

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2469 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Brian Hill

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2469

By: Hill

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to prisons and reformatories;  
9 amending 57 O.S. 2021, Section 138, which relates to  
10 earned credits; allowing offenders on probation or  
11 parole to subtract earned credits from their  
12 sentences; clarifying which offenses are ineligible  
13 for certain earned credits; deleting certain offenses  
14 from list; establishing adjustment review committee  
15 for offenders; stating those officers assigned to the  
16 committee; requiring approval of offender level  
17 adjustments; requiring evaluation of class level  
18 status and performance of offenders; and providing an  
19 effective date.

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

21 SECTION 1. AMENDATORY 57 O.S. 2021, Section 138, is  
22 amended to read as follows:

23 Section 138. A. Except as otherwise provided by law, every  
24 offender on probation or serving parole and every inmate of a state  
25 correctional institution shall have ~~their~~ his or her term of  
26 imprisonment reduced monthly, based upon the class level to which  
27 ~~they are~~ the person is assigned. Earned credits may be subtracted

1 from the total credits accumulated by an inmate, upon recommendation  
2 of the institution's disciplinary committee, following due process,  
3 and upon approval of the warden or superintendent. Each earned  
4 credit is equivalent to one (1) day of incarceration. Lost credits  
5 may be restored by the warden or superintendent upon approval of the  
6 classification committee. If a maximum and minimum term of  
7 imprisonment is imposed, the provisions of this subsection shall  
8 apply only to the maximum term. No deductions shall be credited to  
9 any inmate serving a sentence of life imprisonment; however, a  
10 complete record of the inmate's participation in work, school,  
11 vocational training, or other approved program shall be maintained  
12 by the Department for consideration by the paroling authority. No  
13 earned credit deductions shall be credited or recorded for any  
14 inmate serving any sentence for a criminal act which resulted in the  
15 death of a police officer, a law enforcement officer, an employee of  
16 the Department of Corrections, or an employee of a private prison  
17 contractor and the death occurred while the police officer, law  
18 enforcement officer, employee of the Department of Corrections, or  
19 employee of a private prison contractor was acting within the scope  
20 of ~~their~~ his or her employment. No earned credit deductions shall  
21 be credited or recorded for any person who is referred to an  
22 intermediate revocation facility for violating any of the terms and  
23 conditions of probation.

24

1 B. The Department of Corrections is directed to develop a  
2 written policy and procedure whereby inmates and offenders shall be  
3 assigned to one of four class levels determined by an adjustment  
4 review committee of the facility to which the inmate is assigned or  
5 of the probation office to which the offender is assigned. The  
6 policies and procedures developed by the Department shall include,  
7 but not be limited to, written guidelines pertaining to awarding  
8 credits for rehabilitation, obtaining job skills and educational  
9 enhancement, participation in and completion of alcohol/chemical  
10 abuse programs, incentives for inmates to accept work assignments  
11 and jobs, work attendance and productivity, conduct record,  
12 participation in programs, cooperative general behavior, and  
13 appearance. When assigning inmates to a class level the adjustment  
14 review committee shall consider all aspects of the policy and  
15 procedure developed by the Department including but not limited to  
16 the criteria for awarding credits required by this subsection.

17 C. If an inmate or offender is subject to misconduct,  
18 nonperformance or disciplinary action, earned credits may be removed  
19 according to the policies and procedures developed by the  
20 Department. Earned credits removed for misconduct, nonperformance  
21 or disciplinary action may be restored as provided by Department  
22 policy, if any.

23 D. 1. Class levels shall be as follows:  
24

- 1 a. Class level 1 shall include inmates and offenders not  
2 eligible to participate in class levels 2 through 4,  
3 and shall include, but not be limited to, inmates on  
4 escape status.
- 5 b. Class level 2 shall include an inmate or offender who  
6 has been given a work, education, or program  
7 assignment, has received a good evaluation for  
8 participation in the work, education, or program  
9 assignment, and has received a good evaluation for  
10 personal hygiene and maintenance of living area.
- 11 c. Class level 3 shall include an inmate or offender who  
12 has been incarcerated or supervised at least three (3)  
13 months, has received an excellent work, education, or  
14 program evaluation, and has received an excellent  
15 evaluation for personal hygiene and maintenance of  
16 living area.
- 17 d. Class level 4 shall include an inmate or offender who  
18 has been incarcerated or supervised at least eight (8)  
19 months, has received an outstanding work, education,  
20 or program evaluation, and has received an outstanding  
21 evaluation for personal hygiene and maintenance of  
22 living area.
- 23 2. a. Until November 1, 2001, class level corresponding  
24 credits are as follows:

- 1                   Class 1 - 0 Credits per month;
- 2                   Class 2 - 22 Credits per month;
- 3                   Class 3 - 33 Credits per month;
- 4                   Class 4 - 44 Credits per month.

