

# An Act

ENROLLED HOUSE  
BILL NO. 2490

By: Hill and Pae of the House

and

Daniels of the Senate

An Act relating to criminal procedure; authorizing early evaluation hearing after specified time period for persons receiving suspended or split sentence; authorizing court to modify certain sentences; establishing requirements for eligibility for modification of certain sentences; authorizing certain hearing under certain circumstances; requiring certain written notice; specifying time period for certain objection or response; authorizing extension of certain time period; establishing requirements for request for certain hearing; prohibiting certain conditions in plea agreement or imposed sentence; requiring District Attorneys Council to provide certain list to designated officials upon request; establishing deadlines for certain request and response; providing for codification; and providing an effective date.

SUBJECT: Criminal procedure

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.

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

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

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

3. The person has no pending revocation hearings; and

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

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

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

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

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

4. The person has no pending revocation hearings; and

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

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

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

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

G. The President Pro Tempore of the Senate, the Speaker of the House of Representatives, or the Governor may request the District Attorneys Council to provide a list of early termination applications made and copies of any objections or other responses to such applications during the prior fiscal year. Such request shall be made no later than July 31 and shall be fulfilled no later than November 30.

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

Passed the House of Representatives the 10th day of May, 2023.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_