

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2273

By: West (Josh) of the House and Jech of the Senate

Title: Prisons and reformatories; providing statement of legislative intent; modifying manner in which parole eligibility is calculated for persons convicted of crimes before and after certain date; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Jech	_____
Daniels	_____
Bice	_____
Coleman	_____
Brooks	_____
Floyd	_____
Shaw	_____
Matthews	_____

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2273

By: West (Josh) and Dunnington
of the House

and

Jech of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories;
providing statement of legislative intent; amending
57 O.S. 2011, Section 332.7, as last amended by
Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
2018, Section 332.7), which relates to parole
considerations for eligible persons; providing for
the aggregation of consecutive sentences when
determining parole eligibility; directing Pardon and
Parole Board to state parole denials on the record
and suggest remediation options; modifying manner in
which parole eligibility is calculated for persons
convicted of crimes before and after certain date;
deleting postimprisonment supervision option for
certain parolees; amending 57 O.S. 2011, Section 350,
which relates to sentence deductions for parolees;
authorizing paroling authority to revoke all or
portion of parole under certain circumstances;
amending 57 O.S. 2011, Section 502, as last amended
by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.
2018, Section 502), which relates to the Oklahoma
Corrections Act of 1967; adding definitions; allowing
offenders on felony probation supervision to earn
discharge credits under certain circumstances;
providing guidelines for awarding discharge credits;
defining term; prohibiting certain persons from
earning discharge credits; directing supervising
bodies to develop written policies, procedures and

1 guidelines for implementing discharge credit process;
2 requiring supervising bodies to maintain record of
3 credits; directing supervising bodies to report
4 expected discharge date to the court; directing
5 supervising bodies to discharge sentence under
6 certain circumstances; providing exceptions;
7 converting collection of fines, fees and costs to
8 civil action upon termination of probation
9 supervision; allowing offenders released on parole
10 supervision to earn discharge credits under certain
11 circumstances; providing guidelines for awarding
12 discharge credits; defining term; prohibiting certain
13 persons from earning discharge credits; directing
14 Department of Corrections to develop written
15 policies, procedures and guidelines for implementing
16 discharge credit process; requiring Department to
17 maintain record of credits; directing Department to
18 notify offender of parole termination date; directing
19 Department to order final termination date of parole
20 supervision under certain circumstances; providing
21 exceptions; converting collection of fines, fees and
22 costs to civil action upon termination of parole
23 supervision; requiring notification be sent to Pardon
24 and Parole Board of impending termination date;
providing an exception; directing Supreme Court to
establish rules for probation supervisors; stating
requirements for development of rules; requiring
probation supervisors to complete certain training;
directing judicial districts to develop and
administer rules for supervision providers; directing
the Department to develop matrix of sanctions and
incentives for parolees and probationers; authorizing
the Department to use violation responses and
intermediate sanction process; directing probation
and parole officers to initiate violation response
and intermediate sanction process after discovery of
violation; stating procedures for initiating process;
directing the Department to develop certain policies
and procedures; requiring establishment of procedures
to hear violation responses and review sanction
plans; directing Department to provide record of
violations to Pardon and Parole Board; establishing
procedures for hearing officers when determining
whether technical parole violations have occurred;
providing for sanctions or revocation under certain
circumstances; prohibiting revocation under certain
circumstances; amending 57 O.S. 2011, Sections 516

1 and 517, as amended by Section 8, Chapter 228, O.S.L.
2 2012 (57 O.S. Supp. 2018, Section 517), which relate
3 to parole and probation violators; directing
4 probation and parole officers to use sanctions matrix
5 when parolees commit technical violations;
6 authorizing Department to issue summons for parolee
7 to appear before Pardon and Parole Board under
8 certain circumstances; authorizing arrest warrant
9 when parolee fails to appear for hearing;
10 establishing procedures for holding preliminary
11 revocation hearings; providing for the continuation
12 of parole and modification of parole terms and
13 conditions; providing for imprisonment when Governor
14 revokes parole for parole violations; stating periods
15 of confinement; permitting Governor to depart from
16 imprisonment periods under certain circumstances;
17 establishing time limitation for holding preliminary
18 revocation hearing after arrest of parolee;
19 permitting Board to continue or modify conditions of
20 parole or recommend revocation of parole; directing
21 Governor to impose period of imprisonment for parole
22 revocations; establishing procedures when preliminary
23 revocation hearing is not held within certain time
24 frame; directing the Department and Board to adopt
certain rules and regulations; directing probation
and parole officers to notify department of probation
violations; deleting procedures for issuing warrants
to arrest probation violators; establishing
procedures for revoking probation for technical
violations; authorizing issuance of summons for
probationer to appear for revocation hearing;
authorizing arrest warrant when probationer fails to
appear; providing for incarceration of probationer in
certain facilities; defining term; providing for
codification; providing for noncodification; and
providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

1 It is the intent of this Legislature that the Pardon and Parole
2 Board as well as the Governor shall consider parole to be an
3 essential public safety mechanism used to incentivize compliance in
4 programming and treatment in prison and to provide effective
5 supervision upon release from prison. Parole shall be a means of
6 safely releasing compliant inmates in a timely fashion with the
7 skills and resources necessary to be successful in the community.

