rules and conditions of parole supervision which may include, but not be limited to, the following:

- a. increased reporting requirements,
- b. increased substance abuse testing,
- c. increased counseling or substance abuse meetings,
- d. short-term period of incarceration in jail,
- e. additional community service hours,
- f. electronic monitoring or installation of an ignition interlock device, or
- g. revocation.

When recommending a short-term period of incarceration in jail, additional community service hours, electronic monitoring or installation of an ignition interlock device, the Department shall notify the Pardon and Parole Board prior to implementing the sanction.

1        C. The Department shall have the authority to implement  
2 additional supervision requirements including, but not limited to,  
3 the following:

4        1. Individualized case plans based upon the results of any  
5 mental health or substance abuse screening or assessment, risk and  
6 needs assessment and any other assessment or evaluation conducted on  
7 the individual. The individualized case plan may include additional  
8 reporting requirements and additional program requirements including  
9 mental health and substance abuse treatment. The case plan shall be  
10 developed to assist the offender with successful progress toward  
11 completion of parole supervision;

12        2. Random substance abuse testing to ensure the compliance and  
13 sobriety of the offender;

14        3. Progress reports as requested by the Pardon and Parole  
15 Board; and

16        4. Specialized supervision or case management for violators of  
17 conditions of supervision that involve a victim of domestic  
18 violence.

19        SECTION 14.        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, whether conducted by the  
24 Department of Corrections, the district attorney or a private

1 supervision provider, shall be eligible to earn discharge credits  
2 for compliance with the terms and conditions of probation  
3 supervision to reduce the term of supervision and the overall term  
4 of the sentence. For every calendar month of compliance with the  
5 terms and conditions of probation supervision, the Department or  
6 supervising body shall award the offender earned discharge credits  
7 equal to thirty (30) calendar days to be applied towards a reduction  
8 of the probation supervision term ordered under Section 991a of  
9 Title 22 of the Oklahoma Statutes. For every calendar month of  
10 compliance with the terms and conditions of probation supervision,  
11 the Department shall award an offender earned discharge credits  
12 equal to fifteen (15) calendar days to be applied towards a  
13 reduction of the overall term of the sentence ordered under Section  
14 991a of Title 22 of the Oklahoma Statutes. No more than twelve (12)  
15 months of earned discharge credits may be accumulated by an offender  
16 and applied toward a reduction of the overall term of the sentence  
17 ordered or a reduction of the term of the probation supervision  
18 ordered.

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

23 C. Every provider responsible for the supervision of felony  
24 probationers, including the Department of Corrections, district

1 attorneys and private supervision providers, is directed to develop  
2 written policies necessary for the implementation of earned  
3 discharge credits for offenders on felony probation supervision as  
4 authorized under this section. The policies developed by the  
5 Department of Corrections, district attorneys and private  
6 supervision providers shall include, but not be limited to, written  
7 guidelines regarding the process to earn discharge credits and the  
8 application of the credits toward the reduction of the term of  
9 supervision, the collection of data related to who earns credit, how  
10 much is applied and how much of the supervision period is reduced at  
11 the point of discharge as well as information when discharge credit  
12 is not earned.

13 D. Every provider responsible for the supervision of felony  
14 probationers, including the Department of Corrections, district  
15 attorneys and private supervision providers, shall maintain a record  
16 of credits earned by an offender under this section. At least every  
17 six (6) months from the date the offender is placed on probation,  
18 the provider shall notify the offender of the current discharge date  
19 for the term of supervision and the overall sentence of the  
20 offender.

21 E. Every provider responsible for the supervision of felony  
22 probationers, including the Department of Corrections, district  
23 attorneys and private supervision providers, shall notify the court  
24 not less than thirty (30) days prior to the expected termination

1 date. However, nothing in this section shall prohibit the  
2 Department, district attorney or a private supervision provider from  
3 requesting termination of the sentence earlier than the termination  
4 date of the sentence authorized in subsection F of this section.

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

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

20 A. Every offender on parole supervision under Section 512 of  
21 Title 57 of the Oklahoma Statutes shall be eligible to earn  
22 discharge credits for compliance with the terms and conditions of  
23 parole supervision that reduce the term of supervision of the  
24 offender. For every calendar month of compliance with the terms and

1 conditions of parole supervision, the Department shall award an  
2 offender earned discharge credits equal to thirty (30) calendar days  
3 to be applied towards a reduction of the parole supervision period.  
4 No more than twelve (12) months of earned discharge credits may be  
5 accumulated by any offender and applied toward a reduction of the  
6 parole supervision period. No person convicted of an offense under  
7 Section 13.1 or subsections C, D, E, F, G or J of Section 644 of  
8 Title 21 of the Oklahoma Statutes shall be eligible for earned  
9 discharge credits under this section.

10 B. The Department of Corrections is directed to develop written  
11 policies for the implementation of earned discharge credits  
12 authorized under this section. The policies developed by the  
13 Department of Corrections shall include, but not be limited to,  
14 written guidelines regarding the process to earn discharge credits  
15 and the application of the credits toward the reduction of the term  
16 of supervision, the collection of data related to who earns credit,  
17 how much is applied and how much of the supervision period is  
18 reduced at the point of discharge as well as information concerning  
19 when discharge credits are not earned.

