

<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	_____

House Action _____ Date _____ Senate Action _____ Date _____

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;
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; updating
internal citations; modifying parole consideration
categories; authorizing Pardon and Parole Board to
establish accelerated parole process for certain
inmates; directing Pardon and Parole Board to state
parole denials on the record and suggest remediation
options; removing majority vote requirement for
granting administrative parole; directing parolees to
proceed immediately to consecutive sentence under
certain circumstances; prohibiting inmates from
waiving parole consideration or recommendation;
amending 57 O.S. 2011, Section 350, which relates to
sentence deductions for parolees; providing gender-
neutral language; authorizing paroling authority to
revoke all or portion of parole under certain
circumstances; making supervised parolees eligible to
earn discharge credits under certain circumstances;
defining term; prohibiting persons convicted of
certain offenses from earning discharge credits;
directing Department of Corrections to develop
written policies and procedures for earned discharge
credits; requiring maintenance of records and
notification to offenders of parole termination date;

1 directing the Department to notify Pardon and Parole
2 Board of impending parole terminations; directing the
3 Department to order final termination of parole
4 supervision under certain circumstances; requiring
5 conversion of outstanding fines, fees or costs into a
6 civil action; amending 57 O.S. 2011, Section 516,
7 which relates to parole violators; directing the
8 Department of Corrections to issue arrest warrants
9 for possible revocation under certain circumstances;
10 providing for codification; and providing an
11 effective date.

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

SECTION 1. AMENDATORY 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), 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
matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
1997; provided, however, no inmate serving a sentence for crimes
listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
O.S.L. 1997, or serving a sentence of life imprisonment without

1 parole shall be eligible to be considered for parole pursuant to
2 this paragraph;

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

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

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

23 C. For a crime committed on or after November 1, 2018, any
24 person in the custody of the Department of Corrections shall be

1 eligible for parole after serving one-fourth (1/4) of the sentence
2 or consecutive sentences imposed, according to the following
3 criteria:

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

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

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

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

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

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

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

22 2. Until the person has served at least one-third (1/3) of the
23 sentence imposed, if the person was eligible for consideration
24 pursuant to paragraph 3 of subsection A of this section. Thereafter

1 the person shall not be considered more frequently than once every
2 three (3) years, unless the person is within one (1) year of
3 discharge.

4 F. The Pardon and Parole Board may establish a distinct
5 accelerated parole process, or an alternative, for inmates who are
6 within six (6) months of discharge.

7 G. If the Pardon and Parole Board denies parole, the Board
8 shall state on the record the reason for the denial.

9 H. If the Board denies parole for any person convicted of a
10 crime other than those set forth in Section 13.1 of Title 21 of the
11 Oklahoma Statutes, the Board shall suggest a course of remediation
12 for the inmate in preparation for the next parole consideration.

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

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

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

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

20 ~~J.~~ M. The Pardon and Parole Board shall consider the prior
21 criminal record of inmates under consideration for parole
22 recommendation or granting of parole.

23 ~~K.~~ N. In the event the Board grants parole for a nonviolent
24 offender who has previously been convicted of an offense enumerated

1 in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571
2 of this title, such offender shall be subject to nine (9) months
3 postimprisonment supervision upon release.

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

17 ~~M.~~ P. Any person in the custody of the Department of
18 Corrections who is convicted of an offense not designated as a
19 violent offense by Section 571 of this title, is not a citizen of
20 the United States and is subject to or becomes subject to a final
21 order of deportation issued by the United States Department of
22 Justice shall be considered for parole to the custody of the United
23 States Immigration and Naturalization Service for continuation of
24 deportation proceedings at any time subsequent to reception and

1 processing through the Department of Corrections. No person shall
2 be considered for parole under this subsection without the
3 concurrence of at least three members of the Pardon and Parole
4 Board. The vote on whether or not to consider such person for
5 parole and the names of the concurring Board members shall be set
6 forth in the written minutes of the meeting of the Board at which
7 the issue is considered.

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

14 ~~O.~~ R. All references in this section to matrices or schedules
15 shall be construed with reference to the provisions of Sections 6,
16 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

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

21 ~~Q.~~ T. A person in the custody of the Department of Corrections
22 whose parole consideration date is calculated pursuant to subsection
23 B or C of this section, and is not serving a sentence of life
24 imprisonment without parole or who is not convicted of an offense

1 designated as a violent offense by Section 571 of this title or any
2 crime enumerated in Section 13.1 of Title 21 of the Oklahoma
3 Statutes shall be eligible for administrative parole under
4 subsection ~~R~~ U of this section.

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

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

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

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

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

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

19 ~~S. V.~~ Any person granted parole pursuant to subsection ~~R~~ U of
20 this section shall be released from the institution at the time of
21 the parole eligibility date of the person as calculated under
22 subsection B or C of this section or proceed immediately to any
23 applicable consecutive sentence.

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

6 ~~U.~~ X. The Pardon and Parole Board shall not be required to
7 conduct a hearing before granting administrative parole pursuant to
8 subsection ~~R~~ U of this section.

9 ~~V.~~ Y. Any person who is not granted administrative parole shall
10 be otherwise eligible for parole pursuant to this section.