8 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.7, as
9 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
10 2018, Section 332.7), is amended to read as follows:

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

- 15 1. Has completed serving one-third (1/3) of the sentence;
- 16 2. Has reached at least sixty (60) years of age and also has
17 served at least fifty percent (50%) of the time of imprisonment that
18 would have been imposed for that offense pursuant to the applicable
19 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
20 1997; provided, however, no inmate serving a sentence for crimes
21 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
22 O.S.L. 1997, or serving a sentence of life imprisonment without
23 parole shall be eligible to be considered for parole pursuant to
24 this paragraph;

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

8 4. Has reached seventy-five percent (75%) of the midpoint of
9 the time of imprisonment that would have been imposed for an offense
10 that is listed in any other schedule, 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.

14 B. For a crime committed on or after July 1, 1998, and before
15 November 1, 2018, any person in the custody of the Department of
16 Corrections shall be eligible for consideration for parole who has
17 completed serving one-third (1/3) of the sentence; provided,
18 however, no inmate serving a sentence of life imprisonment without
19 parole shall be eligible to be considered for parole pursuant to
20 this subsection.

21 C. For a crime committed on or after November 1, 2018, any
22 person in the custody of the Department of Corrections shall be
23 eligible for parole after serving one-fourth (1/4) of the sentence
24

1 or consecutive sentences aggregated pursuant to subsection K of this
2 section that have been imposed, according to the following criteria:

3 1. A person eligible for parole under this subsection shall be
4 eligible for administrative parole under subsection R of this
5 section once the person serves one-fourth (1/4) of the sentence or
6 consecutive sentences imposed; provided, however, no inmate serving
7 a sentence of life imprisonment without parole, a sentence for a
8 violent crime as set forth in Section 571 of this title or any crime
9 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes
10 shall be eligible for administrative parole.

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

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

23 1. At the initial hearing, the Pardon and Parole Board shall
24 review the completed report submitted by the staff of the Board and

1 shall conduct a vote regarding whether, based upon that report, the
2 Board decides to consider the person for parole at a subsequent
3 meeting of the Board; and

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

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

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

20 2. Until the person has served at least one-third (1/3) of the
21 sentence imposed, if the person was eligible for consideration
22 pursuant to paragraph 3 of subsection A of this section. Thereafter
23 the person shall not be considered more frequently than once every
24

1 three (3) years, unless the person is within one (1) year of
2 discharge.

3 F. If the Pardon and Parole Board denies parole, the Board
4 shall state on the record the reason for denial.

5 G. If the Board denies parole for any person convicted of a
6 crime other than those set forth in Section 13.1 of Title 21 of the
7 Oklahoma Statutes, the Board shall suggest a course of remediation
8 for the inmate in preparation for the next parole consideration.

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

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

21 ~~H.~~ J. The Pardon and Parole Board shall not recommend to the
22 Governor any person who has been convicted of three or more felonies
23 arising out of separate and distinct transactions, with three or
24 more incarcerations for such felonies, unless such person shall have

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

9 ~~I.~~ K. Inmates sentenced to consecutive sentences shall not be
10 eligible for parole consideration on any such consecutive sentence
11 until one-third (1/3) of the aggregate term of the consecutive
12 ~~sentence sentences~~ has been served if sentenced for a crime
13 committed before November 1, 2018, or one-fourth (1/4) of the
14 aggregate term of the consecutive sentences if sentenced for a crime
15 committed on or after November 1, 2018, or where parole has been
16 otherwise limited by law, until the minimum term of incarceration
17 has been served as required by law. Unless otherwise ordered by the
18 sentencing court, any credit for jail time served shall be credited
19 to only one offense reduce the aggregate term. Parole eligibility
20 for consecutive sentences shall be determined by combining
21 consecutive sentences to arrive at an aggregate term of all
22 sentences imposed. The provisions of this subsection shall apply to
23 all consecutive sentences currently being served or a subsequent
24 sentence ordered to run consecutive to an existing sentence.

1 ~~J.~~ L. The Pardon and Parole Board shall consider the prior
2 criminal record of inmates under consideration for parole
3 recommendation or granting of parole.