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

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

13 E. The Department shall notify the Pardon and Parole Board of  
14 the impending termination not less than thirty (30) days prior to  
15 the expected termination date. However, nothing in this section  
16 shall prohibit the Department from requesting parole termination  
17 earlier than the termination date authorized in subsection D of this  
18 section.

19 SECTION 16. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 512.3 of Title 57, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. The Department of Corrections may issue a certificate of  
23 rehabilitation to any person who meets the eligibility requirements  
24 established under subsection B of this section.

1 B. Persons authorized to apply for a certificate of  
2 rehabilitation, as provided herein, must be within one of the  
3 following categories:

4 1. The person has been released under administrative parole  
5 pursuant to Section 332.7 of Title 57 of the Oklahoma Statutes;

6 2. The person is under the jurisdiction or supervision of the  
7 Pardon and Parole Board, the Department of Corrections, a district  
8 attorney or private supervision provider under conditions of parole,  
9 probation or post-release supervision and has been in compliance  
10 with the terms and conditions of supervision for at least six (6)  
11 months. For the purposes of this section, "compliance" shall be  
12 deemed the absence of a violation report submitted by a probation  
13 and parole officer or supervising body; or

14 3. The person is no longer under the supervision or  
15 jurisdiction of a corrections agency and can apply for a certificate  
16 of rehabilitation upon a letter of support from a prior case manager  
17 or parole or probation officer.

18 C. No person convicted of a violent crime set forth in Section  
19 571 of Title 57 of the Oklahoma Statutes or a felony sex offense  
20 required by law to register pursuant to the Sex Offenders  
21 Registration Act shall be eligible to apply for a certificate of  
22 rehabilitation under this section.

23 D. A licensing board may not deny, suspend or revoke an  
24 occupational license or certificate for any applicant who has been

1 issued a certificate of rehabilitation solely on the basis that the  
2 applicant has previously been convicted of the crime that is the  
3 subject of the certificate of rehabilitation, unless the licensing  
4 board determines that:

5 1. There is a direct relationship between the previous  
6 conviction of the applicant and the specific occupational license or  
7 certificate sought; or

8 2. The issuance of the license or certificate would involve an  
9 unreasonable risk to property or to the safety or welfare of  
10 specific individuals or the general public.

11 E. For the purposes of this section, a "licensing board" shall  
12 be defined as any bureau, department, division, board, agency or  
13 commission of this state or of a municipality in this state that  
14 issues a license.

15 F. In making a determination under subsection D of this  
16 section, the licensing board shall consider:

17 1. The policy of this state expressed in this section;

18 2. The specific duties and responsibilities required of a  
19 licensee or certificate holder;

20 3. Whether the previous conviction of the applicant has any  
21 impact on the fitness or ability of the applicant to perform the  
22 duties and responsibilities authorized by the license or  
23 certificate;

24

1 4. The age of the applicant at the time of the conviction and  
2 the amount of time that has elapsed since the conviction;

3 5. The seriousness of the offense for which the applicant was  
4 convicted;

5 6. Other information provided by the applicant or on behalf of  
6 the applicant with regard to the rehabilitation and good conduct of  
7 the applicant; and

8 7. The legitimate interest of the licensing board in protecting  
9 property and the safety and welfare of specific individuals or the  
10 general public.

11 G. At the request of any person who has been denied a license  
12 or certificate, a public agency or private employer shall provide,  
13 within thirty (30) days of the request, a written statement setting  
14 forth the reason for the denial. Appeal of the action of the  
15 licensing board may be made in accordance with the provisions of the  
16 Administrative Procedures Act.

17 H. Any person whose application for a certificate of  
18 rehabilitation has been denied shall have the right to appeal to the  
19 Department within thirty (30) days of the written receipt of the  
20 initial decision.

21 I. The Department of Corrections shall adopt policies  
22 establishing an application and review process necessary for the  
23 implementation of the certificate of rehabilitation authorized under  
24 this section.

1 SECTION 17. AMENDATORY 57 O.S. 2011, Section 515, as  
2 amended by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2016,  
3 Section 515), is amended to read as follows:

4 Section 515. A. All ~~probation-parole~~ parole and probation  
5 officers shall be deemed peace officers and shall possess the powers  
6 granted by law to peace officers. ~~Probation-parole~~ Parole and  
7 probation officers shall meet all of the training and qualifications  
8 for peace officers required by Section 3311 of Title 70 of the  
9 Oklahoma Statutes. Qualifications for ~~probation-parole~~ parole and  
10 probation officers shall be good character and a bachelor's degree  
11 from an accredited college or university including at least twenty-  
12 four (24) credit hours in any combination of psychology, sociology,  
13 social work, criminology, education, criminal justice  
14 administration, penology or police science.

