

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 466

By: Brooks

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5  
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2011, Section 332.7, as last amended  
9 by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.  
10 2018, Section 332.7), which relates to consideration  
11 for parole; defining terms; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.7, as  
15 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.  
16 2018, Section 332.7), is amended to read as follows:

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

- 21 1. Has completed serving one-third (1/3) of the sentence;
- 22 2. Has reached at least sixty (60) years of age and also has  
23 served at least fifty percent (50%) of the time of imprisonment that  
24 would have been imposed for that offense pursuant to the applicable  
25 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.

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

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

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

19 B. For a crime committed on or after July 1, 1998, and before  
20 November 1, 2018, any person in the custody of the Department of  
21 Corrections shall be eligible for consideration for parole who has  
22 completed serving one-third (1/3) of the sentence; provided,  
23 however, no inmate serving a sentence of life imprisonment without  
24

1 parole shall be eligible to be considered for parole pursuant to  
2 this subsection.

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

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

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

21 3. For purposes of this subsection, the term "serves" shall  
22 include earned credits accumulated by an inmate pursuant to Section  
23 138 of this title.

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 three (3) years of the denial or waiver, if the  
24 person was convicted of a violent crime, as set forth in Section 571

1 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 custody in the Department of Corrections,  
7 which shall be considered as a basis for consideration of said  
8 person for recommendation to the Governor for parole. However, the  
9 Pardon and Parole Board shall not be required to consider for parole  
10 any person who has completed the time period provided for in this  
11 subsection if the person has participated in a riot or in the taking  
12 of hostages, or has been placed on escape status, while in the  
13 custody of the Department of Corrections. The Pardon and Parole  
14 Board shall adopt policies and procedures governing parole  
15 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. 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. The Pardon and Parole Board shall, by majority vote, grant  
5 administrative parole to any person in the custody of the Department  
6 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. Any person granted parole pursuant to subsection R of this  
19 section shall be released from the institution at the time of the  
20 parole eligibility date of the person as calculated under subsection  
21 B or C of this section.

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

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

8 W. 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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