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

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

22 ~~M.~~ N. Any person in the custody of the Department of
23 Corrections who is convicted of an offense not designated as a
24 violent offense by Section 571 of this title, is not a citizen of

1 the United States and is subject to or becomes subject to a final
2 order of deportation issued by the United States Department of
3 Justice shall be considered for parole to the custody of the United
4 States Immigration and Naturalization Service for continuation of
5 deportation proceedings at any time subsequent to reception and
6 processing through the Department of Corrections. No person shall
7 be considered for parole under this subsection without the
8 concurrence of at least three members of the Pardon and Parole
9 Board. The vote on whether or not to consider such person for
10 parole and the names of the concurring Board members shall be set
11 forth in the written minutes of the meeting of the Board at which
12 the issue is considered.

13 ~~N.~~ O. Upon application of any person convicted and sentenced by
14 a court of this state and relinquished to the custody of another
15 state or federal authorities pursuant to Section 61.2 of Title 21 of
16 the Oklahoma Statutes, the Pardon and Parole Board may determine a
17 parole consideration date consistent with the provisions of this
18 section and criteria established by the Pardon and Parole Board.

19 ~~O.~~ P. All references in this section to matrices or schedules
20 shall be construed with reference to the provisions of Sections 6,
21 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

22 ~~P.~~ Q. Any person in the custody of the Department of
23 Corrections who is convicted of a felony sex offense pursuant to
24

1 Section 582 of this title who is paroled shall immediately be placed
2 on intensive supervision.

3 ~~Q.~~ R. A person in the custody of the Department of Corrections
4 whose parole consideration date is calculated pursuant to subsection
5 B or C of this section, and is not serving a sentence of life
6 imprisonment without parole or who is not ~~convicted of~~ serving a
7 sentence for an offense designated as a violent offense by Section
8 571 of this title or any crime enumerated in Section 13.1 of Title
9 21 of the Oklahoma Statutes shall be eligible for administrative
10 parole under subsection ~~R~~ S of this section.

11 ~~R.~~ S. The Pardon and Parole Board shall, by majority vote,
12 grant administrative parole to any person in the custody of the
13 Department of Corrections if:

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

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

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

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

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

1 ~~S.~~ T. Any person granted parole pursuant to subsection ~~R~~ S of
2 this section shall be released from the institution at the time of
3 the parole eligibility date of the person as calculated under
4 subsection B or C of this section.

5 ~~T.~~ U. No less than ninety (90) days prior to the parole
6 eligibility date of the person, the Department shall notify the
7 Pardon and Parole Board in writing of the compliance or
8 noncompliance of the person with the case plan and any infractions
9 committed by the person.

10 ~~U.~~ V. The Pardon and Parole Board shall not be required to
11 conduct a hearing before granting administrative parole pursuant to
12 subsection ~~R~~ S of this section.

13 ~~V.~~ W. Any person who is not granted administrative parole shall
14 be otherwise eligible for parole pursuant to this section.

15 ~~W.~~ X. Any person who is granted administrative parole under
16 subsection ~~R~~ S of this section shall be supervised and managed by
17 the Department of Corrections in the same manner as a parolee who
18 has been granted parole pursuant to this section. The person shall
19 be subject to all of the rules and regulations of parole.

20 SECTION 3. AMENDATORY 57 O.S. 2011, Section 350, is
21 amended to read as follows:

22 Section 350. A. Every person, hereinafter referred to as
23 "convict", who has been or who in the future may be sentenced to
24 imprisonment in any state penal institution shall, in addition to

1 any other deductions provided for by law, be entitled to a deduction
2 from his or her sentence for all time during which ~~he~~ the convict
3 has been or may be on parole. The provisions of this section are
4 hereby declared to be both retroactive and prospective, and to apply
5 to convicts who are on parole on the effective date of this act as
6 well as to convicts who may be paroled thereafter; and shall at the
7 discretion of the paroling authority apply to time on a parole which
8 has been or shall be revoked.

9 B. Beginning November 1, 1987, the paroling authority ~~also~~
10 ~~shall have the discretion to~~ may revoke all or any portion of the
11 parole except as provided under subsection C of this section.

12 C. Beginning November 1, 2019, the paroling authority may
13 revoke all or any portion of the parole in accordance with Section
14 516 of this title.

