

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1518

By: Peterson, Virgin, Ritze,  
Shelton, McDaniel  
(Jeannie), Sherrer and  
Hoskin of the House

5 and

6 Shaw of the Senate

7  
8  
9 An Act relating to criminal procedure; creating the  
Justice Safety Valve Act; providing short title;  
10 authorizing courts to depart from mandatory minimum  
sentencing requirements under certain circumstances;  
11 providing exceptions; directing district court clerks  
to submit certain report; requiring publication of  
12 report; providing for codification; and providing an  
effective date.

13  
14 AUTHORS: Add the following Senate coauthors: Matthews and Pittman

15 AUTHORS: Add the following House coauthors: Billy, Matthews,  
Griffin, and Banz

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17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

18  
19 "An Act relating to criminal procedure; creating the  
Justice Safety Valve Act; providing short title;  
20 authorizing courts to depart from mandatory minimum  
sentencing requirements under certain circumstances;  
21 providing exceptions; directing district court clerks  
to submit certain report; requiring publication of  
22 report; providing for codification; and providing an  
effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 985 of Title 22, unless there is  
4 created a duplication in numbering, reads as follows:

5 Sections 2 and 3 of this act shall be known and may be cited as  
6 the "Justice Safety Valve Act".

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 985.1 of Title 22, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. When sentencing a person convicted of a criminal offense for  
11 which there is a mandatory minimum sentence of imprisonment, the  
12 court may depart from the applicable sentence if the court finds  
13 substantial and compelling reasons on the record, after giving due  
14 regard to the nature of the crime, history, and character of the  
15 defendant and his or her chances of successful rehabilitation, that:

16 1. The mandatory minimum sentence of imprisonment is not  
17 necessary for the protection of the public and imposition of the  
18 mandatory minimum sentence of imprisonment would result in  
19 substantial injustice to the defendant; or

20 2. The mandatory minimum sentence of imprisonment is not  
21 necessary for the protection of the public and the defendant, based  
22 on a risk and needs assessment, is eligible for an alternative  
23 court, a diversion program or community sentencing, without regard  
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1 to exclusions because of previous convictions, and has been accepted  
2 to the same, pending sentencing.

3 B. The court shall not have the discretion to depart from the  
4 applicable mandatory minimum sentence of imprisonment on convictions  
5 for criminal offenses under the following circumstances:

6 1. The offense for which the defendant was convicted is among  
7 those crimes listed in Section 571 of Title 57 of the Oklahoma  
8 Statutes as excepted from the definition of "nonviolent offense";

9 2. The offense for which the defendant was convicted was a sex  
10 offense and will require the defendant to register as a sex offender  
11 pursuant to the provisions of the Sex Offenders Registration Act;

12 3. The offense for which the defendant was convicted involved  
13 the use of a firearm;

14 4. The offense for which the defendant was convicted is a crime  
15 listed in Section 13.1 of Title 21 of the Oklahoma Statutes  
16 requiring the defendant to serve not less than eighty-five percent  
17 (85%) of any sentence of imprisonment imposed by the judicial system  
18 prior to becoming eligible for consideration for parole;

19 5. The offense for which the defendant was convicted is a  
20 violation of the Trafficking in Illegal Drugs Act as provided in  
21 Sections 2-414 through 2-420 of Title 63 of the Oklahoma Statutes;

22 6. The defendant was the leader, manager or supervisor of  
23 others in a continuing criminal enterprise; or  
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1           7. The offense for which the defendant was convicted is a  
2 violation of the Oklahoma Antiterrorism Act as provided in Sections  
3 1268 through 1268.8 of Title 21 of the Oklahoma Statutes.

