

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3612

By: Harris and **Hill**

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to criminal procedure; authorizing  
10 courts to hold execution of prison sentences in  
11 abeyance under certain circumstances; providing for  
12 the completion of prison sentences with the  
13 Department of Corrections upon release from federal  
14 custody; providing exceptions; directing courts to  
15 make certain considerations; creating rebuttable  
16 presumption upon motions being filed; directing the  
17 Department to track the status of offenders;  
18 directing the Department to notify certain entities  
19 and persons of the impending release of offenders  
20 from federal custody; assigning certain  
21 responsibilities to the Department; prohibiting the  
22 release of offenders from custody until federal  
23 authorities take custody; providing exception for  
24 offenders sentenced to death; providing for  
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:

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

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

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

21       D. The Department of Corrections shall track the status of all  
22 offenders whose execution of sentence has been held in abeyance  
23 pursuant to this section. No less than six (6) months prior to the  
24 projected release of the offender from federal custody, the

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

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

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/04/2024 - DO PASS,  
23 As Amended and Coauthored.

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