15 SECTION 4. AMENDATORY 57 O.S. 2011, Section 502, as last
16 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2018,
17 Section 502), is amended to read as follows:

18 Section 502. As used in this title, unless the context
19 otherwise requires:

- 20 1. "Board" means the State Board of Corrections;
- 21 2. "Department" means the Department of Corrections of this
22 state;
- 23 3. "Director" means the Director of the Department of
24 Corrections;

1 4. "Halfway house" means a private facility for the placement
2 of inmates in a community setting for the purpose of reintegrating
3 into the community inmates who are nearing their release dates. The
4 term shall not include private prisons;

5 5. "Institutions" means the Oklahoma State Penitentiary located
6 at McAlester, Oklahoma; the Oklahoma State Reformatory located at
7 Granite, Oklahoma; the Lexington Assessment and Reception Center
8 located at Lexington, Oklahoma; the Joseph Harp Correctional Center
9 located at Lexington, Oklahoma; the Jackie Brannon Correctional
10 Center located at McAlester, Oklahoma; the Howard C. McLeod
11 Correctional Center located at Farris, Oklahoma; the Mack H. Alford
12 Correctional Center located at Stringtown, Oklahoma; the Jim E.
13 Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel
14 Bassett Correctional Center located at McLoud, Oklahoma; the R.B.
15 "Dick" Conner Correctional Center located at Hominy, Oklahoma; the
16 James Crabtree Correctional Center located at Helena, Oklahoma; the
17 Jess Dunn Correctional Center located at Taft, Oklahoma; the John
18 Lilley Correctional Center located at Boley, Oklahoma; the William
19 S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr.
20 Eddie Walter Warrior Correctional Center located at Taft, Oklahoma;
21 the Northeast Oklahoma Correctional Center located at Vinita,
22 Oklahoma; the Clara Waters and Kate Barnard Community Corrections
23 Centers located at Oklahoma City, Oklahoma; the Community
24 Corrections Centers located at Lawton, Enid, Oklahoma City and Union

1 City; the Charles E. "Bill" Johnson Correctional Center, located
2 east of Alva, Oklahoma; the Southern Oklahoma Resource Center
3 located at Pauls Valley, Oklahoma; and other facilities under the
4 jurisdiction and control of the Department of Corrections or
5 hereafter established by the Department of Corrections;

6 6. "Intermediate revocation facility" means a corrections
7 center operated by the Department of Corrections or a private
8 facility or public trust operating pursuant to contract with the
9 Department of Corrections which provides housing and intensive
10 programmatic services for offenders who have violated the terms or
11 conditions of probation as determined by a supervising probation
12 officer. "Intensive programmatic services" offered by the
13 Department of Corrections includes, but shall not be limited to,
14 alcohol and substance abuse counseling and treatment, mental health
15 counseling and treatment and domestic violence courses and treatment
16 programs;

17 7. "Intermediate sanctions facility" means a community
18 corrections center operated by the Department of Corrections or a
19 private facility or public trust operating pursuant to contract with
20 the Department of Corrections which provides for the housing and
21 programmatic services of offenders such as probation or parole
22 violators or community sentenced offenders placed in the facility
23 for disciplinary sanctions, work release offenders, offenders who
24 need intensive programmatic services, or offenders who have

1 demonstrated positive adjustment while in an institutional setting
2 who need additional programmatic services to enhance their reentry
3 into society upon release from a prison term; ~~and~~

4 8. "Private prison contractor" means:

- 5 a. a nongovernmental entity or public trust which,
6 pursuant to a contract with the Department of
7 Corrections, operates an institution within the
8 Department other than a halfway house or intermediate
9 sanctions facility, or provides for the housing, care,
10 and control of inmates and performs other functions
11 related to these responsibilities within a minimum,
12 medium, or maximum security level facility not owned
13 by the Department but operated by the contractor, or
14 b. a nongovernmental entity or public trust which,
15 pursuant to a contract with the United States or
16 another state, provides for the housing, care, and
17 control of minimum or medium security inmates in the
18 custody of the United States or another state, and
19 performs other functions related to these
20 responsibilities other than a halfway house or
21 intermediate sanctions facility within a facility
22 owned or operated by the contractor;

23 9. "Risk and needs assessment" means an actuarial tool
24 validated on the correctional population of the state that

1 determines the risk of an individual to reoffend and the criminal
2 risk factors that, when addressed, reduce the risk of an individual
3 to reoffend; and

4 10. "Technical violation" means a violation of the rules and
5 conditions of supervision, other than:

- 6 a. commission of a new criminal offense for which felony
7 or misdemeanor charges are filed including violation
8 of a protective order pursuant to Section 60.6 of
9 Title 22 of the Oklahoma Statutes,
- 10 b. absconding, defined as failing to initially report or
11 missing assigned reporting requirement for an excess
12 of sixty (60) days,
- 13 c. any violation of the specialized sex offender rules
14 created by the Department, or
- 15 d. unlawfully contacting a victim.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 512.1 of Title 57, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Every offender on felony probation supervision under Section
20 515a of Title 57 of the Oklahoma Statutes shall be eligible to earn
21 discharge credits for compliance with the terms and conditions of
22 probation supervision to reduce the term of supervision and the
23 overall term of the sentence. For every calendar month of
24 compliance with the terms and conditions of probation supervision,

1 the supervising body, defined for the purposes of this section as
2 the Department of Corrections, district attorney or private
3 supervision provider responsible for the supervision of felony
4 probationers, shall award the offender earned discharge credits
5 equal to thirty (30) calendar days to be applied towards a reduction
6 of the probation supervision term ordered under Section 991a of
7 Title 22 of the Oklahoma Statutes. For every calendar month of
8 compliance with the terms and conditions of probation supervision,
9 the supervising body shall award an offender earned discharge
10 credits equal to fifteen (15) calendar days to be applied towards a
11 reduction of the overall term of the probation sentence ordered
12 under Section 991a of Title 22 of the Oklahoma Statutes. For the
13 purposes of this section, "compliance" shall be defined as the
14 absence of a violation report submitted by the supervising body
15 during a calendar month.

