

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2490

By: Hill of the House

and

Daniels of the Senate

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7 [criminal procedure - district attorneys - extension
8 of supervision - dismissal of charges - effective
9 date]
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12 AUTHOR: Add the following House Coauthor: Pae

13 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert
14

15 "An Act relating to criminal procedure; authorizing
16 early evaluation hearing after specified time period
for persons receiving suspended or split sentence;
17 authorizing court to modify certain sentences;
establishing requirements for eligibility for
18 modification of certain sentences; authorizing
certain hearing under certain circumstances;
19 requiring certain written notice; specifying time
period for certain objection or response; authorizing
20 extension of certain time period; establishing
requirements for request for certain hearing;
21 prohibiting certain conditions in plea agreement or
imposed sentence; requiring District Attorneys
22 Council to provide certain list to designated
officials upon request; establishing deadlines for
23 certain request and response; providing for
codification; and providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-4.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. 1. Any person who receives a suspended sentence that exceeds five (5) years pursuant to the provisions of Section 991a of this title for an offense not listed in Section 13.1 or subsection C, D, E, F, G, or J of Section 644 of Title 21 of the Oklahoma Statutes or Section 571 or 582 of Title 57 of the Oklahoma Statutes shall, upon request, receive an early evaluation hearing after five (5) years to determine whether the length of the suspended sentence should be modified.

2. Any person who receives a split sentence pursuant to the provisions of Section 991a of Title 22 of the Oklahoma Statutes for an offense not listed in Section 13.1 or subsection C, D, E, F, G, or J of Section 644 of Title 21 of the Oklahoma Statutes or Section 571 or 582 of Title 57 of the Oklahoma Statutes and the suspended portion of the sentence exceeds five (5) years shall, upon request, receive an early evaluation hearing after five (5) years of serving the suspended portion of the split sentence to determine whether the length of the split sentence should be modified.

1 B. Upon an early evaluation hearing conducted pursuant to
2 subsection A of this section, the court may modify the length of the
3 suspended sentence or split sentence when:

4 1. The person has completed all requirements of his or her
5 probation, including treatment and rehabilitative programming;

6 2. The person had no criminal violations during the term of
7 probation;

8 3. The person has no pending revocation hearings; and

9 4. The district attorney does not object on behalf of the state
10 or the victim or victims of the offense. Any such objection shall
11 be made in writing, specify on behalf of whom the objection is made,
12 and include the specific reason or reasons for the objection.

13 C. A person may request an early evaluation hearing one (1)
14 year earlier than prescribed in subsection A of this section and the
15 court may modify the length of the suspended sentence or split
16 sentence when:

17 1. The person received a high school or high school equivalency
18 diploma, any college-level degree, or a vocational, technical, or
19 career training certification or degree while serving his or her
20 sentence, or when the person has maintained consistent employment
21 throughout his or her probation period;

22 2. The person has completed all requirements of his or her
23 probation, including treatment and rehabilitative programming;

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1 3. The person had no criminal violations during the term of
2 probation;

3 4. The person has no pending revocation hearings; and

4 5. The district attorney does not object on behalf of the state
5 or the victim or victims of the offense. Any such objection shall
6 be made in writing, specify on behalf of whom the objection is made,
7 and include the specific reason or reasons for the objection.

8 D. Written notice shall be made to the appropriate district
9 attorney within fifteen (15) days of the filing of a request
10 pursuant to subsection A or C of this section. The district
11 attorney shall have forty-five (45) days from the date the notice
12 was received to object or otherwise respond. The Court may, upon
13 request of the district attorney, grant a single fifteen-day
14 extension to object or otherwise respond.

15 E. An offender may only request one early evaluation hearing in
16 a case pursuant to subsection A of this section without prior
17 approval from the district attorney.

18 F. No person shall be prohibited from an early evaluation
19 hearing as a condition of a plea agreement or imposed sentence if
20 otherwise qualified pursuant to subsection A of this section.

21 G. The President Pro Tempore of the Senate, the Speaker of the
22 House of Representatives, or the Governor may request the District
23 Attorneys Council to provide a list of early termination
24 applications made and copies of any objections or other responses to

1 such applications during the prior fiscal year. Such request shall
2 be made no later than July 31 and shall be fulfilled no later than
3 November 30.

4 SECTION 2. This act shall become effective July 1, 2024."

5 Passed the Senate the 26th day of April, 2023.

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Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,
10 2023.

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Presiding Officer of the House
of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 2490

By: Hill of the House

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4 Daniels of the Senate

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7 [criminal procedure - district attorneys - extension
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 991a-4.2 of Title 22, unless
15 there is created a duplication in numbering, reads as follows:

16 A. Any person who receives a suspended sentence exceeding five
17 (5) years in length, pursuant the provisions of Section 991a of
18 Title 22 of the Oklahoma Statutes, for an offense not listed in
19 Section 571 of Title 57 of the Oklahoma Statutes, Section 13.1 of
20 Title 21 of the Oklahoma Statutes, or subsection C, D, E, F, G, or J
21 of Section 644 of Title 21 of the Oklahoma Statutes, shall, upon
22 request, receive an early evaluation hearing to determine whether
23 the length of the suspended sentence should be modified.

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1 B. The early evaluation hearing shall be conducted by the court
2 which imposed the original suspended sentence.

3 C. The early evaluation hearing shall not be conducted until
4 the person has served at least five (5) years of the suspended
5 sentence. Provided, a person who receives a high school diploma or
6 high school equivalency diploma, any college-level degree, or a
7 vocational, technical, or career training certification or degree
8 while serving his or her suspended sentence, may request an early
9 evaluation hearing after having served at least four (4) years of
10 the suspended sentence.

11 D. At the early evaluation hearing, the court may modify the
12 length of the suspended sentence when the court is satisfied that
13 the best interests of the public will not be jeopardized. Provided,
14 the court shall be prohibited from modifying the length of the
15 suspended sentence when the district attorney or victim of the crime
16 objects to the modification.

17 E. A person may only receive one early evaluation hearing in a
18 case without prior approval from the district attorney.

19 SECTION 4. This act shall become effective November 1, 2023.
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1 Passed the House of Representatives the 21st day of March, 2023.

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3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2023.

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8 _____
9 Presiding Officer of the Senate