5           b.   Class level corresponding credits beginning November  
6           1, 2001, for inmates or offenders who have ever been  
7           convicted as an adult or a youthful offender or  
8           adjudicated delinquent as a juvenile for a felony  
9           offense enumerated in subsection E of this section are  
10          as follows:

- 11                   Class 1 - 0 Credits per month;
- 12                   Class 2 - 22 Credits per month;
- 13                   Class 3 - 33 Credits per month;
- 14                   Class 4 - 44 Credits per month.

15          c.   Class level corresponding credits beginning November  
16          1, 2001, for inmates or offenders who have never been  
17          convicted as an adult or a youthful offender or  
18          adjudicated delinquent as a juvenile for a felony  
19          offense enumerated in subsection E of this section are  
20          as follows:

- 21                   Class 1 - 0 Credits per month;
- 22                   Class 2 - 22 Credits per month;
- 23                   Class 3 - 45 Credits per month;
- 24                   Class 4 - 60 Credits per month.

1        Each inmate shall receive the above specified monthly credits  
2 for the class to which he or she is assigned. In determining the  
3 prior criminal history of the inmate, the Department of Corrections  
4 shall review criminal history records available through the Oklahoma  
5 State Bureau of Investigation, Federal Bureau of Investigation, and  
6 National Crime Information Center to determine the reported felony  
7 convictions of all inmates. The Department of Corrections shall  
8 also review the Office of Juvenile Affairs Juvenile On-line Tracking  
9 System for inmates who were adjudicated delinquent or convicted as a  
10 youthful offender for a crime that would be an offense enumerated in  
11 subsection E of this section.

12        3. In addition to the criteria established for each class in  
13 paragraph 1 of this subsection, the following requirements shall  
14 apply to each of levels 2 through 4:

- 15            a. satisfactory participation in the work, education, or  
16            program assignment at the standard required for the  
17            particular class level,
- 18            b. maintenance of a clean and orderly living area and  
19            personal hygiene at the standard required for the  
20            particular class level,
- 21            c. cooperative behavior toward facility staff, probation  
22            staff, other offenders, and other inmates, and
- 23            d. satisfactory participation in the requirements of the  
24            previous class level.

1 4. The evaluation scale for assessing performance shall be as  
2 follows:

- 3 a. Outstanding - For inmates or offenders who display  
4 consistently exceptional initiative, motivation, and  
5 work habits.
- 6 b. Excellent - For inmates or offenders who display  
7 above-average work habits with only minor errors and  
8 rarely perform below expectations.
- 9 c. Good - For inmates or offenders who perform in a  
10 satisfactory manner and complete tasks as required,  
11 doing what is expected, with only occasional  
12 performance above or below expectations.
- 13 d. Fair - For inmates or offenders who may perform  
14 satisfactorily for some periods of time, but whose  
15 performance is marked by obviously deficient and weak  
16 areas and could be improved.
- 17 e. Poor - For inmates or offenders whose performance is  
18 unsatisfactory and falls below expected and acceptable  
19 standards.

20 E. No person ever convicted as an adult or a youthful offender  
21 or adjudicated delinquent as a juvenile in this state for any felony  
22 offense enumerated in this subsection or a similar felony offense  
23 pursuant to the provisions of another state, the United States, or a  
24 military court, or any offender enumerated in Section 571 of this



1 title, shall be eligible for the credits provided by the provisions  
2 of subparagraph c of paragraph 2 of subsection D of this section.

