

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 690

By: Bergstrom

AS INTRODUCED

An Act relating to prisons and reformatories; amending 57 O.S. 2021, Section 138, as amended by Section 11, Chapter 151, O.S.L. 2024 (57 O.S. Supp. 2024, Section 138), which relates to earned credits; authorizing attainment of certain earned credits by certain inmates; prohibiting certain transfer of earned credits; making language gender neutral; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 138, as amended by Section 11, Chapter 151, O.S.L. 2024 (57 O.S. Supp. 2024, Section 138), is amended to read as follows:

Section 138. A. Except as otherwise provided by law, every inmate of a state correctional institution shall have ~~their~~ his or her term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and

1 upon approval of the warden or superintendent. Each earned credit
2 is equivalent to one (1) day of incarceration. Lost credits may be
3 restored by the warden or superintendent upon approval of the
4 classification committee. If a maximum and minimum term of
5 imprisonment is imposed, the provisions of this subsection shall
6 apply only to the maximum term. No deductions shall be credited to
7 any inmate serving a sentence of life imprisonment; however, a
8 complete record of the inmate's participation in work, school,
9 vocational training, or other approved program shall be maintained
10 by the Department of Corrections for consideration by the paroling
11 authority. No earned credit deductions shall be credited or
12 recorded for any inmate serving any sentence for a criminal act
13 which resulted in the death of a police officer, a law enforcement
14 officer, an employee of the Department of Corrections, or an
15 employee of a private prison contractor and the death occurred while
16 the police officer, law enforcement officer, employee of the
17 Department of Corrections, or employee of a private prison
18 contractor was acting within the scope of ~~their~~ his or her
19 employment. No earned credit deductions shall be credited or
20 recorded for any person who is referred to an intermediate
21 revocation facility for violating any of the terms and conditions of
22 probation.

23 B. The Department of Corrections is directed to develop a
24 written policy and procedure whereby inmates shall be assigned to

1 one of four class levels determined by an adjustment review
2 committee of the facility to which the inmate is assigned. The
3 policies and procedures developed by the Department shall include,
4 but not be limited to, written guidelines pertaining to awarding
5 credits for rehabilitation, obtaining job skills and educational
6 enhancement, participation in and completion of alcohol/chemical
7 abuse programs, incentives for inmates to accept work assignments
8 and jobs, work attendance and productivity, conduct record,
9 participation in programs, cooperative general behavior, and
10 appearance. When assigning inmates to a class level, the adjustment
11 review committee shall consider all aspects of the policy and
12 procedure developed by the Department including, but not limited to,
13 the criteria for awarding credits required by this subsection.

14 C. If an inmate is subject to misconduct, nonperformance, or
15 disciplinary action, earned credits may be removed according to the
16 policies and procedures developed by the Department. Earned credits
17 removed for misconduct, nonperformance, or disciplinary action may
18 be restored as provided by Department policy, if any.

19 D. 1. Class levels shall be as follows:

20 a. Class level 1 shall include inmates not eligible to
21 participate in class levels 2 through 4, and shall
22 include, but not be limited to, inmates on escape
23 status.

1 b. Class level 2 shall include an inmate who has been
2 given a work, education, or program assignment, has
3 received a good evaluation for participation in the
4 work, education, or program assignment, and has
5 received a good evaluation for personal hygiene and
6 maintenance of living area.

7 c. Class level 3 shall include an inmate who has been
8 incarcerated at least three (3) months, has received
9 an excellent work, education, or program evaluation,
10 and has received an excellent evaluation for personal
11 hygiene and maintenance of living area.

12 d. Class level 4 shall include an inmate who has been
13 incarcerated at least eight (8) months, has received
14 an outstanding work, education, or program evaluation,
15 and has received an outstanding evaluation for
16 personal hygiene and maintenance of living area.

17 2. a. Until November 1, 2001, class level corresponding
18 credits are as follows:

19 Class 1 - 0 Credits per month;

20 Class 2 - 22 Credits per month;

21 Class 3 - 33 Credits per month;

22 Class 4 - 44 Credits per month.

23 b. Class level corresponding credits beginning November
24 1, 2001, for inmates who have ever been convicted as

1 an adult or a youthful offender or adjudicated
2 delinquent as a juvenile for a felony offense
3 enumerated in subsection E of this section are as
4 follows:

5 Class 1 - 0 Credits per month;

6 Class 2 - 22 Credits per month;

7 Class 3 - 33 Credits per month;

8 Class 4 - 44 Credits per month.

9 c. Class level corresponding credits beginning November
10 1, 2001, for inmates who have never been convicted as
11 an adult or a youthful offender or adjudicated
12 delinquent as a juvenile for a felony offense
13 enumerated in subsection E of this section are as
14 follows:

15 Class 1 - 0 Credits per month;

16 Class 2 - 22 Credits per month;

17 Class 3 - 45 Credits per month;

18 Class 4 - 60 Credits per month.

19 Each inmate shall receive the above specified monthly credits
20 for the class to which he or she is assigned. In determining the
21 prior criminal history of the inmate, the Department of Corrections
22 shall review criminal history records available through the Oklahoma
23 State Bureau of Investigation, Federal Bureau of Investigation, and
24 National Crime Information Center to determine the reported felony
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1 convictions of all inmates. The Department of Corrections shall
2 also review the Office of Juvenile Affairs Juvenile ~~On-line~~ Online
3 Tracking System for inmates who were adjudicated delinquent or
4 convicted as a youthful offender for a crime that would be an
5 offense enumerated in subsection E of this section.

6 3. In addition to the criteria established for each class in
7 paragraph 1 of this subsection, the following requirements shall
8 apply to each of levels 2 through 4:

- 9 a. satisfactory participation in the work, education, or
10 program assignment at the standard required for the
11 particular class level,
12 b. maintenance of a clean and orderly living area and
13 personal hygiene at the standard required for the
14 particular class level,
15 c. cooperative behavior toward facility staff and other
16 inmates, and
17 d. satisfactory participation in the requirements of the
18 previous class level.

19 4. The evaluation scale for assessing performance shall be as
20 follows:

- 21 a. Outstanding - For inmates who display consistently
22 exceptional initiative, motivation, and work habits.
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1 b. Excellent - For inmates who display above-average work
2 habits with only minor errors and rarely perform below
3 expectations.

4 c. Good - For inmates who perform in a satisfactory
5 manner and complete tasks as required, doing what is
6 expected, with only occasional performance above or
7 below expectations.

8 d. Fair - For inmates who may perform satisfactorily for
9 some periods of time, but whose performance is marked
10 by obviously deficient and weak areas and could be
11 improved.

12 e. Poor - For inmates whose performance is unsatisfactory
13 and falls below expected and acceptable standards.

14 E. No person ever convicted as an adult or a youthful offender
15 or adjudicated delinquent as a juvenile in this state for any felony
16 offense enumerated in this subsection or a similar felony offense
17 pursuant to the provisions of another state, the United States, or a
18 military court shall be eligible for the credits provided by the
19 provisions of subparagraph c of paragraph 2 of subsection D of this
20 section. Such enumerated offenses include:

21 1. Assault, battery, or assault and battery with a dangerous
22 weapon as defined by Section 645, subsection C of Section 652 of
23 Title 21, or Section 2-219 of Title 43A of the Oklahoma Statutes;
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1 2. Aggravated assault and battery on a police officer, sheriff,
2 highway patrolman, or any other officer of the law as defined by
3 Section 650, subsection C of Section 650.2, Section 650.5,
4 subsection B of Section 650.6, or subsection C of Section 650.7 of
5 Title 21 of the Oklahoma Statutes;

6 3. Poisoning with intent to kill as defined by Section 651 of
7 Title 21 of the Oklahoma Statutes;

8 4. Shooting with intent to kill as defined by Section 652 of
9 Title 21 of the Oklahoma Statutes;

10 5. Assault with intent to kill as defined by Section 653 of
11 Title 21 of the Oklahoma Statutes;

12 6. Assault with intent to commit a felony as defined by Section
13 681 of Title 21 of the Oklahoma Statutes;

14 7. Assaults while masked or disguised as defined by Section
15 1303 of Title 21 of the Oklahoma Statutes;

16 8. Entering premises of another while masked as defined by
17 Section 1302 of Title 21 of the Oklahoma Statutes;

18 9. Murder in the first degree as defined by Section 701.7 of
19 Title 21 of the Oklahoma Statutes;

20 10. Solicitation for ~~Murder~~ murder in the first degree as
21 defined by Section 701.16 of Title 21 of the Oklahoma Statutes;

22 11. Murder in the second degree as defined by Section 701.8 of
23 Title 21 of the Oklahoma Statutes;

- 1 12. Manslaughter in the first degree as defined by Section 711
2 or 712 of Title 21 of the Oklahoma Statutes;
- 3 13. Manslaughter in the second degree as defined by Section 716
4 or 717 of Title 21 of the Oklahoma Statutes;
- 5 14. Kidnapping as defined by Section 741 of Title 21 of the
6 Oklahoma Statutes;
- 7 15. Burglary in the first degree as defined by Section 1431 of
8 Title 21 of the Oklahoma Statutes;
- 9 16. Burglary with explosives as defined by Section 1441 of
10 Title 21 of the Oklahoma Statutes;
- 11 17. Kidnapping for extortion as defined by Section 745 of Title
12 21 of the Oklahoma Statutes;
- 13 18. Maiming as defined by Section 751 of Title 21 of the
14 Oklahoma Statutes;
- 15 19. Robbery as defined by Section 791 of Title 21 of the
16 Oklahoma Statutes;
- 17 20. Robbery in the first degree as defined by Section 797 of
18 Title 21 of the Oklahoma Statutes;
- 19 21. Robbery in the second degree as defined by Section 797 of
20 Title 21 of the Oklahoma Statutes;
- 21 22. Armed robbery as defined by Section 801 of Title 21 of the
22 Oklahoma Statutes;
- 23 23. Robbery by two or more persons as defined by Section 800 of
24 Title 21 of the Oklahoma Statutes;