16 B. No person convicted of an offense under Section 13.1 of
17 Title 21 of the Oklahoma Statutes or subsections C, D, E, F, G or J
18 of Section 644 of Title 21 of the Oklahoma Statutes shall be
19 eligible for earned discharge credits under this section.

20 C. Every supervising body shall develop written policies and
21 procedures necessary for the implementation of earned discharge
22 credits for offenders on felony probation supervision as authorized
23 under this section. The policies and procedures developed by the
24 supervising bodies shall include, but not be limited to, the process

1 to earn discharge credits and the application of the credits toward
2 the reduction of the term of supervision or term of the sentence and
3 the collection of data related to who earns credit, how much is
4 applied and how much of the supervision period or sentence term is
5 reduced at the point of discharge.

6 D. Every supervising body shall maintain a record of credits
7 earned by an offender under this section. At least every six (6)
8 months from the date the offender is placed on probation, the
9 supervising body shall notify the offender of the current discharge
10 date for the term of supervision and the overall sentence of the
11 offender.

12 E. Every supervising body shall notify the court not less than
13 thirty (30) days prior to the expected discharge date. However,
14 nothing in this section shall prohibit the supervising body from
15 requesting termination of the sentence earlier than the termination
16 date of the sentence authorized in subsection F of this section.

17 F. Once a combination of time served in custody, if applicable,
18 time served on any form of probation, parole or post-release
19 supervision and earned discharge credits satisfy the total sentence,
20 the supervising body shall order the discharge of the sentence of
21 the offender unless it is determined that termination would
22 interrupt the completion of a necessary treatment program. If the
23 supervising body finds that termination of the sentence would
24 interrupt the completion of a necessary treatment program, the

1 offender shall complete the treatment program and then have his or
2 her sentence discharged. Upon termination of the offender from
3 probation supervision, all outstanding fines, fees or costs,
4 excluding restitution, shall be converted into a civil action.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 512.2 of Title 57, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Every offender released to parole supervision pursuant to
9 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible
10 to earn discharge credits for compliance with the terms and
11 conditions of parole supervision that reduce the term of supervision
12 of the offender. For every calendar month of compliance with the
13 terms and conditions of parole supervision, the Department of
14 Corrections shall award an offender earned discharge credits equal
15 to thirty (30) calendar days to be applied towards a reduction of
16 the parole supervision period. For the purposes of this section,
17 "compliance" shall be defined as the absence of an initial violation
18 report submitted by a probation and parole officer during a calendar
19 month. No person convicted of an offense under Section 13.1 of
20 Title 21 of the Oklahoma Statutes or subsections C, D, E, F, G or J
21 of Section 644 of Title 21 of the Oklahoma Statutes shall be
22 eligible for earned discharge credits under this section.

23 B. The Department shall develop written policies and procedures
24 for the implementation of earned discharge credits authorized under

1 this section. The policies and procedures developed by the
2 Department shall include, but not be limited to, the process to earn
3 discharge credits and the application of the credits toward the
4 reduction of the term of supervision, the collection of data related
5 to who earns credit and how much is applied and how much of the
6 supervision period is reduced at the point of discharge.

7 C. The Department shall maintain a record of credits earned by
8 an offender under this section. At least every six (6) months from
9 the date the offender is placed on parole supervision, the
10 Department shall notify the offender of the current parole
11 termination date.

12 D. Once a combination of time served in custody, if applicable,
13 time served on any form of probation, parole or post-release
14 supervision and earned discharge credits satisfy the total sentence,
15 the Department shall order the final termination of parole
16 supervision of an offender unless the Department determines that
17 termination would interrupt the completion of a necessary treatment
18 program. If the Department finds that the termination would
19 interrupt the completion of a necessary treatment program, the
20 offender shall complete the treatment program and then have his or
21 her parole supervision terminated. Upon termination of an offender
22 from parole supervision, any outstanding fines, fees or costs,
23 excluding restitution, shall be converted into a civil action.

