

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

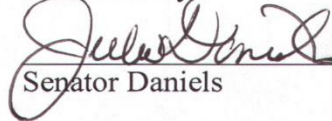
No. 1

COMMITTEE AMENDMENT

(Date)


I move to amend House Bill No. 2490 by substituting the attached floor substitute (Request # 2165) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Daniels

I hereby grant permission for the floor substitute to be adopted.



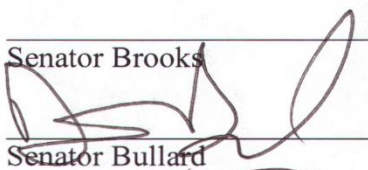
Senator Howard, Chair (required)



Senator Gollihare

Senator Boren

Senator Brooks



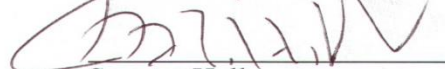
Senator Bullard



Senator Daniels

Senator Treat, President Pro Tempore

Senator Floyd

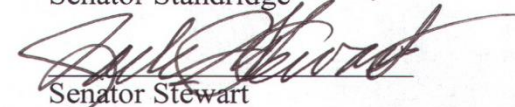


Senator Hall

Senator Jech



Senator Standridge



Senator Stewart

Senator Weaver

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Daniels-TEK-FS-HB2490
4/25/2023 3:26 PM

(Floor Amendments Only)

Date and Time Filed: 4-25-23 4:29 pm *fd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 2490

By: Hill and Pae of the House

and

Daniels of the Senate

7
8
9 FLOOR SUBSTITUTE

10 [criminal procedure - district attorneys - extension
11 of supervision - dismissal of charges - effective
12 date]

13
14 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 991a-4.2 of Title 22, unless
17 there is created a duplication in numbering, reads as follows:

18 A. 1. Any person who receives a suspended sentence that
19 exceeds five (5) years pursuant to the provisions of Section 991a of
20 this title for an offense not listed in Section 13.1 or subsection
21 C, D, E, F, G, or J of Section 644 of Title 21 of the Oklahoma
22 Statutes or Section 571 or 582 of Title 57 of the Oklahoma Statutes
23 shall, upon request, receive an early evaluation hearing after five
24

1 (5) years to determine whether the length of the suspended sentence
2 should be modified.

3 2. Any person who receives a split sentence pursuant to the
4 provisions of Section 991a of Title 22 of the Oklahoma Statutes for
5 an offense not listed in Section 13.1 or subsection C, D, E, F, G,
6 or J of Section 644 of Title 21 of the Oklahoma Statutes or Section
7 571 or 582 of Title 57 of the Oklahoma Statutes and the suspended
8 portion of the sentence exceeds five (5) years shall, upon request,
9 receive an early evaluation hearing after five (5) years of serving
10 the suspended portion of the split sentence to determine whether the
11 length of the split sentence should be modified.

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

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

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

19 3. The person has no pending revocation hearings; and

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

24

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

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

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

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

14 4. The person has no pending revocation hearings; and

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

19 D. Written notice shall be made to the appropriate district
20 attorney within fifteen (15) days of the filing of a request
21 pursuant to subsection A or C of this section. The district
22 attorney shall have forty-five (45) days from the date the notice
23 was received to object or otherwise respond. The Court may, upon
24

1 request of the district attorney, grant a single fifteen-day
2 extension to object or otherwise respond.

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

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

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

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

17

18 59-1-2165 TEK 4/25/2023 5:41:33 PM

19

20

21

22

23

24