STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2286

By: O'Donnell

COMMITTEE SUBSTITUTE

An Act relating to pardon and parole; stating legislative intent; amending 57 O.S. 2011, Section 138, as last amended by Section 4, Chapter 360, O.S.L 2015 (57 O.S. Supp. 2016, Section 138), which relates to earned credits; limiting application of earned credits; amending 57 O.S. 2011, Sections 332.1A, 332.1B, 332.2, as amended by Section 1, Chapter 124, O.S.L. 2013 and 332.7, as amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Sections 332.2 and 332.7), which relate to training, qualifications and meetings of the Pardon and Parole Board and eligibility requirements for parole; modifying training curriculum and member qualifications; directing the Pardon and Parole Board to provide administrative parole docket to district attorneys; providing for administrative paroles under certain circumstances; requiring parole denials be stated on the record; directing Pardon and Parole Board to provide remediation suggestions on parole denials; modifying parole eligibility for consecutive sentences; adding list of factors for determining parole; providing for the establishment of certain policies; authorizing administrative parole with and without a hearing under certain circumstances; establishing notification requirement; providing for parole supervision for administrative paroles; establishing parole eligibility requirements for certain inmates; amending 57 O.S. 2011, Section 332.8, as amended by Section 3, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Section 332.8), which relates to conditions for parole; clarifying
education program mandate; directing use of evidence-based community programs; providing for standards created by the Department of Mental Health and Substance Abuse Services; amending 57 O.S. 2011, Section 350, which relates to the Uniform Act for Out-of-State Parole Supervision; authorizing revocation of parole for technical violations; providing for deduction of sentences; amending 57 O.S. 2011, Section 502, as last amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2016, Section 502), which relates to the Oklahoma Corrections Act of 1967; adding definition; amending 57 O.S. 2011, Section 510.9, as last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S Supp. 2016, Section 510.9), which relates to the Electronic Monitoring Program; increasing certain time limitation; providing for risk and needs assessment; providing an exception; providing for alternative payment options; amending 57 O.S. 2011, Section 512, which relates to supervision of paroled inmates; directing intake and orientation for parolees; providing intake procedures; requiring administration of risk and needs assessments and individualized case plans; requiring certain compliance monitoring; providing for sanctions and additional supervision requirements; authorizing certain probationers and parolees the ability to earn discharge credits; prohibiting certain offenses from being eligible; directing development of written policies; directing maintenance of records; providing certain notification; authorizing Department of Corrections to issue certificate of rehabilitation; providing application requirements; authorizing certain consideration; defining term; providing for appeals; directing development of policies; amending 57 O.S. 2011, Section 515, as amended by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2016, Section 515), which relates to probation-parole officers; directing officers to undergo annual training; providing training requirements; amending Section 2, Chapter 414, O.S.L. 2014 (57 O.S. Supp. 2016, Section 515a), which relates to felony probation supervision; requiring risk and needs assessment; directing the development of treatment and supervision plan; providing for establishment of regulations and rules for certain contract providers; providing deadline for implementation; providing for creation of matrix
of sanctions and incentives; providing procedures for issuing sanctions; directing the Department of Corrections to establish policies; prohibiting revocation under certain circumstances; amending 57 O.S. 2011, Sections 516 and 517, as amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2016, Section 517), which relate to parole and probation violators; directing probation and parole officers to provide notice of technical violations; providing for the issuance of summons for revocation hearings; authorizing issuance of arrest warrants; providing time limitations for revocation hearings; providing punishment for technical violation revocations; authorizing release of parolee and probationer under certain circumstances; directing the Department of Corrections and Pardon and Parole Board to adopt certain policies; authorizing judges to depart from prison requirements; defining term; amending 57 O.S. 2011, Section 571, as amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2016, Section 571), which relates to definitions; providing statutory references for listed crimes; providing for codification; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

It is the intent of this Legislature that the Pardon and Parole Board as well as the Governor shall consider parole to be an essential public safety mechanism used to incentivize compliance in programs and treatment in prison and to provide effective supervision upon release from prison. Parole shall be a means of safely releasing in a timely fashion compliant inmates with the skills and resources necessary to be successful in the community.
SECTION 2. AMENDATORY 57 O.S. 2011, Section 138, as last amended by Section 4, Chapter 360, O.S.L. 2015 (57 O.S. Supp. 2016, 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 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 upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority. No earned credit deductions shall be credited or recorded for any inmate serving any sentence for a criminal act which resulted in the death of a police officer, a law enforcement officer, an employee of the Department of Corrections, or an employee of a private prison contractor and the death occurred while the police officer, law
enforcement officer, employee of the Department of Corrections, or employee of a private prison contractor was acting within the scope of their employment. No earned credit deductions shall be credited or recorded for any person who is referred to an intermediate revocation facility for violating any of the terms and conditions of probation.