15 B. The Department shall require all parole and probation  
16 officers that supervise felony offenders on probation or parole  
17 supervision to undergo annual training regarding:

18 1. Identifying, understanding and targeting the criminal risk  
19 factors of the individual;

20 2. Principles of effective risk intervention;

21 3. Supporting and encouraging compliance and behavior change;

22 and

23 4. Responding to violations committed by offenders on  
24 supervision for an offense involving a victim of domestic violence.

1 SECTION 18. AMENDATORY Section 2, Chapter 414, O.S.L.  
2 2014 (57 O.S. Supp. 2016, Section 515a), is amended to read as  
3 follows:

4 Section 515a. A. Felony probation supervision, whether  
5 conducted by the Department of Corrections, a district attorney or  
6 private supervision provider shall incorporate all minimum  
7 supervision standards provided for in subsection B of this section.

8 B. Upon receiving an offender on probation supervision, the  
9 supervising agency shall:

10 1. Conduct an intake and orientation for the offender. The  
11 offender shall present to the principal office of the supervising  
12 agency within three (3) business days of sentencing or within three  
13 (3) business days of release from confinement if any term of  
14 incarceration is ordered, for the purpose of intake and orientation  
15 to probation supervision. The intake shall consist of the personal  
16 information of the offender and shall include, but not be limited  
17 to, name, address, phone numbers, employment and employment history,  
18 family information and criminal history. The supervising agency  
19 shall also provide an orientation to the offender. The orientation  
20 shall explain rules and conditions, reporting instructions,  
21 consequences for violations of the rules and conditions pursuant to  
22 Section 991b of Title 22 of the Oklahoma Statutes, and expectations  
23 of the offender subject to probation supervision;

24

1       2. Administer a risk and needs assessment on each individual on  
2 probation supervision within thirty (30) calendar days of sentencing  
3 or within thirty (30) calendar days of release from confinement.

4 The results of the risk and needs assessment conducted in accordance  
5 with this paragraph shall be used to guide supervision responses  
6 consistent with evidence-based practices as to the level of  
7 supervision and the practices used to reduce recidivism. The risk  
8 and needs assessment shall be administered and scored by qualified  
9 personnel in the Department or individuals approved by the  
10 Department of Mental Health and Substance Abuse Services;

11       3. Develop an individualized treatment and supervision plan for  
12 each person assessed as moderate or high risk to reoffend;

13       4. Require the offender to complete within ninety (90) days of  
14 intake and orientation, an approved substance abuse screening or  
15 assessment ~~and evaluation~~, if deemed appropriate by the court;  
16 provided, however, a substance abuse screening or assessment ~~and~~  
17 ~~evaluation~~ shall not be required if the offender has been previously  
18 assessed within ~~one (1) year~~ six (6) months prior to the date of  
19 sentencing, unless ordered by the court. Substance abuse  
20 assessments and evaluations ordered by the court shall be  
21 administered and scored by assessment ~~personnel certified~~  
22 individuals approved by the Department of Mental Health and  
23 Substance Abuse Services;

1       ~~3.~~ 5. Require the offender to receive an assessment for  
2 batterers through a program certified by the Office of the Attorney  
3 General for batterers, if deemed appropriate by the court, within  
4 sixty (60) business days of sentencing or within sixty (60) business  
5 days of release from confinement. The assessment of the batterer  
6 ordered by the court shall be administered and scored by qualified  
7 personnel in the Department of Corrections or personnel certified by  
8 the Office of the Attorney General;

9       6. Monitor the compliance or noncompliance of the offender with  
10 all monetary obligations and probation requirements ordered by the  
11 court which may include, but not be limited to, the following:

- 12           a. substance abuse testing,
- 13           b. employment or education verification,
- 14           c. criminal history background checks,
- 15           d. verification of the payment of fines, costs,
- 16                 assessments, restitution, prosecution fees and
- 17                 supervision fees,
- 18           e. verification of attendance and completion of community
- 19                 service requirements, or
- 20           f. verification of attendance and completion of
- 21                 counseling or treatment programs;

22       ~~4.~~ 7. Provide sanctions in accordance with paragraph 1 of  
23 subsection B of Section 991b of Title 22 of the Oklahoma Statutes in  
24 the event the offender violates the rules and conditions of

1 probation supervision which may include, but not be limited to, the  
2 following:

- 3 a. increased reporting requirements,
- 4 b. increased substance abuse testing,
- 5 c. increased counseling or substance abuse meetings,
- 6 d. short-term period of incarceration in jail or  
7 intermediate revocation facilities,
- 8 e. additional community service hours,
- 9 f. electronic monitoring or installation of an ignition  
10 interlock device, or
- 11 g. revocation or acceleration of the suspended or  
12 deferred sentence; and

13 ~~5.~~ 8. Provide a written sanction report to the court and  
14 offender specifying the violation, sanction and plan to correct the  
15 noncompliant behavior of the offender. When recommending a short-  
16 term period of incarceration in jail, additional community service  
17 hours, electronic monitoring or installation of an ignition  
18 interlock device, the supervising agency shall obtain court approval  
19 prior to implementing the sanction.

