

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2443

By: O'Donnell

4  
5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2011, Section 982a, as last amended by Section  
9 1, Chapter 127, O.S.L. 2015 (22 O.S. Supp. 2015,  
10 Section 982a), which relates to judicial review of  
11 sentences; increasing time limitation for sentence  
12 modification; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2011, Section 982a, as  
14 last amended by Section 1, Chapter 127, O.S.L. 2015 (22 O.S. Supp.  
15 2015, Section 982a), is amended to read as follows:

16 Section 982a. A. 1. Any time within ~~twenty-four (24)~~ sixty  
17 (60) months after the initial sentence is imposed or within ~~twenty-~~  
18 ~~four (24)~~ sixty (60) months after probation has been revoked, the  
19 court imposing sentence or revocation of probation may modify such  
20 sentence or revocation by directing that another sentence be  
21 imposed, if the court is satisfied that the best interests of the  
22 public will not be jeopardized; provided, however, the court shall  
23 not impose a deferred sentence. Any application for sentence  
24 modification that is filed and ruled upon beyond twelve (12) months

1 of the initial sentence being imposed must be approved by the  
2 district attorney who shall provide written notice to any victims in  
3 the case which is being considered for modification.

4 2. The court imposing sentence may modify the sentence of any  
5 ~~inmate~~ offender who was originally sentenced for a drug charge and  
6 ordered to complete the Drug Offender Work Camp at the Bill Johnson  
7 Correctional Facility and direct that another sentence be imposed,  
8 if the court is satisfied that the best interests of the public will  
9 not be jeopardized; provided, however, the court shall not impose a  
10 deferred sentence. An application for sentence modification  
11 pursuant to this paragraph may be filed and ruled upon beyond the  
12 initial ~~twenty-four-month~~ sixty-month time period provided for in  
13 paragraph 1 of this subsection.

14 3. This section shall not apply to convicted felons who have  
15 been in confinement in any state or federal prison system for any  
16 previous felony conviction during the ten-year period preceding the  
17 date that the sentence this section applies to was imposed.  
18 Further, without the consent of the district attorney, this section  
19 shall not apply to sentences imposed pursuant to a plea agreement or  
20 jury verdict.

21 B. For purposes of judicial review, upon court order or written  
22 request from the sentencing judge, the Department of Corrections  
23 shall provide the court imposing sentence or revocation of probation  
24 with a report to include a summary of the ~~offender's~~ assessed needs

1 of the offender, any progress made by the offender in addressing his  
2 or her assessed needs, and any other information the Department can  
3 supply on the ~~inmate~~ offender. The court shall consider such  
4 reports when modifying the sentence or revocation of probation. The  
5 court shall allow the Department of Corrections at least twenty (20)  
6 days after receipt of a request or order from the court to prepare  
7 the required reports.

8 C. If the court considers modification of the sentence or  
9 revocation of probation, a hearing shall be made in open court after  
10 receipt of the reports required in subsection B of this section.  
11 The clerk of the court imposing sentence or revocation of probation  
12 shall give notice of the judicial review hearing to the Department  
13 of Corrections, the ~~inmate~~ offender, the ~~inmate's~~ legal counsel of  
14 the offender, and the district attorney of the county in which the  
15 inmate was convicted upon receipt of the reports. Such notice shall  
16 be mailed at least twenty-one (21) days prior to the hearing date  
17 and shall include a copy of the report and any other written  
18 information to be considered at the judicial review hearing.

19 D. If an appeal is taken from the original sentence or from a  
20 revocation of probation which results in a modification of the  
21 sentence or modification to the revocation of probation of the  
22 ~~defendant~~ offender, such sentence may be further modified in the  
23 manner described in paragraph 1 of subsection A of this section  
24 within ~~twenty-four (24)~~ sixty (60) months after the receipt by the

1 clerk of the district court of the mandate from the Supreme Court or  
2 the Court of Criminal Appeals.

3 SECTION 2. This act shall become effective November 1, 2016.  
4

5 55-2-8130 GRS 12/23/15  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24