3 1. Assault, battery, or assault and battery with a dangerous  
4 weapon as defined by Section 645, subsection C of Section 652 of  
5 Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

6 2. Aggravated assault and battery on a police officer, sheriff,  
7 highway patrolman, or any other officer of the law as defined by  
8 Section 650, subsection C of Section 650.2, 650.5, subsection B of  
9 Section 650.6, or subsection C of Section 650.7 of Title 21 of the  
10 Oklahoma Statutes;

11 3. ~~Poisoning with intent to kill as defined by Section 651 of~~  
12 ~~Title 21 of the Oklahoma Statutes;~~

13 4. ~~Shooting with intent to kill as defined by Section 652 of~~  
14 ~~Title 21 of the Oklahoma Statutes;~~

15 5. ~~Assault with intent to kill as defined by Section 653 of~~  
16 ~~Title 21 of the Oklahoma Statutes;~~

17 6. ~~Assault with intent to commit a felony as defined by Section~~  
18 ~~681 of Title 21 of the Oklahoma Statutes;~~

19 7. ~~Assaults while masked or disguised as defined by Section~~  
20 ~~1303 of Title 21 of the Oklahoma Statutes;~~

21 8. Entering premises of another while masked as defined by  
22 Section 1302 of Title 21 of the Oklahoma Statutes;

23 9. ~~Murder in the first degree as defined by Section 701.7 of~~  
24 ~~Title 21 of the Oklahoma Statutes;~~

1       ~~10.~~ 4. Solicitation for ~~Murder~~ murder in the first degree as  
2 defined by Section 701.16 of Title 21 of the Oklahoma Statutes;

3       ~~11. Murder in the second degree as defined by Section 701.8 of~~  
4 ~~Title 21 of the Oklahoma Statutes;~~

5       ~~12.~~ 5. Manslaughter in the first degree as defined by Section  
6 711, 712 or 714 of Title 21 of the Oklahoma Statutes;

7       ~~13.~~ 6. Manslaughter in the second degree as defined by Section  
8 716 or 717 of Title 21 of the Oklahoma Statutes;

9       ~~14. Kidnapping as defined by Section 741 of Title 21 of the~~  
10 ~~Oklahoma Statutes;~~

11       ~~15. Burglary in the first degree as defined by Section 1431 of~~  
12 ~~Title 21 of the Oklahoma Statutes;~~

13       ~~16. Burglary with explosives as defined by Section 1441 of~~  
14 ~~Title 21 of the Oklahoma Statutes;~~

15       ~~17. Kidnapping for extortion as defined by Section 745 of Title~~  
16 ~~21 of the Oklahoma Statutes;~~

17       ~~18. Maiming as defined by Section 751 of Title 21 of the~~  
18 ~~Oklahoma Statutes;~~

19       ~~19. Robbery as defined by Section 791 of Title 21 of the~~  
20 ~~Oklahoma Statutes;~~

21       ~~20. Robbery in the first degree as defined by Section 797 of~~  
22 ~~Title 21 of the Oklahoma Statutes;~~

23       ~~21. Robbery in the second degree as defined by Section 797 of~~  
24 ~~Title 21 of the Oklahoma Statutes;~~

1       ~~22. Armed robbery as defined by Section 801 of Title 21 of the~~  
2 ~~Oklahoma Statutes;~~

3       ~~23. Robbery by two or more persons as defined by Section 800 of~~  
4 ~~Title 21 of the Oklahoma Statutes;~~

5       ~~24. Robbery with dangerous weapon or imitation firearm as~~  
6 ~~defined by Section 801 of Title 21 of the Oklahoma Statutes;~~

7       ~~25. Any crime against a child provided for in Section 843.5 of~~  
8 ~~Title 21 of the Oklahoma Statutes;~~

9       ~~26. Wiring any equipment, vehicle or structure with explosives~~  
10 ~~as defined by Section 849 of Title 21 of the Oklahoma Statutes;~~

11       ~~27. Forcible sodomy as defined by Section 888 of Title 21 of~~  
12 ~~the Oklahoma Statutes;~~

13       ~~28. Rape in the first degree as defined by Sections 1111 and~~  
14 ~~1114 of Title 21 of the Oklahoma Statutes;~~

15       ~~29. Rape in the second degree as defined by Sections 1111 and~~  
16 ~~1114 of Title 21 of the Oklahoma Statutes;~~

17       ~~30. Rape by instrumentation as defined by Section 1111.1 of~~  
18 ~~Title 21 of the Oklahoma Statutes;~~

19       ~~31. Lewd or indecent proposition or lewd or indecent act with a~~  
20 ~~child as defined by Section 1123 of Title 21 of the Oklahoma~~  
21 ~~Statutes;~~

22       ~~32. Sexual battery of a person over 16 as defined by Section~~  
23 ~~1123 of Title 21 of the Oklahoma Statutes;~~