1 24. Robbery with dangerous weapon or imitation firearm as
2 defined by Section 801 of Title 21 of the Oklahoma Statutes;

3 25. Any crime against a child provided for in Section 843.5 of
4 Title 21 of the Oklahoma Statutes;

5 26. Wiring ~~any equipment,~~ or equipping any vehicle or structure
6 with explosives as defined by Section 849 of Title 21 of the
7 Oklahoma Statutes;

8 27. Forcible sodomy as defined by Section 888 of Title 21 of
9 the Oklahoma Statutes;

10 28. Rape in the first degree as defined by Sections 1111 and
11 1114 of Title 21 of the Oklahoma Statutes;

12 29. Rape in the second degree as defined by Sections 1111 and
13 1114 of Title 21 of the Oklahoma Statutes;

14 30. Rape by instrumentation as defined by Section 1111.1 of
15 Title 21 of the Oklahoma Statutes;

16 31. Lewd or indecent proposition or lewd or indecent act with a
17 child as defined by Section 1123 of Title 21 of the Oklahoma
18 Statutes;

19 32. Sexual battery of a person over 16 as defined by Section
20 1123 of Title 21 of the Oklahoma Statutes;

21 33. Use of a firearm or offensive weapon to commit or attempt
22 to commit a felony as defined by Section 1287 of Title 21 of the
23 Oklahoma Statutes;

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- 1 34. Pointing firearms as defined by Section 1289.16 of Title 21
2 of the Oklahoma Statutes;
- 3 35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of
4 the Oklahoma Statutes;
- 5 36. Inciting to riot as defined by Section 1320.2 of Title 21
6 of the Oklahoma Statutes;
- 7 37. Arson in the first degree as defined by Section 1401 of
8 Title 21 of the Oklahoma Statutes;
- 9 38. Endangering human life during arson as defined by Section
10 1405 of Title 21 of the Oklahoma Statutes;
- 11 39. Injuring or burning public buildings as defined by Section
12 349 of Title 21 of the Oklahoma Statutes;
- 13 40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of
14 Title 21 of the Oklahoma Statutes;
- 15 41. Extortion as defined by Section 1481 or 1486 of Title 21 of
16 the Oklahoma Statutes;
- 17 42. Obtaining signature by extortion as defined by Section 1485
18 of Title 21 of the Oklahoma Statutes;
- 19 43. Seizure of a bus, discharging firearm or hurling missile at
20 bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;
- 21 44. Mistreatment of a vulnerable adult as defined by Section
22 843.1 of Title 21 of the Oklahoma Statutes;
- 23 45. Sex offender providing services to a child as defined by
24 Section 404.1 of Title 10 of the Oklahoma Statutes;

1 46. A felony offense of domestic abuse as defined by subsection
2 C of Section 644 of Title 21 of the Oklahoma Statutes;

3 47. Prisoner placing body fluid on government employee as
4 defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

5 48. Poisoning food or water supply as defined by Section 832 of
6 Title 21 of the Oklahoma Statutes;

7 49. Trafficking in children as defined by Section 866 of Title
8 21 of the Oklahoma Statutes;

9 50. Incest as defined by Section 885 of Title 21 of the
10 Oklahoma Statutes;

11 51. Procure, produce, distribute, or possess ~~juvenile~~
12 ~~pornography~~ child sexual abuse material as defined by Section 1021.2
13 of Title 21 of the Oklahoma Statutes;

14 52. Parental consent to ~~juvenile pornography~~ child sexual abuse
15 material as defined by Section 1021.3 of Title 21 of the Oklahoma
16 Statutes;

17 53. Soliciting minor for indecent exposure as defined by
18 Section 1021 of Title 21 of the Oklahoma Statutes;

19 54. Distributing obscene material or child ~~pornography~~ sexual
20 abuse material as defined by Section 1040.13 of Title 21 of the
21 Oklahoma Statutes;

22 55. Child sex trafficking as defined by Section 1030 of Title
23 21 of the Oklahoma Statutes;