20 C. The supervising agency shall have the authority to implement  
21 additional supervision requirements including, but not limited to,  
22 the following:

- 23 1. Individualized ~~treatment~~ case plans based upon the results  
24 of any mental health or substance abuse assessment and evaluation,

1 risk and needs assessment and any other assessment or evaluation  
2 conducted on the individual. The individualized ~~treatment~~ case plan  
3 may include additional reporting requirements and additional  
4 ~~counseling~~ programming requirements, which may include mental health  
5 and substance abuse ~~meeting requirements~~ treatment. The ~~treatment~~  
6 case plan shall be developed to assist the offender with successful  
7 progress toward completion of probation supervision;

8 2. Random substance abuse testing to ensure the compliance and  
9 sobriety of the offender; ~~and~~

10 3. Progress reports as requested by the court; and

11 4. Specialized supervision or case management for violators of  
12 conditions of supervision that include a victim of domestic  
13 violence.

14 SECTION 19. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 515b of Title 57, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. The Supreme Court shall establish regulations by rule for  
18 all providers under contract with a district court whose duties  
19 include supervision of felony probationers pursuant to Section 515a  
20 of Title 57 of the Oklahoma Statutes. These rules shall guide the  
21 supervision and management of people on probation supervision and  
22 the performance of the provider. The rules and regulations  
23 developed under this section shall include, but not be limited to:

24

1           1. The use of a risk and needs assessment as defined in Section  
2 502 of Title 57 of the Oklahoma Statutes to guide supervision and  
3 programming decisions and the development of an individualized case  
4 plan pursuant to Section 515a of Title 57 of the Oklahoma Statutes;

5           2. The application of the earned discharge program pursuant to  
6 Section 14 of this act; and

7           3. The application of the graduated sanctions and incentives  
8 matrix pursuant to Section 991b of Title 22 of the Oklahoma  
9 Statutes.

10          B. Any provider under contract with a district court whose  
11 duties include supervision of felony probations pursuant to Section  
12 515a of Title 57 of the Oklahoma Statutes shall complete, upon  
13 hiring and on an annual basis, training courses, including, but not  
14 limited to:

15           1. Identifying, understanding and targeting the criminal risk  
16 factors of an individual;

17           2. Principles of effective risk interventions;

18           3. Supporting and encouraging compliance and behavior change;

19           4. The use of a graduated sanctions matrix developed by the  
20 Department of Corrections according to Section 991b of Title 22 of  
21 the Oklahoma Statutes; and

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

1 C. Each judicial district shall be responsible for developing  
2 and administering procedures and rules for the implementation of the  
3 requirements in this section. The chief judge of each judicial  
4 district shall carry out this mandate within one (1) year of the  
5 effective date of this act.

6 SECTION 20. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 515c of Title 57, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. The Department of Corrections shall develop a matrix of  
10 sanctions and incentives to address behavior committed by parolees  
11 who are being supervised by the Department. The Department shall be  
12 authorized to use a graduated response process based on the matrix  
13 to apply to any technical violations of the terms and conditions of  
14 parole.

15 B. Within four (4) working days of the discovery of the  
16 violation, the parole and probation officer shall initiate the  
17 graduated response process. The parole and probation officer shall  
18 complete a sanction form, which shall specify the technical  
19 violation, sanction and action plan to correct the noncompliant  
20 behavior resulting in the technical violation. The parole and  
21 probation officer shall refer to the sanctioning matrix to determine  
22 the supervision, treatment and sanctions appropriate to address the  
23 noncompliant behavior. The parole and probation officer shall refer  
24 the violation information and recommended response with a sanction

1 plan to the Department of Corrections to be heard by a hearing  
2 officer. The Department of Corrections shall develop a sanction and  
3 incentive matrix, forms, policies and procedures necessary to  
4 implement this provision. If the severity of the violation  
5 warrants, or graduated use of sanctions has been exhausted and the  
6 noncompliant behavior has continued, the parole and probation  
7 officer may recommend revocation.

8 C. The Department of Corrections shall establish policies to  
9 hear responses to technical violations and review sanction plans  
10 including the following:

11 1. Hearing officers shall report through a chain of command  
12 separate from that of the supervising parole and probation officers;

13 2. The Department shall provide the offender written notice of  
14 the violation, the evidence relied upon and the reason the sanction  
15 was imposed;

16 3. The hearing shall be held unless the offender waives the  
17 right to the hearing;

18 4. The hearings shall be electronically recorded; and

19 5. The Department shall provide to the Governor a record of all  
20 violations and actions taken pursuant to this subsection.

21 D. The hearing officer shall determine based on a preponderance  
22 of the evidence whether a technical violation occurred. Upon a  
23 finding that a technical violation occurred, the hearing officer may  
24 order the offender to participate in the recommended sanction plan

1 or may modify the plan. Offenders who accept the sanction plan  
2 shall sign a violation response sanction form, and the hearing  
3 officer shall then impose the sanction. Failure of the offender to  
4 comply with the imposed sanction plan shall constitute a violation  
5 of the rules and conditions of supervision that may result in a  
6 revocation proceeding. If an offender does not voluntarily accept  
7 the recommended sanction plan, the Department shall either both  
8 impose the sanction and allow the offender to appeal to the district  
9 court or request a revocation proceeding as provided by law.