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

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

D. 1. Class levels shall be as follows:

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

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

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

   d. Class level 4 shall include an inmate who has been
      incarcerated at least eight (8) months, has received
      an outstanding work, education, or program evaluation,
      and has received an outstanding evaluation for
      personal hygiene and maintenance of living area.
2. (a) Until November 1, 2001, class level corresponding credits are as follows:

   - Class 1 - 0 Credits per month;
   - Class 2 - 22 Credits per month;
   - Class 3 - 33 Credits per month;
   - Class 4 - 44 Credits per month.

(b) Class level corresponding credits beginning November 1, 2001, for inmates who have ever been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:

   - Class 1 - 0 Credits per month;
   - Class 2 - 22 Credits per month;
   - Class 3 - 33 Credits per month;
   - Class 4 - 44 Credits per month.

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

   - Class 1 - 0 Credits per month;
   - Class 2 - 22 Credits per month;
Class 3 - 45 Credits per month;

Class 4 - 60 Credits per month.

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

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

   a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level,

   b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level,
c. cooperative behavior toward facility staff and other inmates, and


d. satisfactory participation in the requirements of the previous class level.

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

a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.

b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.

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

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

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

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

1. Assault, battery, or assault and battery with a dangerous weapon as defined by Section 645, subsection C of Section 652 of Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as defined by Section 650, subsection C of Section 650.2, 650.5, subsection B of Section 650.6, or subsection C of Section 650.7 of Title 21 of the Oklahoma Statutes;

