

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 28

By: Shaw of the Senate

and

Bush of the House

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9 An Act relating to parole; amending 57 O.S. 2011,
10 Section 332.7, as last amended by Section 2, Chapter
11 117, O.S.L. 2018 (57 O.S. Supp. 2018, Section 332.7),
12 which relates to consideration for parole; modifying
13 inclusions; deleting references to certain matrix;
14 updating statutory language; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.7, as
18 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
19 2018, Section 332.7), is amended to read as follows:

20 Section 332.7. A. For a crime committed prior to July 1, 1998,
21 any person in the custody of the Department of Corrections shall be
22 eligible for consideration for parole ~~at the earliest of the~~
23 ~~following dates:~~ who has

24 ~~1. Has~~ completed serving one-third (1/3) of the sentence;

1 ~~2. Has reached at least sixty (60) years of age and also has~~
2 ~~served at least fifty percent (50%) of the time of imprisonment that~~
3 ~~would have been imposed for that offense pursuant to the applicable~~
4 ~~matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.~~
5 ~~1997; provided, however, no inmate serving a sentence for crimes~~
6 ~~listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,~~
7 ~~O.S.L. 1997, or serving a sentence of life imprisonment without~~
8 ~~parole shall be eligible to be considered for parole pursuant to~~
9 ~~this paragraph;~~

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

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

23 B. For a crime committed on or after July 1, 1998, and before
24 November 1, 2018, any person in the custody of the Department of

1 Corrections shall be eligible for consideration for parole who has
2 completed serving one-third (1/3) of the sentence; provided,
3 however, ~~no inmate~~ this subsection shall not apply to any inmate
4 -serving a sentence of life imprisonment without parole shall be
5 eligible to be considered for parole pursuant to this subsection.

6 C. For a crime committed on or after November 1, 2018, any
7 person in the custody of the Department of Corrections shall be
8 eligible for parole after serving one-fourth (1/4) of the sentence
9 or consecutive sentences imposed, according to the following
10 criteria:

11 1. A person eligible for parole under this subsection shall be
12 eligible for administrative parole under subsection R of this
13 section once the person serves one-fourth (1/4) of the sentence or
14 consecutive sentences imposed; provided, however, no inmate serving
15 a sentence of life imprisonment without parole, a sentence for a
16 violent crime as set forth in Section 571 of this title or any crime
17 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes
18 shall be eligible for administrative parole.

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

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1 D. The parole hearings conducted for ~~persons pursuant to~~
2 ~~paragraph 3 of subsection A of this section or for~~ any person who
3 was convicted of a violent crime as set forth in Section 571 of this
4 title and who is eligible for parole consideration pursuant to
5 ~~paragraph 1 of~~ subsection A of this section, subsection B or
6 paragraph 2 of subsection C of this section shall be conducted in
7 two stages, as follows:

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

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

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

23 ~~1. Within~~ within three (3) years of the denial or waiver, if
24 the person was convicted of a violent crime, as set forth in Section

1 571 of this title, and was eligible for consideration pursuant to
2 ~~paragraph 1 of subsection A of this section, subsection B of this~~
3 ~~section or paragraph 2 of subsection C of this section, unless the~~
4 ~~person is within one (1) year of discharge; or~~

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

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

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

23 H. The Pardon and Parole Board shall not recommend to the
24 Governor any person who has been convicted of three or more felonies

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

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

18 J. The Pardon and Parole Board shall consider the prior
19 criminal record of inmates under consideration for parole
20 recommendation or granting of parole.

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

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

3 L. It shall be the duty of the Pardon and Parole Board to cause
4 an examination to be made at the penal institution where the person
5 is assigned, and to make inquiry into the conduct and the record of
6 the ~~said~~ person during his or her custody in the Department of
7 Corrections, which shall be considered as a basis for consideration
8 of ~~said~~ the person for recommendation to the Governor for parole.
9 However, the Pardon and Parole Board shall not be required to
10 consider for parole any person who has completed the time period
11 provided for in this subsection if the person has participated in a
12 riot or in the taking of hostages, or has been placed on escape
13 status, while in the custody of the Department of Corrections. The
14 Pardon and Parole Board shall adopt policies and procedures
15 governing parole consideration for such persons.

16 M. Any person in the custody of the Department of Corrections
17 who is convicted of an offense not designated as a violent offense
18 by Section 571 of this title, is not a citizen of the United States
19 and is subject to or becomes subject to a final order of deportation
20 issued by the United States Department of Justice shall be
21 considered for parole to the custody of the United States
22 Immigration and Naturalization Service for continuation of
23 deportation proceedings at any time subsequent to reception and
24 processing through the Department of Corrections. No person shall

1 be considered for parole under this subsection without the
2 concurrence of at least three members of the Pardon and Parole
3 Board. The vote on whether or not to consider such person for
4 parole and the names of the concurring Board members shall be set
5 forth in the written minutes of the meeting of the Board at which
6 the issue is considered.

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

13 ~~O. All references in this section to matrices or schedules~~
14 ~~shall be construed with reference to the provisions of Sections 6,~~
15 ~~598, 599, 600 and 601, Chapter 133, O.S.L. 1997.~~

16 ~~P.~~ Any person in the custody of the Department of Corrections
17 who is convicted of a felony sex offense pursuant to Section 582 of
18 this title who is paroled shall immediately be placed on intensive
19 supervision.

20 ~~Q.~~ P. A person in the custody of the Department of Corrections
21 whose parole consideration date is calculated pursuant to subsection
22 B or C of this section, and is not serving a sentence of life
23 imprisonment without parole or who is not convicted of an offense
24 designated as a violent offense by Section 571 of this title or any

1 crime enumerated in Section 13.1 of Title 21 of the Oklahoma
2 Statutes shall be eligible for administrative parole under
3 subsection R of this section.

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

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

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

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

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

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

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

22 ~~T.~~ S. No less than ninety (90) days prior to the parole
23 eligibility date of the person, the Department shall notify the
24 Pardon and Parole Board in writing of the compliance or

1 noncompliance of the person with the case plan and any infractions
2 committed by the person.

3 ~~U.~~ T. The Pardon and Parole Board shall not be required to
4 conduct a hearing before granting administrative parole pursuant to
5 subsection R of this section.

6 ~~V.~~ U. Any person who is not granted administrative parole shall
7 be otherwise eligible for parole pursuant to this section.

8 ~~W.~~ V. Any person who is granted administrative parole under
9 subsection R of this section shall be supervised and managed by the
10 Department of Corrections in the same manner as a parolee who has
11 been granted parole pursuant to this section. The person shall be
12 subject to all of the rules and regulations of parole.

13 SECTION 2. This act shall become effective November 1, 2019.

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15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/11/2019 -
16 DO PASS.

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