10 E. Absent a finding of willful nonpayment by an offender, the  
11 failure of an offender to pay fines and costs may not serve as a  
12 basis for revocation.

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

15 Section 516. A. Except as provided in ~~subsection~~ subsections B  
16 and C of this section, the probation and parole officer shall, upon  
17 information sufficient to give the officer reasonable grounds to  
18 believe that the parolee has ~~violated~~ committed a violation, other  
19 than a technical violation as defined in Section 502 of this title,  
20 of the terms ~~of~~ and conditions of parole, notify the Department of  
21 Corrections. If it is determined that the facts justify revocation  
22 action, the Department shall issue a warrant for the arrest of the  
23 parolee and the warrant shall have the force and effect of any  
24 warrant of arrest issued by a district court in this state. The

1 parolee shall, after arrest, be immediately incarcerated in the  
2 nearest county jail, intermediate sanctions facility, or a  
3 Department of Corrections facility to await action by the Governor  
4 as to whether the parole will be revoked. Parole time shall cease  
5 to run after the issuance of a warrant for arrest by the Department  
6 of Corrections for a parolee who has absconded, and earned credits  
7 shall not be accrued during any period of time when the parolee is  
8 incarcerated pending revocation action by the Governor.

9 B. The probation and parole officer shall, upon information  
10 sufficient to give the officer reasonable grounds to believe that  
11 the parolee has committed a technical violation of the terms and  
12 conditions of parole, as defined in Section 502 of this title,  
13 notify the Department of Corrections. If the options within the  
14 sanctions and incentive matrix established in Section 20 of this act  
15 have been exhausted and the Department has determined that the facts  
16 justify revocation of parole, the Department shall issue a summons  
17 requiring the parolee to appear before the Pardon and Parole Board  
18 for a preliminary revocation hearing. If the parolee fails to  
19 appear at the preliminary revocation hearing, or if the Department  
20 finds that a warrant is justified for the protection of public  
21 safety, the Department shall issue a warrant for the arrest of the  
22 parolee and the warrant shall have the force and effect of any  
23 warrant of arrest issued by a district court in this state, and the  
24

1 parolee shall be held in accordance with subsection A of this  
2 section.

3 C. If a parolee is issued a summons pursuant to subsection B of  
4 this section, the Pardon and Parole Board shall hold the preliminary  
5 revocation hearing within twenty (20) calendar days from the date  
6 the summons is issued. The Board may, in its discretion, continue  
7 parole and modify the terms and conditions of parole or forward the  
8 decision on to the Governor. If the Governor revokes parole for a  
9 technical violation of the terms or conditions of parole, as defined  
10 in Section 502 of the title, the Governor shall impose a period of  
11 imprisonment of not more than fifteen (15) days for the first  
12 application for revocation, not more than thirty (30) days for the  
13 second application for revocation and not more than sixty (60) days  
14 for the third application for revocation. For the fourth and  
15 subsequent application for revocation for a technical violation, the  
16 Governor may impose a period of imprisonment of not more than five  
17 (5) years or the remainder of the sentence, whichever is less.

18 D. If a parolee is arrested and detained on a warrant pursuant  
19 to subsection B of this section, the Pardon and Parole Board shall  
20 hold the preliminary revocation hearing within ten (10) calendar  
21 days from the date the parolee is detained on the warrant. The  
22 Board may, in its discretion, continue parole and modify the terms  
23 and conditions of parole or forward the decision to the Governor.  
24 If the Governor revokes parole for a technical violation, the

1 Governor shall impose a period of imprisonment as required under  
2 subsection C of this section.

3 E. If the Board does not hold a preliminary revocation hearing  
4 within ten (10) calendar days as required under subsection D of this  
5 section, the parolee shall be released from a county jail,  
6 intermediate sanctions facility or a Department of Corrections  
7 facility and shall return to parole status. The Pardon and Parole  
8 Board may subsequently hold a preliminary revocation hearing within  
9 a reasonable time frame. The Board may, in its discretion, continue  
10 parole and modify the terms and conditions of parole or forward the  
11 decision to the Governor. If the Governor revokes parole for a  
12 technical violation, the Governor shall impose a period of  
13 imprisonment as required under subsection C of this section.

14 F. The Governor may depart from the periods of imprisonment  
15 required under subsection C of this section if the offender is on  
16 parole supervision for an offense under Section 13.1 of Title 21 of  
17 the Oklahoma Statutes.

