

1 ENGROSSED HOUSE
2 BILL NO. 3612

By: Harris, Hill, and West
(Tammy) of the House

3 and

4 Gollihare of the Senate
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7 An Act relating to criminal procedure; authorizing
8 courts to hold execution of prison sentences in
9 abeyance under certain circumstances; providing for
10 the completion of prison sentences with the
11 Department of Corrections upon release from federal
12 custody; providing exceptions; directing courts to
13 make certain considerations; creating rebuttable
14 presumption upon motions being filed; assigning
15 certain responsibilities to the Department;
16 prohibiting the release of offenders from custody
17 until federal authorities take custody; providing
18 exception for offenders sentenced to death; providing
19 for codification; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 982b of Title 22, unless there
23 is created a duplication in numbering, reads as follows:

24 A. Upon motion of the district attorney of the county from
which a sentence was imposed, the court may hold execution of a
sentence of imprisonment in abeyance if the offender has a pending
sentence of incarceration to be served in the custody of the United
States Bureau of Prisons or successor federal agency.

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

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

16 D. The Department of Corrections shall be responsible for
17 transportation of the offender from federal custody to state custody
18 upon the release of the offender from federal custody.

19 E. An offender whose sentence has been held in abeyance pending
20 execution of a federal sentence shall not be released from the
21 custody of the Department of Corrections until and unless federal
22 authorities take custody of the offender. In no event shall an
23 order holding execution of a state sentence in abeyance pursuant to
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1 this section result in the release of the offender from both state
2 and federal custody simultaneously.

3 F. The provisions of this section shall not apply to any
4 offender who has been sentenced to death and whose death sentence
5 remains valid.

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

7 Passed the House of Representatives the 13th day of March, 2024.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2024.

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Presiding Officer of the Senate

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