4           SECTION 3.       NEW LAW       A new section of law to be codified  
5 in the Oklahoma Statutes as Section 985.2 of Title 22, unless there  
6 is created a duplication in numbering, reads as follows:

7           The district court clerk of each county shall submit a report of  
8 the departures in sentencing to the Clerk of the Court of Criminal  
9 Appeals on or before the first day of February of each year. On or  
10 before the first day of March of each year the Clerk of the Court of  
11 Criminal Appeals shall make available, in digital electronic format  
12 and on the website of the Oklahoma Court of Criminal Appeals, a  
13 report as to the number of departures from mandatory minimum  
14 sentences made by each judge in the state during the previous  
15 calendar year.

16           SECTION 4. This act shall become effective November 1, 2015."  
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1 Passed the Senate the 21st day of April, 2015.

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

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2015.

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

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2 BILL NO. 1518

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11 sentencing requirements under certain circumstances;  
12 providing exceptions; directing district court clerks  
13 to submit certain report; requiring publication of  
14 report; providing for codification; and providing an  
15 effective date.

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

17 SECTION 5. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 985 of Title 22, unless there is  
19 created a duplication in numbering, reads as follows:

20 Sections 2 and 3 of this act shall be known and may be cited as  
21 the "Justice Safety Valve Act".

22 SECTION 6. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 985.1 of Title 22, unless there  
24 is created a duplication in numbering, reads as follows:

A. When sentencing a person convicted of a criminal offense for  
which there is a mandatory minimum sentence of imprisonment, the

1 court may depart from the applicable sentence if the court finds  
2 substantial and compelling reasons on the record, after giving due  
3 regard to the nature of the crime, history and character of the  
4 defendant and his or her chances of successful rehabilitation, that:

5 1. The mandatory minimum sentence of imprisonment is not  
6 necessary for the protection of the public and imposition of the  
7 mandatory minimum sentence of imprisonment would result in  
8 substantial injustice to the defendant; or

9 2. The mandatory minimum sentence of imprisonment is not  
10 necessary for the protection of the public and the defendant, based  
11 on a risk and needs assessment, is eligible for an alternative  
12 court, a diversion program or community sentencing, without regard  
13 to exclusions because of previous convictions, and has been accepted  
14 to the same, pending sentencing.

15 B. The court shall not have the discretion to depart from the  
16 applicable mandatory minimum sentence of imprisonment on convictions  
17 for criminal offenses under the following circumstances:

18 1. The offense for which the defendant was convicted is among  
19 those crimes listed in Section 571 of Title 57 of the Oklahoma  
20 Statutes as excepted from the definition of "nonviolent offense";

21 2. The offense for which the defendant was convicted was a sex  
22 offense and will require the defendant to register as a sex offender  
23 pursuant to the provisions of the Sex Offenders Registration Act;

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1 3. The offense for which the defendant was convicted involved  
2 the use of a firearm;

3 4. The offense for which the defendant was convicted is a crime  
4 listed in Section 13.1 of Title 21 of the Oklahoma Statutes  
5 requiring the defendant to serve not less than eighty-five percent  
6 (85%) of any sentence of imprisonment imposed by the judicial system  
7 prior to becoming eligible for consideration for parole;

8 5. The offense for which the defendant was convicted is a  
9 violation of the Trafficking in Illegal Drugs Act as provided in  
10 Sections 2-414 through 2-420 of Title 63 of the Oklahoma Statutes;  
11 or

12 6. The defendant was the leader, manager or supervisor of  
13 others in a continuing criminal enterprise.

14 SECTION 7. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 985.2 of Title 22, unless there  
16 is created a duplication in numbering, reads as follows:

17 The district court clerk of each county shall submit a report of  
18 the departures in sentencing to the Clerk of the Court of Criminal  
19 Appeals on or before the first day of February of each year. On or  
20 before the first day of March of each year the Clerk of the Court of  
21 Criminal Appeals shall make available, in digital electronic format  
22 and on the website of the Oklahoma Court of Criminal Appeals, a  
23 report as to the number of departures from mandatory minimum  
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1 sentences made by each judge in the state during the previous  
2 calendar year.

3 SECTION 8. This act shall become effective November 1, 2015.

4 Passed the House of Representatives the 11th day of March, 2015.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

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Presiding Officer of the Senate

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