

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 3612

By: Harris

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to criminal procedure; authorizing
9 courts to hold execution of prison sentences in
10 abeyance under certain circumstances; providing for
11 the completion of prison sentences with the
12 Department of Corrections upon release from federal
13 custody; providing exceptions; directing courts to
14 make certain considerations; creating rebuttable
15 presumption upon motions being filed; directing the
16 Department to track the status of offenders;
17 directing the Department to notify certain entities
18 and persons of the impending release of offenders
19 from federal custody; assigning certain
20 responsibilities to the Department; prohibiting the
21 release of offenders from custody until federal
22 authorities take custody; providing exception for
23 offenders sentenced to death; providing for
24 codification; 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 to be codified
in the Oklahoma Statutes as Section 982b of Title 22, unless there
is created a duplication in numbering, reads as follows:

A. Upon motion of the district attorney of the county from
which a sentence was imposed, the court may hold execution of a

1 sentence of imprisonment in abeyance if the offender has a pending
2 sentence of incarceration to be served in the custody of the United
3 States Bureau of Prisons or successor federal agency.

4 B. Any offender whose sentence has been held in abeyance
5 pending execution of a federal sentence pursuant to subsection A of
6 this section shall be returned to the Department of Corrections to
7 complete execution of his or her sentence upon release from federal
8 custody, unless the remainder of the sentence of the offender has
9 been discharged, vacated, paroled, or commuted while the offender
10 was in federal custody.

11 C. In determining whether to hold the execution of a sentence
12 in abeyance pending execution of a federal sentence, the court shall
13 consider the safety of the public, personnel of the Department of
14 Corrections, personnel of law enforcement agencies, other inmates,
15 and the offender. The filing of a motion to hold the execution of a
16 sentence in abeyance by the district attorney shall create a
17 rebuttable presumption that it is in the public interest to hold the
18 sentence in abeyance and that the motion shall be granted.

19 D. The Department of Corrections shall track the status of all
20 offenders whose execution of sentence has been held in abeyance
21 pursuant to this section. No less than six (6) months prior to the
22 projected release of the offender from federal custody, the
23 Department of Corrections shall notify the sentencing court, the
24 Attorney General, and the district attorney of the county from which

1 the sentence was imposed of the impending release of the offender
2 from federal custody. The district attorney shall be responsible
3 for initiating and completing legal process to secure the return of
4 the offender to the Department of Corrections, and the county
5 sheriff shall be responsible for transportation of the offender from
6 federal custody to state custody upon the release of the offender
7 from federal custody.

8 E. An offender whose sentence has been held in abeyance pending
9 execution of a federal sentence shall not be released from the
10 custody of the Department of Corrections until and unless federal
11 authorities take custody of the offender. In no event shall an
12 order holding execution of a state sentence in abeyance pursuant to
13 this section result in the release of the offender from both state
14 and federal custody simultaneously.

15 F. The provisions of this section shall not apply to any
16 offender who has been sentenced to death and whose death sentence
17 remains valid.

18 SECTION 2. This act shall become effective November 1, 2024.

19

20 59-2-10552 LRB 02/28/24

21

22

23

24