18 G. Any parolee determined to have violated any terms or  
19 conditions of parole by the supervising parole officer may be given  
20 the option, at the discretion of the Department of Corrections, to  
21 be placed in an intermediate sanctions facility for disciplinary  
22 sanction and programmatic services in lieu of revocation or when  
23 revocation action by the Governor is deemed unnecessary for the  
24 nature of the violation. Any parolee for whom a warrant for arrest

1 issues as provided in subsection A of this section may, at the  
2 discretion of the Department or the Governor, be placed in an  
3 intermediate sanctions facility pending or following any action by  
4 the Governor as to revocation of parole or required additional  
5 conditions to remain on parole. A parolee may be received and  
6 processed into the custody of the Department on an expedited basis  
7 through any facility serving such purpose or may be processed  
8 directly by the intermediate sanctions facility.

9 H. The Department and the Pardon and Parole Board shall develop  
10 written policies and procedures related to this section.

11 SECTION 22. AMENDATORY 57 O.S. 2011, Section 517, as  
12 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2016,  
13 Section 517), is amended to read as follows:

14 Section 517. A. A Probation and Parole Officer, upon  
15 information sufficient to give the officer reasonable grounds to  
16 believe that a probationer has been charged with or found guilty of  
17 committing a felony or misdemeanor offense, or has escaped from  
18 custody as provided in Section 443 of Title 21 of the Oklahoma  
19 Statutes, shall notify the Department. If it is determined that the  
20 facts justify revocation action, the Department shall issue a  
21 warrant for the arrest of the probationer and the warrant shall have  
22 the force and effect of any warrant of arrest issued by a district  
23 court in this state. A probationer ~~shall~~ may, after arrest, be  
24 immediately incarcerated in the nearest county jail or intermediate

1 sanctions facility to await action by the court as to whether the  
2 probation will be revoked.

3 B. A Probation and Parole Officer, upon information sufficient  
4 to give the officer reasonable grounds to believe that a probationer  
5 ~~has violated the terms or conditions of probation, may notify the~~  
6 ~~Department. If it is determined that the facts justify disciplinary~~  
7 ~~sanctions, the Department shall issue a warrant for the arrest of~~  
8 ~~the probationer and the warrant shall have the force and effect of~~  
9 ~~any warrant of arrest issued by a district court in this state. The~~  
10 ~~probationer shall, after arrest, be immediately incarcerated in the~~  
11 ~~nearest county jail or intermediate sanction facility to await~~  
12 ~~action by the court as to whether disciplinary sanctions shall be~~  
13 ~~imposed. Upon approval of the court and the Department of~~  
14 ~~Corrections, the probationer shall be placed in an intermediate~~  
15 ~~revocation facility for disciplinary sanction and intensive~~  
16 ~~programmatic services in lieu of a first revocation. Repeated~~  
17 ~~violations by the probationer of the terms and conditions of~~  
18 ~~probation may result in a revocation proceeding committed a~~  
19 ~~technical violation of the terms or conditions of probation, as~~  
20 ~~defined in Section 502 of this title, may notify the Department. If~~  
21 ~~it is determined that the facts justify revocation action, the~~  
22 ~~Department shall issue a summons requiring the probationer to appear~~  
23 ~~at a revocation hearing. The district attorney may petition the~~  
24 ~~court to issue a warrant in place of a summons for a compelling~~

1 reason in the interest of public safety. If the probationer fails  
2 to appear at the hearing ordered by the summons, or if the court  
3 approves the district attorney's petition for a warrant, the  
4 Department shall issue a warrant for the arrest of the probationer  
5 and the warrant shall have the force and effect of any warrant  
6 issued by a district court in this state. The probationer may,  
7 after arrest, be immediately incarcerated in the nearest county jail  
8 or intermediate sanction facility to await action by the court as to  
9 whether disciplinary sanctions will be imposed.

10 C. ~~Any probationer for whom a warrant for arrest issues as~~  
11 ~~provided in subsection A of this section may, at the discretion of~~  
12 ~~the court, be placed in an intermediate sanctions facility pending~~  
13 ~~or following any action by the court as to revocation of probation~~  
14 ~~or required additional conditions to remain on probation. The court~~  
15 shall hold a revocation hearing for any probationer who is issued a  
16 summons within twenty (20) calendar days from the date the summons  
17 is issued. The court may, in its discretion, revoke probation or  
18 continue probation and modify the terms and conditions thereof. The  
19 court shall consider the employment status of the offender when  
20 making a determination as to whether to revoke or continue the  
21 offender on probation. Upon a finding the offender is employed and  
22 a revocation sentence would result in a disruption of employment,  
23 the court may, in lieu of revocation, order the probationer to serve  
24 weekends in a county jail pursuant to Section 991a of Title 22 of

1 the Oklahoma Statutes, at the discretion of the court. If the court  
2 revokes probation for a technical violation of the terms or  
3 conditions of probation, the court shall impose a period of  
4 imprisonment of not more than fifteen (15) days for the first  
5 application for revocation, not more than thirty (30) days for the  
6 second application for revocation and not more than sixty (60) days  
7 for the third application for revocation. For the fourth and  
8 subsequent application for revocation for a technical violation, the  
9 court may impose a period of imprisonment of not more than five (5)  
10 years or the remainder of the maximum sentence imposed, whichever is  
11 less. If the court does not hold a revocation hearing within twenty  
12 (20) calendar days pursuant to this section, the probationer shall  
13 be returned to probation status. The court may subsequently hold a  
14 revocation hearing and may revoke probation or continue probation  
15 and modify the terms and conditions of probation. If the court  
16 revokes probation for a technical violation, the court shall impose  
17 a period of imprisonment that follows the revocation periods  
18 outlined in this section.