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

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

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

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

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

8. Entering premises of another while masked as defined by Section 1302 of Title 21 of the Oklahoma Statutes;
9. Murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes;
10. Solicitation for Murder in the first degree as defined by Section 701.16 of Title 21 of the Oklahoma Statutes;
11. Murder in the second degree as defined by Section 701.8 of Title 21 of the Oklahoma Statutes;
12. Manslaughter in the first degree as defined by Section 711, 712 or 714 of Title 21 of the Oklahoma Statutes;
13. Manslaughter in the second degree as defined by Section 716 or 717 of Title 21 of the Oklahoma Statutes;
14. Kidnapping as defined by Section 741 of Title 21 of the Oklahoma Statutes;
15. Burglary in the first degree as defined by Section 1431 of Title 21 of the Oklahoma Statutes;
16. Burglary with explosives as defined by Section 1441 of Title 21 of the Oklahoma Statutes;
17. Kidnapping for extortion as defined by Section 745 of Title 21 of the Oklahoma Statutes;
18. Maiming as defined by Section 751 of Title 21 of the Oklahoma Statutes;
19. Robbery as defined by Section 791 of Title 21 of the Oklahoma Statutes;
20. Robbery in the first degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;
21. Robbery in the second degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;
22. Armed robbery as defined by Section 801 of Title 21 of the Oklahoma Statutes;
23. Robbery by two or more persons as defined by Section 800 of Title 21 of the Oklahoma Statutes;
24. Robbery with dangerous weapon or imitation firearm as defined by Section 801 of Title 21 of the Oklahoma Statutes;
25. Any crime against a child provided for in Section 843.5 of Title 21 of the Oklahoma Statutes;
26. Wiring any equipment, vehicle or structure with explosives as defined by Section 849 of Title 21 of the Oklahoma Statutes;
27. Forcible sodomy as defined by Section 888 of Title 21 of the Oklahoma Statutes;
28. Rape in the first degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;
29. Rape in the second degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;
30. Rape by instrumentation as defined by Section 1111.1 of Title 21 of the Oklahoma Statutes;
31. Lewd or indecent proposition or lewd or indecent act with a child as defined by Section 1123 of Title 21 of the Oklahoma Statutes;
32. Sexual battery of a person over 16 as defined by Section 1123 of Title 21 of the Oklahoma Statutes;
33. Use of a firearm or offensive weapon to commit or attempt to commit a felony as defined by Section 1287 of Title 21 of the Oklahoma Statutes;
34. Pointing firearms as defined by Section 1289.16 of Title 21 of the Oklahoma Statutes;
35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of the Oklahoma Statutes;
36. Inciting to riot as defined by Section 1320.2 of Title 21 of the Oklahoma Statutes;
37. Arson in the first degree as defined by Section 1401 of Title 21 of the Oklahoma Statutes;
38. Endangering human life during arson as defined by Section 1405 of Title 21 of the Oklahoma Statutes;
39. Injuring or burning public buildings as defined by Section 349 of Title 21 of the Oklahoma Statutes;
40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of Title 21 of the Oklahoma Statutes;
41. Extortion as defined by Section 1481 or 1486 of Title 21 of the Oklahoma Statutes;
42. Obtaining signature by extortion as defined by Section 1485 of Title 21 of the Oklahoma Statutes;
43. Seizure of a bus, discharging firearm or hurling missile at bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;
44. Mistreatment of a vulnerable adult as defined by Section 843.1 of Title 21 of the Oklahoma Statutes;
45. Sex offender providing services to a child as defined by Section 404.1 of Title 10 of the Oklahoma Statutes;
46. A felony offense of domestic abuse as defined by subsection C of Section 644 of Title 21 of the Oklahoma Statutes;
47. Prisoner placing body fluid on government employee as defined by Section 650.9 of Title 21 of the Oklahoma Statutes;
48. Poisoning food or water supply as defined by Section 832 of Title 21 of the Oklahoma Statutes;
49. Trafficking in children as defined by Section 866 of Title 21 of the Oklahoma Statutes;
50. Incest as defined by Section 885 of Title 21 of the Oklahoma Statutes;
51. Procure, produce, distribute, or possess juvenile pornography as defined by Section 1021.2 of Title 21 of the Oklahoma Statutes;
52. Parental consent to juvenile pornography as defined by Section 1021.3 of Title 21 of the Oklahoma Statutes;
53. Soliciting minor for indecent exposure as defined by Section 1021 of Title 21 of the Oklahoma Statutes;
54. Distributing obscene material or child pornography as defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;
55. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;
56. Procuring a minor for prostitution or other lewd acts as defined by Section 1087 of Title 21 of the Oklahoma Statutes;
57. Transporting a child under 18 for purposes of prostitution as defined by Section 1087 of Title 21 of the Oklahoma Statutes;
58. Inducing a minor to engage in prostitution as defined by Section 1088 of Title 21 of the Oklahoma Statutes;
59. A felony offense of stalking as defined by subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;
60. Spread of infectious diseases as defined by Section 1192 of Title 21 of the Oklahoma Statutes;
61. Advocate overthrow of government by force, commit or attempt to commit acts to overthrow the government, organize or provide assistance to groups to overthrow the government as defined by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma Statutes;
62. Feloniously discharging a firearm as defined by Section 1289.17A of Title 21 of the Oklahoma Statutes;
63. Possession, use, manufacture, or threat of incendiary device as defined by Section 1767.1 of Title 21 of the Oklahoma Statutes;
64. Causing a personal injury accident while driving under the influence as defined by Section 11-904 of Title 47 of the Oklahoma Statutes; or

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

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

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.
G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from the term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection D of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center or other assessment and reception location determined by the Director of the Department of Corrections.

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

   Bachelor's degree.......................200 credits;

   Associate's degree.....................100 credits;
High School Diploma or High School Equivalency Diploma..................90 credits;
Certification of Completion of Vocational Training.....................80 credits;
Successful completion of Alcohol/Chemical Abuse Treatment
Program of not less than four (4) months continuous participation......70 credits;
Successful completion of other Educational Accomplishments or
other programs not specified in this subsection.........................10-30 credits.

Achievement earned credits are subject to loss and restoration in the same manner as earned credits.

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

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

2. Provided to the inmate.

J. For a crime committed on or after November 1, 2017, any person in the custody of the Department of Corrections must serve one-fourth (1/4) of the sentence before the application of earned
credits or any other type of credits. The application of credits shall not have the effect of reducing the length of the sentence to less than one-fourth (1/4) of the sentence imposed.

SECTION 3. AMENDATORY 57 O.S. 2011, Section 332.1A, is amended to read as follows:

Section 332.1A  A. Each member of the Pardon and Parole Board shall receive at least twelve (12) hours of training for the first year and six (6) hours of training per year thereafter on matters relating to the duties of the Board. The training shall be provided by personnel of the Pardon and Parole Board according to guidelines adopted by the Board.