1 E. The Department shall notify the Pardon and Parole Board of
2 the impending termination not less than thirty (30) days prior to
3 the expected termination date. However, nothing in this section
4 shall prohibit the Department from requesting parole termination
5 earlier than the termination date authorized in subsection D of this
6 section.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 515b of Title 57, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Supreme Court, in coordination with the Department of
11 Corrections, shall establish regulations by rule for all providers
12 under contract with a district court whose duties include
13 supervision of felony probationers pursuant to Section 515a of Title
14 57 of the Oklahoma Statutes. The rules shall guide the supervision
15 and management of those persons on probation supervision and the
16 performance of the provider. The rules developed under this section
17 shall include, but not be limited to:

18 1. The use of a risk and needs assessment, as defined in
19 Section 502 of Title 57 of the Oklahoma Statutes, to guide
20 supervision and programming decisions and the development of an
21 individualized case plan pursuant to Section 515a of Title 57 of the
22 Oklahoma Statutes;

23 2. The application of the earned discharge program pursuant to
24 Section 5 of this act;

1 3. The application of the graduated sanctions and incentives
2 matrix pursuant to Section 991b of Title 22 of the Oklahoma
3 Statutes; and

4 4. The collection and reporting of data as required under
5 Sections 5 and 6 of this act.

6 B. Any provider under contract with a district court whose
7 duties include supervision of felony probationers pursuant to
8 Section 515a of Title 57 of the Oklahoma Statutes shall complete,
9 upon hiring and on an annual basis, training courses including, but
10 not limited to:

11 1. Identifying, understanding, targeting and effectively
12 addressing the criminal risk and need factors of an individual and
13 barriers to successful completion of supervision;

14 2. Supporting and encouraging compliance and behavior change;

15 3. The use of a graduated sanctions matrix developed by the
16 Department of Corrections according to Section 991b of Title 22 of
17 the Oklahoma Statutes; and

18 4. If applicable, best practices on graduated responses to
19 domestic violence offenders and victim sensitivity training.

20 C. Each judicial district shall be responsible for developing
21 and administering procedures by rule for the implementation of the
22 requirements in this section. The presiding judge of each judicial
23 administrative district shall carry out this mandate within one (1)
24 year of the effective date of this act.

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 515c of Title 57, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Department of Corrections shall develop a matrix of
5 sanctions and incentives to address behavior committed by parolees
6 and probationers who are being supervised by the Department. The
7 Department shall be authorized to use a violation response and
8 intermediate sanction process based on the matrix to apply to any
9 technical violations of the terms and conditions of parole and
10 probation, as defined in Section 502 of Title 57 of the Oklahoma
11 Statutes. The matrix shall be used for probationers in accordance
12 with the procedures provided in Section 991b of Title 22 of the
13 Oklahoma Statutes, and for parolees in accordance with this section.

14 B. Within four (4) working days of the discovery of a parole
15 violation, the probation and parole officer shall initiate the
16 violation response and intermediate sanction process. The probation
17 and parole officer shall complete a sanction form, which shall
18 specify the technical violation, sanction and action plan to correct
19 the noncompliant behavior resulting in the technical violation. The
20 probation and parole officer shall refer to the matrix to determine
21 the supervision, treatment and sanction appropriate to address the
22 noncompliant behavior. The probation and parole officer shall refer
23 the violation information and recommended response with a sanction
24 plan to the Department to be heard by a hearing officer. The

1 Department shall develop the policies and procedures necessary to
2 implement this section.

3 C. The Department shall establish procedures to hear responses
4 to technical violations and review sanction plans for parolees
5 including the following:

6 1. Hearing officers shall report through a chain of command
7 separate from that of the supervising probation and parole officers;

8 2. The Department shall provide the offender written notice of
9 the violation, the evidence relied upon and the reason the sanction
10 was imposed;

11 3. The hearing shall be held unless the offender waives the
12 right to the hearing;

13 4. The hearing shall be electronically recorded; and

14 5. The Department shall provide to the Pardon and Parole Board
15 a record of all violations and actions taken pursuant to this
16 subsection.

17 D. The hearing officer shall determine based on a preponderance
18 of the evidence whether a technical parole violation occurred. Upon
19 a finding that a technical violation occurred, the hearing officer
20 may order the offender to participate in the recommended sanction
21 plan or may modify the plan. Offenders who accept the sanction plan
22 shall sign a violation response sanction form, and the hearing
23 officer shall then impose the sanction. Failure of the offender to
24 comply with the imposed sanction plan shall constitute a violation

1 of the rules and conditions of supervision that may result in a
2 revocation proceeding. If an offender does not voluntarily accept
3 the recommended sanction plan, the Department shall either impose
4 the sanction and allow the offender to appeal to the Pardon and
5 Parole Board or request a revocation proceeding as provided by law.

