

1 ENGROSSED SENATE  
2 BILL NO. 28

By: Shaw of the Senate

3 and

4 Bush of the House

5  
6 An Act relating to parole; amending 57 O.S. 2011,  
7 Section 332.7, as last amended by Section 2, Chapter  
8 117, O.S.L. 2018 (57 O.S. Supp. 2018, Section 332.7),  
9 which relates to consideration for parole; modifying  
inclusions; deleting references to certain matrix;  
updating statutory language; and providing an effective  
date.

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11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.7, as  
14 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.  
15 2018, 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:~~ who has

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, 2018, 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~~ this subsection shall not apply to any inmate  
24

1 serving a sentence of life imprisonment without parole ~~shall be~~  
2 ~~eligible to be considered for parole pursuant to this subsection.~~

3 C. For a crime committed on or after November 1, 2018, 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 consecutive sentences imposed, according to the following  
7 criteria:

8 1. A person eligible for parole under this subsection shall be  
9 eligible for administrative parole under subsection R of this  
10 section once the person serves one-fourth (1/4) of the sentence or  
11 consecutive sentences imposed; provided, however, no inmate serving  
12 a sentence of life imprisonment without parole, a sentence for a  
13 violent crime as set forth in Section 571 of this title or any crime  
14 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes  
15 shall be eligible for administrative 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 consecutive sentences imposed; provided, however no  
19 inmate serving a sentence of life imprisonment without parole is  
20 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 ~~paragraph 1~~ of subsection A of this section, subsection B or  
2 paragraph 2 of subsection C of this section shall be conducted in  
3 two stages, as follows:

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

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

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

19 ~~1. Within~~ within three (3) years of the denial or waiver, if  
20 the person was convicted of a violent crime, as set forth in Section  
21 571 of this title, and was eligible for consideration pursuant to  
22 ~~paragraph 1~~ of subsection A of this section, subsection B of this  
23 section or paragraph 2 of subsection C of this section, unless the  
24 person is within one (1) year of discharge; ~~or~~

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

7       F. Any person in the custody of the Department of Corrections  
8 for a crime committed prior to July 1, 1998, who has been considered  
9 for parole on a docket created for a type of parole consideration  
10 that has been abolished by the Legislature shall not be considered  
11 for parole except in accordance with this section.

12       G. The Pardon and Parole Board shall promulgate rules for the  
13 implementation of subsections A, B and C of this section. The rules  
14 shall include, but not be limited to, procedures for reconsideration  
15 of persons denied parole under this section ~~and procedure for~~  
16 ~~determining what sentence a person eligible for parole consideration~~  
17 ~~pursuant to subsection A of this section would have received under~~  
18 ~~the applicable matrix.~~

19       H. The Pardon and Parole Board shall not recommend to the  
20 Governor any person who has been convicted of three or more felonies  
21 arising out of separate and distinct transactions, with three or  
22 more incarcerations for such felonies, unless such person shall have  
23 served the lesser of at least one-third (1/3) of the sentence  
24 imposed, or ten (10) years; provided, that whenever the population

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

7 I. Inmates sentenced to consecutive sentences shall not be  
8 eligible for parole consideration on any such consecutive sentence  
9 until one-third (1/3) of the consecutive sentence has been served or  
10 where parole has been otherwise limited by law, until the minimum  
11 term of incarceration has been served as required by law. Unless  
12 otherwise ordered by the sentencing court, any credit for jail time  
13 served shall be credited to only one offense.

14 J. The Pardon and Parole Board shall consider the prior  
15 criminal record of inmates under consideration for parole  
16 recommendation or granting of parole.

17 K. In the event the Board grants parole for a nonviolent  
18 offender who has previously been convicted of an offense enumerated  
19 in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571  
20 of this title, such offender shall be subject to nine (9) months  
21 postimprisonment supervision upon release.

22 L. It shall be the duty of the Pardon and Parole Board to cause  
23 an examination to be made at the penal institution where the person  
24 is assigned, and to make inquiry into the conduct and the record of

1 the ~~said~~ person during his or her custody in the Department of  
2 Corrections, which shall be considered as a basis for consideration  
3 of ~~said~~ the person for recommendation to the Governor for parole.  
4 However, the Pardon and Parole Board shall not be required to  
5 consider for parole any person who has completed the time period  
6 provided for in this subsection if the person has participated in a  
7 riot or in the taking of hostages, or has been placed on escape  
8 status, while in the custody of the Department of Corrections. The  
9 Pardon and Parole Board shall adopt policies and procedures  
10 governing parole consideration for such persons.

11 M. Any person in the custody of the Department of Corrections  
12 who is convicted of an offense not designated as a violent offense  
13 by Section 571 of this title, is not a citizen of the United States  
14 and is subject to or becomes subject to a final order of deportation  
15 issued by the United States Department of Justice shall be  
16 considered for parole to the custody of the United States  
17 Immigration and Naturalization Service for continuation of  
18 deportation proceedings at any time subsequent to reception and  
19 processing through the Department of Corrections. No person shall  
20 be considered for parole under this subsection without the  
21 concurrence of at least three members of the Pardon and Parole  
22 Board. The vote on whether or not to consider such person for  
23 parole and the names of the concurring Board members shall be set  
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1 | forth in the written minutes of the meeting of the Board at which  
2 | the issue is considered.

3 |       N. Upon application of any person convicted and sentenced by a  
4 | court of this state and relinquished to the custody of another state  
5 | or federal authorities pursuant to Section 61.2 of Title 21 of the  
6 | Oklahoma Statutes, the Pardon and Parole Board may determine a  
7 | parole consideration date consistent with the provisions of this  
8 | section and criteria established by the Pardon and Parole Board.

9 |       O. ~~All references in this section to matrices or schedules~~  
10 | ~~shall be construed with reference to the provisions of Sections 6,~~  
11 | ~~598, 599, 600 and 601, Chapter 133, O.S.L. 1997.~~

12 |       ~~P.~~ Any person in the custody of the Department of Corrections  
13 | who is convicted of a felony sex offense pursuant to Section 582 of  
14 | this title who is paroled shall immediately be placed on intensive  
15 | supervision.

16 |       ~~Q.~~ P. A person in the custody of the Department of Corrections  
17 | whose parole consideration date is calculated pursuant to subsection  
18 | B or C of this section, and is not serving a sentence of life  
19 | imprisonment without parole or who is not convicted of an offense  
20 | designated as a violent offense by Section 571 of this title or any  
21 | crime enumerated in Section 13.1 of Title 21 of the Oklahoma  
22 | Statutes shall be eligible for administrative parole under  
23 | subsection R of this section.

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1       ~~R.~~ Q. The Pardon and Parole Board shall, by majority vote,  
2 grant administrative parole to any person in the custody of the  
3 Department of Corrections if:

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

6           2. A victim, as defined in Section 332.2 of this title, or the  
7 district attorney speaking on behalf of a victim, has not submitted  
8 an objection;

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

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

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

15       ~~S.~~ R. Any person granted parole pursuant to subsection R of  
16 this section shall be released from the institution at the time of  
17 the parole eligibility date of the person as calculated under  
18 subsection B or C of this section.

19       ~~T.~~ S. No less than ninety (90) days prior to the parole  
20 eligibility date of the person, the Department shall notify the  
21 Pardon and Parole Board in writing of the compliance or  
22 noncompliance of the person with the case plan and any infractions  
23 committed by the person.

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