B. Each member of the Pardon and Parole Board shall complete annual training based on guidance from the National Institute of Corrections, the Association of Paroling Authorities International or the American Probation and Parole Association. Annual training curriculum shall include, but not be limited to, identifying, understanding and targeting criminogenic needs, the principles of effective intervention, core correctional practices and how to support and encourage offender behavior change.

SECTION 4. AMENDATORY 57 O.S. 2011, Section 332.1B, is amended to read as follows:

Section 332.1B  A. To be eligible for appointment as a Pardon and Parole Board member, a person shall possess at least one of the following minimum qualifications:
1. A bachelor's degree in the social sciences from an accredited college or university and five (5) years of experience in the criminal justice field;

2. A master's degree and four (4) years of experience in the criminal justice field; or

3. A juris doctorate and three (3) years of experience in the criminal justice field and a bachelor's degree from an accredited college or university and have at least five (5) years of experience in one or more of the following fields: criminal justice, parole, probation, corrections, criminal law, law enforcement, mental health services, substance abuse services or social work.

B. At least two members of the Pardon and Parole Board shall have five (5) years of training or experience in mental health services, substance abuse services or social work.

SECTION 5. AMENDATORY 57 O.S. 2011, Section 332.2, as amended by Section 1, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Section 332.2), is amended to read as follows:

Section 332.2  A. The Pardon and Parole Board, which shall meet only on the call of the Chairman, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said
recommendation being advisory to the Governor and not binding thereon.

B. Any consideration for commutation shall be made only after application is made to the Pardon and Parole Board pursuant to the procedures set forth in this section. The Pardon and Parole Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within ten (10) business days of receipt of such application.

C. An application for commutation must be sent to the trial officials, who shall have twenty (20) business days to provide a written recommendation or protest prior to consideration of the application. Trial officials shall include:

1. The current elected judge of the court where the conviction was had;

2. The current elected district attorney of the jurisdiction where the conviction was had; or

3. The chief or head administrative officer of the arresting law enforcement agency.

D. In cases resolved prior to the tenure of the present officeholders, the recommendation or protest of persons holding such offices at the time of conviction may also be considered by the Board.
E. The recommendation for commutation of a sentence by a trial official may include the following:

1. A statement that the penalty now appears to be excessive;
2. A recommendation of a definite term now considered by the official as just and proper; and
3. A statement of the reasons for the recommendation based upon facts directly related to the case which were not available to the court or jury at the time of the trial or based upon there having been a statutory change in penalty for the crime which makes the original penalty appear excessive.

F. The Pardon and Parole Board shall schedule the application on a commutation docket in compliance with the notice requirements set forth herein. The Board shall provide the victim or representative of the victim at least twenty (20) days to offer recommendations or protests before consideration of the application.

G. Applications for commutation shall be given impartial review as required in Section 10 of Article VI of the Oklahoma Constitution.

H. Any consideration for pardon shall be made only after application is made to the Pardon and Parole Board. Upon receipt of an application for pardon, the Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within twenty (20) business days of receipt of such application. The district
attorney and the victim or representative of the victim shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application. The Board shall schedule the application on a pardon docket in compliance with the notice requirements set forth herein.

I. In accordance with Section 10 of Article VI of the Oklahoma Constitution, the Board shall communicate to the Legislature, at each regular session, by providing a summary of the activities of the Board. This summary shall include, but not be limited to, the following Board activity:

1. The approval or recommendation rates of the Board for both violent and nonviolent offenses;
2. The parole approval rates for each individual Board member for both violent and nonviolent offenses; and
3. The percentage of public comments to and personal appearances before the Board including victim protests and personal appearances, district attorney protests and personal appearances, and delegate recommendations and personal appearances on behalf of the offender.

This summary shall be made available to the public through publication on the website of the Pardon and Parole Board.

J. The Pardon and Parole Board shall provide a copy of their regular docket and administrative parole docket to each district attorney in this state at least twenty (20) days before such docket
is considered by the Board, or in the case of a supplemental, addendum or special docket, at least ten (10) days before such docket is considered by the Board, and shall notify the district attorney of any recommendations for commutations or paroles no later than twenty (20) days after the docket is considered by the Board.

K. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing at least twenty (20) days before an inmate is considered by the Board provided the Board has received a request from the victim or representatives of the victim for notice. The Board shall provide all victims or representatives of the victim with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the Board regarding the inmate or the crime. If requested by the victim or representatives of the victim, the Board shall allow the victim or representatives of the victim to testify at the parole hearing of the inmate for at least five (5) minutes.

L. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing of the decision of the Board no later than twenty (20) days after the inmate is considered by the Board.

M. Any notice required to be provided to the victims or the representatives of the victim shall be mailed by first-class mail to the last-known address of the victim or representatives of the victim. It is the responsibility of the victims or representatives...
of the victim to provide the Pardon and Parole Board a current mailing address. The victim-witness coordinator of the district attorney shall assist the victims or representatives of the victim with supplying their address to the Board if they wish to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided, the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the recommendation by the Board for parole. The Pardon and Parole Board may reconsider previous action and may rescind a recommendation if deemed appropriate as determined by the Board.

N. For purposes of this section, "victim" shall mean all persons who have suffered direct or threatened physical or emotional harm, or financial loss as the result of the commission or attempted commission of criminally injurious conduct, and "representatives of the victim" shall mean those persons who are members of the immediate family of the victim, including stepparents, stepbrothers, stepsisters, and stepchildren.

O. All meetings of the Pardon and Parole Board shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes; provided that the Board shall have the authority to limit the number of persons attending in support of, or in opposition to, any inmate being considered for parole and shall have the authority to exclude
persons from attendance in accordance with prison security regulations and the capacity of the meeting room. Persons excluded from attending the meeting under this provision shall be informed of their right to be informed of the vote of the Board in accordance with Section 312 of Title 25 of the Oklahoma Statutes. Provided further, nothing in this section shall be construed to prevent any member of the press or any public official from attending any meeting of the Pardon and Parole Board, except as provided by the Oklahoma Open Meeting Act.

P. All victim information maintained by the Department of Corrections and the Pardon and Parole Board shall be confidential and shall not be released.

SECTION 6. AMENDATORY 57 O.S. 2011, Section 332.7, as amended by Section 2, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Section 332.7), is amended to read as follows:

Section 332.7 A. For a crime committed prior to July 1, 1998, any person in the custody of the Department of Corrections shall be eligible for consideration for parole at the earliest of the following dates:

1. Has completed serving one-third (1/3) of the sentence;

2. Has reached at least sixty (60) years of age and also has served at least fifty percent (50%) of the time of imprisonment that would have been imposed for that offense pursuant to the applicable matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.
1997; provided, however, no inmate serving a sentence for crimes
listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
O.S.L. 1997, or serving a sentence of life imprisonment without
parole shall be eligible to be considered for parole pursuant to
this paragraph;

3. Has reached eighty-five percent (85%) of the midpoint of the
time of imprisonment that would have been imposed for an offense
that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable
matrix; provided, however, no inmate serving a sentence of life
imprisonment without parole shall be eligible to be considered for
parole pursuant to this paragraph; or

4. Has reached seventy-five percent (75%) of the midpoint of
the time of imprisonment that would have been imposed for an offense
that is listed in any other schedule, pursuant to the applicable
matrix; provided, however, no inmate serving a sentence of life
imprisonment without parole shall be eligible to be considered for
parole pursuant to this paragraph.

B. For a crime committed on or after July 1, 1998, and before
November 1, 2017, any person in the custody of the Department of
Corrections shall be eligible for consideration for parole who has
completed serving one-third (1/3) of the sentence; provided,
however, no inmate serving a sentence of life imprisonment without
parole shall be eligible to be considered for parole pursuant to this subsection.

C. For a crime committed on or after November 1, 2017, any person in the custody of the Department of Corrections shall be eligible for parole after serving one-fourth (1/4) of the sentence or aggregate term of the consecutive sentences imposed, according to the following criteria:

1. A person eligible for parole under this subsection shall be eligible for administrative parole under subsection T of this section once the person serves one-fourth (1/4) of the sentence or the aggregate term made up of consecutive sentences imposed; provided, however, no inmate serving a sentence of life imprisonment without parole or a sentence for a violent crime as set forth in Section 571 of this title shall be eligible for administrative parole;

2. A person eligible for parole under this subsection shall be eligible for parole under subsection D of this section once the person serves one-fourth (1/4) of the sentence or the aggregate term made up of consecutive sentences imposed; provided, however no inmate serving a sentence of life imprisonment without parole is eligible for parole.