6 E. Absent a finding by a probation and parole officer of the
7 willful nonpayment of fines and costs by an offender, said failure
8 to pay such fines and costs may not serve as a basis for revocation.

9 SECTION 9. AMENDATORY 57 O.S. 2011, Section 516, is
10 amended to read as follows:

11 Section 516. A. Except as provided in ~~subsection~~ subsections B
12 and C of this section, the probation and parole officer shall, upon
13 information sufficient to give the officer reasonable grounds to
14 believe that the parolee has ~~violated~~ committed a violation, other
15 than a technical violation as defined in Section 502 of this title,
16 of the terms of and conditions of parole, notify the Department of
17 Corrections. If it is determined that the facts justify revocation
18 action, the Department shall issue a warrant for the arrest of the
19 parolee and the warrant shall have the force and effect of any
20 warrant of arrest issued by a district court in this state. The
21 parolee shall, after arrest, be immediately incarcerated in the
22 nearest county jail, intermediate sanctions facility, or a
23 Department of Corrections facility to await action by the Governor
24 as to whether the parole will be revoked. Parole time shall cease

1 to run after the issuance of a warrant for arrest by the Department
2 ~~of Corrections,~~ for a parolee who has absconded and earned credits
3 shall not be accrued during any period of time when the parolee is
4 incarcerated pending revocation action by the Governor.

5 B. The probation and parole officer shall, upon information
6 sufficient to give the officer reasonable grounds to believe that
7 the parolee has committed a technical violation of the terms and
8 conditions of parole as defined in Section 502 of this title,
9 respond in accordance with the procedures established in Section 8
10 of this act for use of the sanctions matrix. If the severity of a
11 violation warrants a more severe response, intermediate sanctions
12 within the sanctions matrix have been exhausted and the Department
13 has determined that the facts justify revocation of parole, the
14 Department shall issue a summons requiring the parolee to appear
15 before the Pardon and Parole Board for a preliminary revocation
16 hearing. If the parolee fails to appear at the preliminary
17 revocation hearing or if the Department finds that a warrant is
18 justified for the protection of public safety, the Department shall
19 issue a warrant for the arrest of the parolee. The warrant shall
20 have the force and effect of any warrant of arrest issued by a
21 district court in this state, and the parolee shall be held in
22 accordance with subsection A of this section.

23 C. If a parolee is issued a summons pursuant to subsection B of
24 this section, the Pardon and Parole Board shall hold the preliminary

1 revocation hearing within twenty (20) calendar days from the date
2 the summons is issued. The Board may, in its discretion, continue
3 parole and modify the terms and conditions of parole or forward the
4 decision to revoke parole on to the Governor. If the Governor
5 revokes parole for a technical violation of the terms or conditions
6 of parole, as defined in Section 502 of this title, the Governor
7 shall impose a period of imprisonment of not more than fifteen (15)
8 days for the first revocation, not more than thirty (30) days for
9 the second revocation and not more than sixty (60) days for the
10 third revocation. For the fourth and subsequent revocation for a
11 technical violation, the Governor may revoke parole and impose a
12 period of imprisonment of not more than two (2) years or for the
13 remainder of the sentence, whichever is less. The Governor may
14 depart from the periods of imprisonment required under this
15 subsection if the offender is on parole supervision for an offense
16 under Section 13.1 of Title 21 of the Oklahoma Statutes.

17 D. If a parolee is arrested and detained on a warrant pursuant
18 to subsection A or subsection B of this section, the Pardon and
19 Parole Board shall hold the preliminary revocation hearing within
20 fifteen (15) calendar days from the date the parolee is detained on
21 the warrant. The Board may, in its discretion, continue parole and
22 modify the terms and conditions of parole or forward the decision to
23 revoke parole to the Governor, who may deliberate for a further
24 fifteen (15) days. If the Governor revokes parole for a technical

1 violation, the Governor shall impose a period of imprisonment as
2 required under subsection C of this section.

3 E. If the Board does not hold a preliminary revocation hearing
4 within fifteen (15) calendar days as required under subsection D of
5 this section, the parolee shall be released from the county jail,
6 intermediate sanctions facility or Department of Corrections
7 facility and shall return to parole status. The Pardon and Parole
8 Board may subsequently hold a preliminary revocation hearing within
9 a reasonable timeframe. The Board may, in its discretion, continue
10 parole and modify the terms and conditions of parole or forward the
11 decision to revoke parole to the Governor. If the Governor revokes
12 parole for a technical violation, the Governor shall impose a period
13 of imprisonment as required under subsection C of this section.

