

STATE OF OKLAHOMA  
1st Session of the 55th Legislature (2015)

SENATE BILL 106

By: Justice

AS INTRODUCED

An Act relating to pardon and parole; amending 57 O.S. 2011, Section 332.7, as amended by Section 2, Chapter 124 O.S.L. 2013 (57 O.S. Supp 2014, Section 332.7), which relates to pardon and parole procedures; modifying certain allowances and requirements; amending 57 O.S. 2011, Section 332.19, which relates to parole procedures; requiring certain documentation be presented to the Governor; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.7, as amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2014, Section 332.7), is amended to read as follows:

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

1. Has completed serving one-third (1/3) of the sentence;
2. Has reached at least sixty (60) years of age and also has served at least fifty percent (50%) of the time of imprisonment that would have been imposed for that offense pursuant to the applicable

1 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.  
2 1997; provided, however, no inmate serving a sentence for crimes  
3 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,  
4 O.S.L. 1997, or serving a sentence of life imprisonment without  
5 parole shall be eligible to be considered for parole pursuant to  
6 this paragraph;

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

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

20 B. For a crime committed on or after July 1, 1998, any person  
21 in the custody of the Department of Corrections shall be eligible  
22 for consideration for parole who has completed serving one-third  
23 (1/3) of the sentence; provided, however, no inmate serving a  
24

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

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

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

14 2. At the subsequent meeting, the Board shall hear from the  
15 following, in this order: offenders and their delegations, District  
16 Attorneys or their designees and other law enforcement personnel,  
17 and any victim or representatives of the victim that want to contest  
18 the granting of parole to that person. Immediately upon conclusion  
19 of the victim or representatives of the victim's presentation, the  
20 Board ~~and~~ shall publicly conduct a vote regarding whether parole  
21 should be recommended for that person and record such vote pursuant  
22 to the provisions of the Oklahoma Open Meeting Act.

23 D. Any inmate who has parole consideration dates calculated  
24 pursuant to subsection A, B or C of this section shall be considered

1 at the earliest such date. Except as otherwise directed by the  
2 Pardon and Parole Board, any person who has been considered for  
3 parole and was denied parole or who has waived consideration shall  
4 not be reconsidered for parole:

5 1. Within three (3) years of the denial or waiver, if the  
6 person was convicted of a violent crime, as set forth in Section 571  
7 of this title, and was eligible for consideration pursuant to  
8 paragraph 1 of subsection A of this section or subsection B of this  
9 section, unless the person is within one (1) year of discharge; or

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

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

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

4 G. 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. 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 consecutive sentence has been served or  
19 where parole has been otherwise limited by law, until the minimum  
20 term of incarceration has been served as required by law. Unless  
21 otherwise ordered by the sentencing court, any credit for jail time  
22 served shall be credited to only one offense.

23 I. The Pardon and Parole Board shall consider the prior  
24 criminal record of inmates under consideration for parole

1 recommendation or granting of parole. In the event the Board grants  
2 parole for a nonviolent offender who has previously been convicted  
3 of an offense enumerated in Section 13.1 of Title 21 of the Oklahoma  
4 Statutes or Section 571 of this title, such offender shall be  
5 subject to nine (9) months' postimprisonment supervision upon  
6 release.

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

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

1 considered for parole to the custody of the United States  
2 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 L. Upon application of any person convicted and sentenced by a  
12 court of this state and relinquished to the custody of another state  
13 or federal authorities pursuant to Section 61.2 of Title 21 of the  
14 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. 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. Any person in the custody of the Department of Corrections  
21 who is convicted of a felony sex offense pursuant to Section 582 of  
22 this title who is paroled shall immediately be placed on intensive  
23 supervision.

24

1 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.19, is  
2 amended to read as follows:

3 Section 332.19. Within thirty (30) days after approval of an  
4 application for pardon, the Pardon and Parole Board shall forward  
5 all relevant documentation to the Governor. If such documentation  
6 includes audio and video recording of the offender, anyone speaking  
7 in support of the offender, or both the offender and anyone speaking  
8 in support of the offender, then audio and video recording of the  
9 District Attorney or his or her designee, any law enforcement  
10 personnel, as well as the victim or the victim's representative,  
11 shall likewise be forwarded to the Governor. If the Board is unable  
12 to forward any of these audio and video presentation to the  
13 Governor, then none of the recordings shall be forwarded to the  
14 Governor. Upon receipt, the Governor shall have ninety (90) days to  
15 grant or deny the application for pardon. If an application for  
16 pardon is not approved by the Pardon and Parole Board, the  
17 application for pardon shall be deemed denied. If no action is  
18 taken by the Governor, the application shall be deemed denied. The  
19 Pardon and Parole Board shall notify the person making application  
20 for pardon of all actions taken by the Pardon and Parole Board or  
21 the Governor regarding the application for pardon.

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