19 D. If the court revokes probation for violations other than a  
20 technical violation, the court shall follow the procedures outlined  
21 in Section 991b or Section 991c of Title 22 of the Oklahoma  
22 Statutes.

23 E. If the probationer has been arrested and detained on a  
24 warrant and the court does not hold a revocation hearing within ten

1 (10) days, the probationer shall be released from county jail,  
2 intermediate sanctions facility or Department of Corrections  
3 facility and shall return to probation status. The court may  
4 subsequently hold a revocation hearing and may revoke probation or  
5 continue probation and modify the terms and conditions of probation.  
6 If the court revokes probation for a technical violation and imposes  
7 a period of imprisonment, the court shall impose a period of  
8 imprisonment that follows the revocation periods outlined in this  
9 section.

10 F. The judge may depart from the periods of imprisonment  
11 required under subsection C of this section if the offender is on  
12 probation supervision for an offense under Section 13.1 of Title 21  
13 of the Oklahoma Statutes.

14 G. A probationer may be processed by the Department on an  
15 expedited basis through any facility serving such purpose or may be  
16 processed directly by the intermediate sanctions facility.

17 ~~D.~~ H. Nothing in this section shall preclude a district  
18 attorney from initiating an application to revoke a suspended  
19 sentence pursuant to subsection A of this section without a  
20 recommendation from the Department or from initiating an application  
21 to revoke a suspended sentence and referring the person to an  
22 intermediate revocation facility without a recommendation from the  
23 Department pursuant to subsection B of this section, when the  
24

1 district attorney believes that competent evidence justifies the  
2 revocation of the suspended sentence.

3 I. For purposes of this section, the term "probationer" means  
4 any offender on a deferred judgment or suspended sentence supervised  
5 by the Department of Corrections or another supervising body other  
6 than a drug court or mental health court.

7 SECTION 23. AMENDATORY 57 O.S. 2011, Section 571, as  
8 amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2016,  
9 Section 571), is amended to read as follows:

10 Section 571. As used in the Oklahoma Statutes, unless another  
11 definition is specified:

12 1. "Capacity" means the actual available bedspace as certified  
13 by the State Board of Corrections subject to applicable federal and  
14 state laws and the rules and regulations promulgated under such  
15 laws;

16 2. "Violent crime" means any of the following felony offenses  
17 and any attempts to commit or conspiracy or solicitation to commit  
18 the following crimes:

19 a. assault, battery, or assault and battery with a  
20 dangerous or deadly weapon, as provided for in  
21 Sections 645 and 652 of Title 21 of the Oklahoma  
22 Statutes;

23 b. shooting with intent to kill, assault, battery, or  
24 assault and battery with a deadly weapon or by other

1 means likely to produce death or great bodily harm, as  
2 provided for in Section 652 of Title 21 of the  
3 Oklahoma Statutes;

4 c. aggravated assault and battery on a police officer,  
5 sheriff, highway patrolman, or any other officer of  
6 the law, as provided for in Section 650 of Title 21 of  
7 the Oklahoma Statutes;

8 d. poisoning with intent to kill, as provided for in  
9 Section 651 of Title 21 of the Oklahoma Statutes;

10 e. shooting with intent to kill, as provided for in  
11 Section 652 of Title 21 of the Oklahoma Statutes;

12 f. assault with intent to kill, as provided for in  
13 Section 653 of Title 21 of the Oklahoma Statutes;

14 g. assault with intent to commit a felony, as provided  
15 for in Section 681 of Title 21 of the Oklahoma  
16 Statutes;

17 h. assaults with a dangerous weapon or other instrument  
18 of punishment while masked or disguised, as provided  
19 for in Section 1303 of Title 21 of the Oklahoma  
20 Statutes;

21 i. murder in the first degree, as provided for in Section  
22 701.7 of Title 21 of the Oklahoma Statutes;

23 j. murder in the second degree, as provided for in  
24 Section 701.8 of Title 21 of the Oklahoma Statutes;

- 1 k. manslaughter in the first degree, as provided for in  
2 Section 711 of Title 21 of the Oklahoma Statutes;
- 3 l. manslaughter in the second degree, as provided for in  
4 Section 716 of Title 21 of the Oklahoma Statutes;
- 5 m. kidnapping, as provided for in Section 741 of Title 21  
6 of the Oklahoma Statutes;
- 7 n. burglary in the first degree, as provided for in  
8 Section 1431 of Title 21 of the Oklahoma Statutes;
- 9 o. burglary with explosives, as provided for in Section  
10 1441 of Title 21 of the Oklahoma Statutes;
- 11 p. kidnapping for extortion, as provided for in Section  
12 745 of Title 21 of the Oklahoma Statutes;
- 13 q. maiming, as provided for in Section 751 of Title 21 of  
14 the Oklahoma Statutes;
- 15 r. robbery, as provided for in Section 791 of Title 21 of  
16 the Oklahoma Statutes;
- 17 s. robbery in the first degree, as provided for in  
18 Section 797 et seq. of Title 21 of the Oklahoma  
19 Statutes;
- 20 t. robbery in the second degree, as provided for in  
21 Section 797 et seq. of Title 21 of the Oklahoma  
22 Statutes;
- 23 u. armed robbery, as provided for in Section 801 of Title  
24 21 of the Oklahoma Statutes;