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1 56. Procuring a minor for child sex trafficking or other lewd
2 acts as defined by Section 1087 of Title 21 of the Oklahoma
3 Statutes;

4 57. Transporting a child under eighteen (18) years of age for
5 purposes of child sex trafficking as defined by Section 1087 of
6 Title 21 of the Oklahoma Statutes;

7 58. Inducing a minor to engage in child sex trafficking as
8 defined by Section 1088 of Title 21 of the Oklahoma Statutes;

9 59. A felony offense of stalking as defined by subsection D of
10 Section 1173 of Title 21 of the Oklahoma Statutes;

11 60. Spread of infectious diseases as defined by Section 1192 of
12 Title 21 of the Oklahoma Statutes;

13 61. Advocate overthrow of government by force, commit or
14 attempt to commit acts to overthrow the government, organize or
15 provide assistance to groups to overthrow the government as defined
16 by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma
17 Statutes;

18 62. Feloniously discharging a firearm as defined by Section
19 1289.17A of Title 21 of the Oklahoma Statutes;

20 63. Possession, use, manufacture, or threat of incendiary
21 device as defined by Section 1767.1 of Title 21 of the Oklahoma
22 Statutes;

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1 64. Causing a personal injury accident while driving under the
2 influence as defined by Section 11-904 of Title 47 of the Oklahoma
3 Statutes; or

4 65. Using a motor vehicle to facilitate the discharge of a
5 firearm as defined by Section 652 of Title 21 of the Oklahoma
6 Statutes.

7 F. The policy and procedure developed by the Department of
8 Corrections shall include provisions for adjustment review
9 committees of not less than three members for each such committee.
10 Each committee shall consist of a classification team supervisor who
11 shall act as chairman, the case manager for the inmate being
12 reviewed or classified, a correctional officer or inmate counselor,
13 and not more than two other members, if deemed necessary, determined
14 pursuant to policy and procedure to be appropriate for the specific
15 adjustment review committee or committees to which they are
16 assigned. At least once every four (4) months the adjustment review
17 committee for each inmate shall evaluate the class level status and
18 performance of the inmate and determine whether ~~or not~~ the class
19 level for the inmate should be changed.

20 Any inmate who feels aggrieved by a decision made by an
21 adjustment review committee may utilize normal grievance procedures
22 in effect with the Department of Corrections and in effect at the
23 facility in which the inmate is incarcerated.

1 G. Inmates granted medical leaves for treatment that cannot be
2 furnished at the penal institution where incarcerated shall be
3 allowed the time spent on medical leave as time served. Any inmate
4 placed into administrative segregation for nondisciplinary reasons
5 by the institution's administration may be placed in Class 2. The
6 length of any jail term served by an inmate before being transported
7 to a state correctional institution pursuant to a judgment and
8 sentence of incarceration shall be deducted from the term of
9 imprisonment at the state correctional institution. Inmates
10 sentenced to the Department of Corrections and detained in a county
11 jail as a result of the Department's reception scheduling procedure
12 shall be awarded earned credits as provided for in subparagraph b of
13 paragraph 1 of subsection D of this section, beginning on the date
14 of the judgment and sentence, unless the inmate is convicted of a
15 misdemeanor or felony committed in the jail while the inmate is
16 awaiting transport to the Lexington Assessment and Reception Center
17 or other assessment and reception location determined by the
18 Director of the Department of Corrections.

19 H. Additional achievement earned credits for successful
20 completion of departmentally approved programs or for attaining
21 goals or standards set by the Department shall be awarded as
22 follows:

- 23 Bachelor's degree.....200 credits;
- 24 Associate's degree.....100 credits;

1 High School Diploma or High School
2 Equivalency Diploma.....90 credits;
3 Certification of Completion of
4 Vocational Training.....80 credits;
5 Successful completion of
6 Alcohol/Chemical Abuse Treatment
7 Program of not less than four (4)
8 months continuous participation.....70 credits;
9 Successful completion of other
10 Educational Accomplishments or
11 other programs not specified in
12 this subsection.....10-30 credits;

13 Achievement earned credits are subject to loss and restoration in
14 the same manner as earned credits. Achievement earned credits may
15 be attained by an inmate in a county jail who is awaiting trial,
16 sentencing, or transfer to custody of the Department of Corrections.

17 Achievement earned credits attained by an inmate awaiting trial,
18 sentencing, or transfer to the custody of the Department of
19 Corrections are not transferable to subsequent convictions.

20 I. The accumulated time of every inmate shall be tallied
21 monthly and maintained by the institution where the term of
22 imprisonment is being served. A record of ~~said~~ such accumulated
23 time shall be:

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1. Sent to the administrative office of the Department of Corrections on a quarterly basis; and
2. Provided to the inmate.

SECTION 2. This act shall become effective November 1, 2025.

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