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1       ~~33. Use of a firearm or offensive weapon to commit or attempt~~  
2 ~~to commit a felony as defined by Section 1287 of Title 21 of the~~  
3 ~~Oklahoma Statutes;~~

4       ~~34. Pointing firearms as defined by Section 1289.16 of Title 21~~  
5 ~~of the Oklahoma Statutes;~~

6       ~~35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of~~  
7 ~~the Oklahoma Statutes;~~

8       ~~36. Inciting to riot as defined by Section 1320.2 of Title 21~~  
9 ~~of the Oklahoma Statutes;~~

10       ~~37. Arson in the first degree as defined by Section 1401 of~~  
11 ~~Title 21 of the Oklahoma Statutes;~~

12       ~~38.~~ 7. Endangering human life during arson as defined by  
13 Section 1405 of Title 21 of the Oklahoma Statutes;

14       ~~39. Injuring or burning public buildings as defined by Section~~  
15 ~~349 of Title 21 of the Oklahoma Statutes;~~

16       ~~40.~~ 8. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of  
17 Title 21 of the Oklahoma Statutes;

18       ~~41.~~ 9. Extortion as defined by Section 1481 or 1486 of Title 21  
19 of the Oklahoma Statutes;

20       ~~42. Obtaining signature by extortion as defined by Section 1485~~  
21 ~~of Title 21 of the Oklahoma Statutes;~~

22       ~~43. Seizure of a bus, discharging firearm or hurling missile at~~  
23 ~~bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;~~

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1       ~~44. Mistreatment of a vulnerable adult as defined by Section~~  
2 ~~843.1 of Title 21 of the Oklahoma Statutes;~~

3       ~~45. 10. Sex offender providing services to a child as defined~~  
4 ~~by Section 404.1 of Title 10 of the Oklahoma Statutes;~~

5       ~~46. A felony offense of domestic abuse as defined by subsection~~  
6 ~~C of Section 644 of Title 21 of the Oklahoma Statutes;~~

7       ~~47. 11. Prisoner placing body fluid on government employee as~~  
8 ~~defined by Section 650.9 of Title 21 of the Oklahoma Statutes;~~

9       ~~48. 12. Poisoning food or water supply as defined by Section~~  
10 ~~832 of Title 21 of the Oklahoma Statutes;~~

11       ~~49. 13. Trafficking in children as defined by Section 866 of~~  
12 ~~Title 21 of the Oklahoma Statutes;~~

13       ~~50. 14. Incest as defined by Section 885 of Title 21 of the~~  
14 ~~Oklahoma Statutes;~~

15       ~~51. Procure, produce, distribute, or possess juvenile~~  
16 ~~pornography as defined by Section 1021.2 of Title 21 of the Oklahoma~~  
17 ~~Statutes;~~

18       ~~52. Parental consent to juvenile pornography as defined by~~  
19 ~~Section 1021.3 of Title 21 of the Oklahoma Statutes;~~

20       ~~53. 15. Soliciting minor for indecent exposure as defined by~~  
21 ~~Section 1021 of Title 21 of the Oklahoma Statutes;~~

22       ~~54. 16. Distributing obscene material or child pornography as~~  
23 ~~defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;~~

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1       ~~55. Child prostitution as defined by Section 1030 of Title 21~~  
2 ~~of the Oklahoma Statutes;~~

3       ~~56.~~ 17. Procuring a minor for prostitution or other lewd acts  
4 as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

5       ~~57.~~ 18. Transporting a child under 18 for purposes of  
6 prostitution as defined by Section 1087 of Title 21 of the Oklahoma  
7 Statutes;

8       ~~58.~~ 19. Inducing a minor to engage in prostitution as defined  
9 by Section 1088 of Title 21 of the Oklahoma Statutes;

10       ~~59.~~ 20. A felony offense of stalking as defined by subsection D  
11 of Section 1173 of Title 21 of the Oklahoma Statutes;

12       ~~60.~~ 21. Spread of infectious diseases as defined by Section  
13 1192 of Title 21 of the Oklahoma Statutes;

14       ~~61.~~ 22. Advocate overthrow of government by force, commit or  
15 attempt to commit acts to overthrow the government, organize or  
16 provide assistance to groups to overthrow the government as defined  
17 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma  
18 Statutes;