- 1 v. robbery by two (2) or more persons, as provided for in  
2 Section 800 of Title 21 of the Oklahoma Statutes;
- 3 w. robbery with dangerous weapon or imitation firearm, as  
4 provided for in Section 801 of Title 21 of the  
5 Oklahoma Statutes;
- 6 x. child abuse, as provided for in Section 843.5 of Title  
7 21 of the Oklahoma Statutes;
- 8 y. wiring any equipment, vehicle or structure with  
9 explosives, as provided for in Section 849 of Title 21  
10 of the Oklahoma Statutes;
- 11 z. forcible sodomy, as provided for in Section 888 of  
12 Title 21 of the Oklahoma Statutes;
- 13 aa. rape in the first degree, as provided for in Section  
14 1114 of Title 21 of the Oklahoma Statutes;
- 15 bb. rape in the second degree, as provided for in Section  
16 1114 of Title 21 of the Oklahoma Statutes;
- 17 cc. rape by instrumentation, as provided for in Section  
18 1111.1 of Title 21 of the Oklahoma Statutes;
- 19 dd. lewd or indecent proposition or lewd or indecent act  
20 with a child under sixteen (16) years of age, as  
21 provided for in Section 1123 of Title 21 of the  
22 Oklahoma Statutes;
- 23  
24

- 1 ee. use of a firearm or offensive weapon to commit or  
2 attempt to commit a felony, as provided for in Section  
3 1287 of Title 21 of the Oklahoma Statutes;
- 4 ff. pointing firearms, as provided for in Section 1279 of  
5 Title 21 of the Oklahoma Statutes;
- 6 gg. rioting, as provided for in Section 1311 of Title 21  
7 of the Oklahoma Statutes;
- 8 hh. inciting to riot, as provided for in Section 1320.2 of  
9 Title 21 of the Oklahoma Statutes;
- 10 ii. arson in the first degree, as provided for in Section  
11 1401 of Title 21 of the Oklahoma Statutes;
- 12 jj. injuring or burning public buildings, as provided for  
13 in Section 349 of Title 21 of the Oklahoma Statutes;
- 14 kk. sabotage, as provided for in Section 1262 of Title 21  
15 of the Oklahoma Statutes;
- 16 ll. criminal syndicalism, as provided for in Section 1261  
17 of Title 21 of the Oklahoma Statutes;
- 18 mm. extortion, as provided for in Section 1481 of Title 21  
19 of the Oklahoma Statutes;
- 20 nn. obtaining signature by extortion, as provided for in  
21 Section 1485 of Title 21 of the Oklahoma Statutes;
- 22 oo. seizure of a bus, discharging firearm or hurling  
23 missile at bus, as provided for in Section 1903 of  
24 Title 21 of the Oklahoma Statutes;

- 1 pp. mistreatment of a mental patient, as provided for in  
2 Section 843.1 of Title 21 of the Oklahoma Statutes;
- 3 qq. using a vehicle to facilitate the discharge of a  
4 weapon pursuant to Section 652 of Title 21 of the  
5 Oklahoma Statutes;
- 6 rr. bombing offenses as defined in Section 1767.1 of Title  
7 21 of the Oklahoma Statutes;
- 8 ss. child pornography or aggravated child pornography as  
9 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a  
10 of Title 21 of the Oklahoma Statutes;
- 11 tt. child prostitution as defined in Section 1030 of Title  
12 21 of the Oklahoma Statutes;
- 13 uu. abuse of a vulnerable adult as defined in Section 10-  
14 103 of Title 43A of the Oklahoma Statutes who is a  
15 resident of a nursing facility;
- 16 vv. aggravated trafficking as provided for in subsection C  
17 of Section 2-415 of Title 63 of the Oklahoma Statutes;
- 18 ww. aggravated assault and battery upon any person  
19 defending another person from assault and battery, as  
20 provided for in Section 646 of Title 21 of the  
21 Oklahoma Statutes;
- 22 xx. human trafficking as provided for in Section 748 of  
23 Title 21 of the Oklahoma Statutes; or  
24

1 yy. terrorism crimes as provided in Sections 1268 et seq.  
2 of Title 21 of the Oklahoma Statutes.

3 Such offenses shall constitute exceptions to nonviolent offenses  
4 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

5 SECTION 24. This act shall become effective November 1, 2017.

6 Passed the House of Representatives the 20th day of March, 2017.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
of Representatives

10 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2017.

11  
12  
13 \_\_\_\_\_  
14 Presiding Officer of the Senate