D. The parole hearings conducted for persons pursuant to paragraph 3 of subsection A of this section or for any person who was convicted of a violent crime as set forth in Section 571 of this
title and who is eligible for parole consideration pursuant to
either paragraph 1 of subsection A of this section or paragraph 2 of subsection C of this section shall be conducted in
two stages, as follows:

1. At the initial hearing, the Pardon and Parole Board shall
review the completed report submitted by the staff of the Board and
shall conduct a vote regarding whether, based upon that report, the
Board decides to consider the person for parole at a subsequent
meeting of the Board; and

2. At the subsequent meeting, the Board shall hear from any
victim or representatives of the victim that want to contest the
granting of parole to that person and shall conduct a vote regarding
whether parole should be recommended for that person.

D. E. Any inmate who has parole consideration dates calculated
pursuant to subsection A, B or C or D of this section may be
considered at the earliest such up to two (2) months prior to the
parole eligibility date. Except as otherwise directed by the Pardon
and Parole Board, any person who has been considered for parole and
was denied parole or who has waived consideration shall not be
reconsidered for parole:

1. Within three (3) years of the denial or waiver, if the
person was convicted of a violent crime, as set forth in Section 571
of this title, and was eligible for consideration pursuant to
paragraph 1 of subsection A of this section or subsection B of this
section or paragraph 2 of subsection C of this section, unless the person is within one (1) year of discharge; or

2. Until the person has served at least one-third (1/3) of the sentence imposed, if the person was eligible for consideration pursuant to paragraph 3 of subsection A of this section. Thereafter the person shall not be considered more frequently than once every three (3) years, unless the person is within one (1) year of discharge.

F. If the Pardon and Parole Board denies parole, the Board shall state on the record the reason for denial.

G. If the Board denies parole for any person convicted of a crime other than those set forth in Section 13.1 of Title 21 of the Oklahoma Statutes, the Board shall suggest a course of remediation for the inmate in preparation for the next parole consideration.

H. Any person in the custody of the Department of Corrections for a crime committed prior to July 1, 1998, who has been considered for parole on a docket created for a type of parole consideration that has been abolished by the Legislature shall not be considered for parole except in accordance with this section.

I. The Pardon and Parole Board shall promulgate rules for the implementation of subsections A, B and C of this section. The rules shall include, but not be limited to, procedures for reconsideration of persons denied parole under this section and procedure for determining what sentence a person eligible for parole
consideration pursuant to subsection A of this section would have received under the applicable matrix.

G. J. The Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided that whenever the population of the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.

H. K. Inmates sentenced to consecutive sentences shall not be eligible for parole consideration on any such consecutive sentence until one-third (1/3) of the aggregate term of the consecutive sentence has or sentences have been served or where parole has been otherwise limited by law, until the minimum term of incarceration has been served as required by law. Unless otherwise ordered by the sentencing court, any credit for jail time served shall be credited to only one offense reduce the aggregate term. Parole eligibility for consecutive sentences shall be determined by combining
consecutive sentences to arrive at an aggregate term of all sentences imposed.

I. The Pardon and Parole Board shall consider the prior criminal record of inmates under consideration for parole recommendation or granting of parole following factors when determining the suitability of an inmate for parole:

1. The circumstances and severity of the offense for which the person was convicted, and the circumstances and severity of previous convictions;

2. Whether the inmate has a suitable residence;

3. Compliance by the inmate with the case plan developed in accordance with Section 512 of this title;

4. Whether there is reasonable probability that the inmate, if released on parole, will not jeopardize public safety and will remain at liberty without violating the law;

5. An updated victim impact statement or recommendation in accordance with Section 332.8 of this title;

6. Any testimony presented to the Board by the victim or the designated representative of the victim under Section 332.2 of this title; and

7. Any written statement from a district attorney.

M. In the event the Board grants parole for a nonviolent offender who has previously been convicted of an offense enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571...
of this title, such offender shall be subject to nine (9) months postimprisonment supervision upon release.

J. N. It shall be the duty of the Pardon and Parole Board to cause an examination to be made at the penal institution where the person is assigned, and to make inquiry into the conduct and the record of the said person during his custody in the Department of Corrections, which shall be considered as a basis for consideration of said person for recommendation to the Governor for parole.

However, the The Pardon and Parole Board, in consultation with the Department of Corrections, shall develop a structured, publicly available reporting worksheet to be compiled by employees of the Board when conducting parole investigations. The Pardon and Parole Board shall not be required to consider for parole any person who has completed the time period provided for in this subsection if the person has participated in a riot or in the taking of hostages, or has been placed on escape status, while in the custody of the Department of Corrections. The Pardon and Parole Board shall adopt policies and procedures governing parole consideration for such persons.