14 F. Any parolee determined to have violated any terms or
15 conditions of parole by the supervising parole officer may be given
16 the option, at the discretion of the Department of Corrections, to
17 be placed in an intermediate sanctions facility for disciplinary
18 sanction and programmatic services in lieu of revocation or when
19 revocation action by the Governor is deemed unnecessary for the
20 nature of the violation. Any parolee for whom a warrant for arrest
21 issues as provided in subsection A of this section may, at the
22 discretion of the Department or the Governor, be placed in an
23 intermediate sanctions facility pending or following any action by
24 the Governor as to revocation of parole or required additional

1 conditions to remain on parole. A parolee may be received and
2 processed into the custody of the Department on an expedited basis
3 through any facility serving such purpose or may be processed
4 directly by the intermediate sanctions facility.

5 G. The Department of Corrections and the Pardon and Parole
6 Board shall adopt rules and policies related to the provisions of
7 this section.

8 SECTION 10. AMENDATORY 57 O.S. 2011, Section 517, as
9 amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2018,
10 Section 517), is amended to read as follows:

11 Section 517. A. A Probation and Parole Officer, upon
12 information sufficient to give the officer reasonable grounds to
13 believe that a probationer has ~~been charged with or found guilty of~~
14 ~~committing a felony or misdemeanor offense, or has escaped from~~
15 ~~custody as provided in Section 443 of Title 21 of the Oklahoma~~
16 ~~Statutes~~ committed a violation, other than a technical violation as
17 defined in Section 502 of this title, of the terms and conditions of
18 probation, shall notify the Department of Corrections. If it is
19 determined that the facts justify revocation action, the Department
20 shall issue a warrant for the arrest of the probationer and the
21 warrant shall have the force and effect of any warrant of arrest
22 issued by a district court in this state. A probationer ~~shall~~ may,
23 after arrest, be immediately incarcerated in the nearest county jail
24

1 or intermediate sanctions facility to await action by the court as
2 to whether the probation will be revoked.

3 B. A Probation and Parole Officer, upon information sufficient
4 to give the officer reasonable grounds to believe that a probationer
5 ~~has violated the terms or conditions of probation, may notify the~~
6 ~~Department. If it is determined that the facts justify disciplinary~~
7 ~~sanctions, the Department shall issue a warrant for the arrest of~~
8 ~~the probationer and the warrant shall have the force and effect of~~
9 ~~any warrant of arrest issued by a district court in this state. The~~
10 ~~probationer shall, after arrest, be immediately incarcerated in the~~
11 ~~nearest county jail or intermediate sanction facility to await~~
12 ~~action by the court as to whether disciplinary sanctions shall be~~
13 ~~imposed. Upon approval of the court and the Department of~~
14 ~~Corrections, the probationer shall be placed in an intermediate~~
15 ~~revocation facility for disciplinary sanction and intensive~~
16 ~~programmatic services in lieu of a first revocation. Repeated~~
17 ~~violations by the probationer of the terms and conditions of~~
18 ~~probation may result in a revocation proceeding~~ committed a
19 technical violation of the terms or conditions of probation, as
20 defined in Section 502 of this title, may notify the Department. If
21 the Department has determined that the facts justify revocation of
22 probation in accordance with the procedure established in subsection
23 D of Section 991b of Title 22 of the Oklahoma Statutes, the
24 Department shall issue a summons requiring the probationer to appear

1 at a revocation hearing. The district attorney may petition the
2 court to issue a warrant in place of a summons in the interest of
3 public safety. If the probationer fails to appear at the hearing
4 ordered by the summons, or if the court approves the petition for a
5 warrant by the district attorney, the Department shall issue a
6 warrant for the arrest of the probationer. The warrant shall have
7 the force and effect of any warrant of arrest issued by a district
8 court in this state. The probationer may, after arrest, be
9 immediately incarcerated in the nearest county jail or intermediate
10 sanction facility to await action by the court as to whether
11 disciplinary sanctions will be imposed.

12 C. Any probationer for whom a warrant for arrest ~~issues~~ is
13 issued as provided in subsection A or B of this section may, at the
14 discretion of the court, be placed in an intermediate sanctions
15 facility pending or following any action by the court as to
16 revocation of probation or required additional conditions to remain
17 on probation. A probationer may be processed by the Department on
18 an expedited basis through any facility serving such purpose or may
19 be processed directly by the intermediate sanctions facility.

20 D. Nothing in this section shall preclude a district attorney
21 from initiating an application to revoke a suspended sentence
22 pursuant to subsection A of this section without a recommendation
23 from the Department or from initiating an application to revoke a
24 suspended sentence and referring the person to an intermediate

1 revocation facility without a recommendation from the Department
2 pursuant to subsection B of this section, when the district attorney
3 believes that competent evidence justifies the revocation of the
4 suspended sentence.

5 E. For purposes of this section, the term "probationer" means
6 any offender on a deferred judgment or suspended sentence supervised
7 by the Department of Corrections or another supervising body.

8 SECTION 11. This act shall become effective November 1, 2019.

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