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

16 AA. An inmate shall not be allowed to waive consideration for
17 parole or a recommendation for parole.

18 SECTION 2. AMENDATORY 57 O.S. 2011, Section 350, is
19 amended to read as follows:

20 Section 350. A. Every person, hereinafter referred to as
21 "convict", who has been or who in the future may be sentenced to
22 imprisonment in any state penal institution shall, in addition to
23 any other deductions provided for by law, be entitled to a deduction
24 from his or her sentence for all time during which he or she has

1 been or may be on parole. The provisions of this section are hereby
2 declared to be both retroactive and prospective, and to apply to
3 convicts who are on parole on ~~the effective date of this act~~ October
4 1, 1981, as well as to convicts who may be paroled thereafter; and
5 shall at the discretion of the paroling authority apply to time on a
6 parole which has been or shall be revoked.

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

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

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 512.1 of Title 57, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Every offender released to parole supervision pursuant to
17 Section 512 of Title 57 of the Oklahoma Statutes shall be eligible
18 to earn discharge credits for compliance with the terms and
19 conditions of parole supervision that reduce the term of supervision
20 of the offender. For every calendar month of compliance with the
21 terms and conditions of parole supervision, the Department of
22 Corrections shall award the offender earned discharge credits equal
23 to thirty (30) calendar days to be applied toward a reduction of the
24 parole supervision period. For the purposes of this section,

1 "compliance" shall be defined as the absence of a violation report
2 submitted by a Probation and Parole Officer during a calendar month.
3 No person convicted of an offense under Section 13.1 or subsection
4 C, D, E, F, G or J of Section 644 of Title 21 of the Oklahoma
5 Statutes shall be eligible for earned discharge credits under this
6 section.

7 B. The Department of Corrections shall develop written policies
8 and procedures necessary for the implementation of earned discharge
9 credits as authorized pursuant to this section. The policies and
10 procedures developed by the Department of Corrections shall include,
11 but not be limited to, written guidelines regarding the process to
12 earn discharge credits and the application of the credits toward the
13 reduction of the term of supervision or term of the sentence, the
14 collection of data related to who earns credit, how much is applied
15 and how much of the supervision period or sentence term is reduced
16 at the point of discharge.

17 C. The Department shall maintain a record of credits earned by
18 an offender under this section. At least every six (6) months from
19 the date the offender is placed on parole, the Department shall
20 notify the offender of the current parole termination date.

21 D. The Department shall notify the Pardon and Parole Board of
22 the impending termination not less than thirty (30) days prior to
23 the expected termination date. However, nothing in this section
24 shall prohibit the Department from requesting parole termination

1 earlier than the termination date authorized in subsection E of this
2 section.

3 E. Once a combination of time served in custody, if applicable,
4 time served on any form of probation, parole or post-release
5 supervision and earned discharge credits satisfy the total sentence,
6 the Department shall order the final termination of parole
7 supervision of the offender unless it is determined that termination
8 would interrupt the completion of a necessary treatment program. If
9 the Department finds that termination of the sentence would
10 interrupt the completion of a necessary treatment program, the
11 offender shall complete the treatment program and then have his or
12 her parole supervision terminated. Upon termination of an offender
13 from parole supervision, all outstanding fines, fees or costs,
14 excluding restitution, shall be converted into a civil action.

15 SECTION 4. AMENDATORY 57 O.S. 2011, Section 516, is
16 amended to read as follows:

17 Section 516. A. Except as provided in subsection B of this
18 section, the probation and parole officer shall, upon information
19 sufficient to give the officer reasonable grounds to believe that
20 the parolee has violated the terms ~~of~~ and conditions of parole,
21 notify the Department of Corrections. If it is determined that the
22 ~~facts justify revocation action~~ parolee has:

1 1. Committed a new criminal offense for which felony or
2 misdemeanor charges are filed, including violations of a protective
3 order pursuant to Section 60.6 of Title 22 of the Oklahoma Statutes;

4 2. Absconded, which is defined as failing to initially report
5 or missing assigned reporting requirements for more than sixty (60)
6 days; or

7 3. Committed any violation of the specialized sex offender
8 rules,

9 the Department shall issue a warrant for the arrest of the parolee
10 and the warrant shall have the force and effect of any warrant of
11 arrest issued by a district court in this state. The parolee shall,
12 after arrest, be immediately incarcerated in the nearest county
13 jail, intermediate sanctions facility, or a Department of
14 Corrections facility to await action by the Governor as to whether
15 the parole will be revoked. Parole time shall cease to run after
16 the issuance of a warrant for arrest by the Department of
17 Corrections, and earned credits shall not be accrued during any
18 period of time when the parolee is incarcerated pending revocation
19 action by the Governor.

20 B. Any parolee determined to have violated any terms or
21 conditions of parole by the supervising parole officer, other than
22 those listed in subsection A of this section, may be given the
23 option, at the discretion of the Department of Corrections, to be
24 placed in an intermediate sanctions facility for disciplinary

1 sanction and programmatic services in lieu of revocation or when
2 revocation action by the Governor is deemed unnecessary for the
3 nature of the violation. Any parolee for whom a warrant for arrest
4 issues as provided in subsection A of this section may, at the
5 discretion of the Department or the Governor, be placed in an
6 intermediate sanctions facility pending or following any action by
7 the Governor as to revocation of parole or required additional
8 conditions to remain on parole. A parolee may be received and
9 processed into the custody of the Department on an expedited basis
10 through any facility serving such purpose or may be processed
11 directly by the intermediate sanctions facility.

12 SECTION 5. This act shall become effective November 1, 2019.

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