K. O. Any person in the custody of the Department of Corrections who is convicted of an offense not designated as a violent offense by Section 571 of this title, is not a citizen of the United States and is subject to or becomes subject to a final order of deportation issued by the United States Department of
Justice shall be considered for parole to the custody of the United States Immigration and Naturalization Service for continuation of deportation proceedings at any time subsequent to reception and processing through the Department of Corrections. No person shall be considered for parole under this subsection without the concurrence of at least three members of the Pardon and Parole Board. The vote on whether or not to consider such person for parole and the names of the concurring Board members shall be set forth in the written minutes of the meeting of the Board at which the issue is considered.

L. P. Upon application of any person convicted and sentenced by a court of this state and relinquished to the custody of another state or federal authorities pursuant to Section 61.2 of Title 21 of the Oklahoma Statutes, the Pardon and Parole Board may determine a parole consideration date consistent with the provisions of this section and criteria established by the Pardon and Parole Board.

M. Q. All references in this section to matrices or schedules shall be construed with reference to the provisions of Sections 6, 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

N. R. Any person in the custody of the Department of Corrections who is convicted of a felony sex offense pursuant to Section 582 of this title who is paroled shall immediately be placed on intensive supervision.
S. A person in the custody of the Department of Corrections whose parole consideration date is calculated pursuant to subsection B of this section, and is not serving a sentence of life imprisonment without parole or who is not convicted of an offense designated as a violent offense by Section 571 of this title shall be eligible for administrative parole under subsection T of this section.

T. The Pardon and Parole Board shall by majority vote grant administrative parole to any person in the custody of the Department of Corrections without a hearing, if:

1. The person has substantially complied with the requirements of the case plan established pursuant to Section 512 of this title;

2. A victim as defined in Section 332.2 of this title, or the district attorney speaking on behalf of a victim, has not requested a hearing;

3. The person has not received a primary class infraction within two (2) years of the parole eligibility date;

4. The person has not received a secondary class infraction within one (1) year of the parole eligibility date; or

5. The person has not received a class A infraction within six (6) months of the parole eligibility date.

U. Any person granted parole pursuant to subsection T of this section shall be released from the institution at the time of the
parole eligibility date of the person as calculated under subsection C of this section.

V. No less than ninety (90) days prior to the parole eligibility date of the person, the Department shall notify the Pardon and Parole Board in writing of the compliance or noncompliance of the person with the case plan and any infractions committed by the person.

W. A hearing before the Pardon and Parole Board shall be held if:

1. A victim, or district attorney speaking on behalf of a victim, has requested a hearing;

2. The Department has found that the person failed to comply with the case plan, or there is insufficient information for the Department to determine compliance with the case plan;

3. The person has been found guilty of committing a class A, or a primary or secondary class disciplinary infraction within the time frames specified in subsection T of this section; or

4. The person has been found guilty of committing a serious disciplinary infraction in the intervening period following the parole approval of the person under this section.

X. Any person who is not granted parole under this section shall be otherwise eligible for parole pursuant to subsection D of this section.
Y. Any person who is granted administrative parole under subsection T of this section shall be supervised and managed by the Department of Corrections in the same manner as a parolee who has been granted parole pursuant to subsection D of this section. The person is subject to all of the rules and regulations of parole.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 332.7b of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding Section 332.7 of Title 57 of the Oklahoma Statutes, an inmate in the custody of the Department of Corrections who is at least fifty (50) years of age, and who has served no less than ten (10) years of the sentence or sentences imposed by the court shall be eligible for parole pursuant to Section 332.7 of Title 57 of the Oklahoma Statutes if:

1. The inmate is not serving a sentence for a felony sex offense which requires the inmate to register pursuant to the Sex Offenders Registration Act; or

2. The inmate was not sentenced to death or life without the possibility of parole.

B. Notwithstanding Section 332.7 of Title 57 of the Oklahoma Statutes, an inmate in the custody of the Department of Corrections who has served no less than ten (10) years of the sentence or sentences imposed by the court shall be eligible for administrative
parole in accordance with the procedures established in Section 332.7 of Title 57 of the Oklahoma Statutes if:

1. The inmate is sixty-five (65) years of age or older;

2. The inmate is serving a term or terms of imprisonment for a nonviolent offense, as defined as a crime not listed in Section 571 of Title 57 of the Oklahoma Statutes or in Section 13.1 of Title 21 of the Oklahoma Statutes and is fifty-five (55) years of age or older; or

3. The medical director of the Department of Corrections has determined that the inmate is medically frail and is fifty-five (55) years of age or older.