19       ~~62.~~ 23. Feloniously discharging a firearm as defined by Section  
20 1289.17A of Title 21 of the Oklahoma Statutes; or

21       ~~63. Possession, use, manufacture, or threat of incendiary~~  
22 ~~device as defined by Section 1767.1 of Title 21 of the Oklahoma~~  
23 ~~Statutes;~~

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1       ~~64.~~ 24. Causing a personal injury accident while driving under  
2 the influence as defined by Section 11-904 of Title 47 of the  
3 Oklahoma Statutes; ~~or~~

4       ~~65.~~ ~~Using a motor vehicle to facilitate the discharge of a~~  
5 ~~firearm as defined by Section 652 of Title 21 of the Oklahoma~~  
6 ~~Statutes.~~

7       F. The policy and procedure developed by the Department of  
8 Corrections shall include provisions for adjustment review  
9 committees of not less than three members for each such committee.

10       1. Each committee reviewing inmates shall consist of a  
11 classification team supervisor who shall act as ~~chairman~~ chair, the  
12 case manager for the inmate being reviewed or classified, a  
13 correctional officer or inmate counselor, and not more than two  
14 other members, if deemed necessary, determined pursuant to policy  
15 and procedure to be appropriate for the specific adjustment review  
16 committee or committees to which they are assigned. At least once  
17 every four (4) months the adjustment review committee for each  
18 inmate shall evaluate the class level status and performance of the  
19 inmate and determine whether or not the class level for the inmate  
20 should be changed.

21       2. Each committee reviewing offenders shall consist of a  
22 probation officer and a probation officer supervisor. All offender  
23 level adjustments shall be approved by the assistant regional  
24 supervisor. At least once every four (4) months the adjustment

1 review committee for each offender shall evaluate the class level  
2 status and performance of the offender and determine whether or not  
3 the class level for the offender should be changed.

4 3. Any inmate or offender who feels aggrieved by a decision  
5 made by an adjustment review committee may utilize normal grievance  
6 procedures in effect with the Department of Corrections and in  
7 effect at the facility in which the inmate is incarcerated or the  
8 offender is supervised.

9 G. Inmates granted medical leaves for treatment that cannot be  
10 furnished at the penal institution where incarcerated shall be  
11 allowed the time spent on medical leave as time served. Any inmate  
12 placed into administrative segregation for nondisciplinary reasons  
13 by the institution's administration may be placed in Class 2. The  
14 length of any jail term served by an inmate before being transported  
15 to a state correctional institution pursuant to a judgment and  
16 sentence of incarceration shall be deducted from the term of  
17 imprisonment at the state correctional institution. Inmates  
18 sentenced to the Department of Corrections and detained in a county  
19 jail as a result of the Department's reception scheduling procedure  
20 shall be awarded earned credits as provided for in subparagraph b of  
21 paragraph 1 of subsection D of this section, beginning on the date  
22 of the judgment and sentence, unless the inmate is convicted of a  
23 misdemeanor or felony committed in the jail while the inmate is  
24 awaiting transport to the Lexington Assessment and Reception Center



1 or other assessment and reception location determined by the  
2 Director of the Department of Corrections.

3 H. Additional achievement earned credits for successful  
4 completion of departmentally approved programs or for attaining  
5 goals or standards set by the Department shall be awarded as  
6 follows:

- 7 Bachelor's degree.....200 credits;
- 8 Associate's degree.....100 credits;
- 9 High School Diploma or High School  
10 Equivalency Diploma.....90 credits;
- 11 Certification of Completion of  
12 Vocational Training.....80 credits;
- 13 Successful completion of  
14 Alcohol/Chemical Abuse Treatment  
15 Program of not less than four (4)  
16 months continuous participation.....70 credits;
- 17 Successful completion of other  
18 Educational Accomplishments or  
19 other programs not specified in  
20 this subsection.....10-30 credits;

21 Achievement earned credits are subject to loss and restoration in  
22 the same manner as earned credits.

23 I. The accumulated time of every inmate shall be tallied  
24 monthly and maintained by the institution where the term of

1 imprisonment is being served. A record of said accumulated time  
2 shall be:

3 1. Sent to the administrative office of the Department of  
4 Corrections on a quarterly basis; and

5 2. Provided to the inmate.

6 SECTION 2. This act shall become effective November 1, 2023.

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8 59-1-7363 GRS 02/16/23

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