

# An Act

ENROLLED HOUSE  
BILL NO. 3612

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

and

Gollihare of the Senate

An Act relating to criminal procedure; authorizing courts to hold execution of prison sentences in abeyance under certain circumstances; providing for the completion of prison sentences with the Department of Corrections upon release from federal custody; providing exceptions; directing courts to make certain considerations; creating rebuttable presumption upon motions being filed; assigning certain responsibilities to the Department; prohibiting the release of offenders from custody until federal authorities take custody; providing exception for offenders sentenced to death; 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 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 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.

B. Any offender whose sentence has been held in abeyance pending execution of a federal sentence pursuant to subsection A of

this section shall be returned to the Department of Corrections to complete execution of his or her sentence upon release from federal custody, unless the remainder of the sentence of the offender has been discharged, vacated, paroled, or commuted while the offender was in federal custody.

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

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

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

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

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

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

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

Passed the Senate the 22nd day of April, 2024.

\_\_\_\_\_  
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: \_\_\_\_\_