C. No inmate serving a sentence of death or life without the possibility of parole or for an offense listed in Section 13.1 of Title 21 of the Oklahoma Statutes shall be eligible for consideration under this section.

SECTION 8. AMENDATORY 57 O.S. 2011, Section 332.8, as amended by Section 3, Chapter 124, O.S.L. 2013 (57 O.S. Supp. 2016, Section 332.8), is amended to read as follows:

Section 332.8 No recommendations to the Governor for parole shall be made nor any paroles granted by the Board in relation to any inmate in a penal institution in the State of Oklahoma unless the Pardon and Parole Board considers the victim impact statements if presented to the jury, or the judge in the event a jury was waived, at the time of sentencing and, in every appropriate case, as
a condition of parole, monetary restitution of economic loss as
defined by Section 991f of Title 22 of the Oklahoma Statutes,
incurred by a victim of the crime for which the inmate was
imprisoned. In every case in which the risk and needs assessment
identifies education as a factor increasing the likelihood of future
criminal activity, the Pardon and Parole Board shall first consider
the number of previous felony convictions and the type of criminal
violations leading to any such felony convictions, then shall
consider either suitable employment or a suitable residence, and
finally shall mandate participation in education programs to achieve
the proficiency level established in Section 510.7 of this title or,
at the discretion of the Board require the attainment of a general
education diploma, as a condition for release on parole. The Board
shall consider the availability of programs and the waiting period
for such programs in setting conditions of parole release. The
Board may require any program to be completed after the inmate is
released on parole as a condition of parole, and for inmates
convicted of crimes other than those set forth in Section 571 of
this title or Section 13.1 of Title 21 of the Oklahoma Statutes,
priority shall be given to programs in the community where they are
available rather than in the prison facility. Programs and
treatment ordered as conditions or stipulations for parole must be
evidence-based. For the purposes of this section, "evidence-based"
shall be defined as programs and treatment that have been proven
through peer-reviewed criminological research to reliably produce reductions in recidivism. A facsimile signature of the inmate on parole papers that is transmitted to the Board shall be an accepted means of acknowledgement of parole conditions. The probation and parole officer shall render reasonable assistance to any person making application for parole, in helping to obtain suitable employment or enrollment in an education program or a suitable residence. Any inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of parole, may have his or her parole revoked. If an inmate's parole is revoked, such inmate shall be returned to confinement in the custody of the Department of Corrections.

SECTION 9. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 332.8a of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Department of Mental Health and Substance Abuse Services shall establish standards to ensure mental health and substance abuse treatment provided to people involved in the criminal justice system as a component of their supervision plan or as part of any court-imposed sanction adheres to scientific research on recidivism reduction.
B. The Department shall require that all public and private treatment programs meet these standards required under subsection A of this section.

SECTION 10. AMENDATORY 57 O.S. 2011, Section 350, is amended to read as follows:

Section 350. A. Every person, hereinafter referred to as "convict", who has been or who in the future may be sentenced to imprisonment in any state penal institution shall, in addition to any other deductions provided for by law, be entitled to a deduction from his sentence for all time during which he has been or may be on parole. The provisions of this section are hereby declared to be both retroactive and prospective, and to apply to convicts who are on parole on the effective date of this act as well as to convicts who may be paroled thereafter; and, except as provided under subsection D of this section, shall at the discretion of the paroling authority apply to time on a parole which has been or shall be revoked.

B. Beginning November 1, 1987, the paroling authority also shall have the discretion to revoke all or any portion of the parole, except as provided under subsection C of this section.

C. Beginning November 1, 2017, if the sentence of an offender is revoked for a technical violation as defined in Section 502 of this title, the paroling authority shall have the discretion to
revoke a portion of the parole subject to the restrictions in Section 516 of this title.

D. Beginning November 1, 2017, if the sentence of an offender on parole is revoked and the offender is returned to imprisonment in any state penal institution, he or she shall be entitled to a deduction from his or her sentence for the time during which he or she has been on parole. The Department of Corrections shall deduct the number of days the offender was on parole from the sentence imposed and calculate the new discharge date.

SECTION 11. AMENDATORY 57 O.S. 2011, Section 502, as last amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2016, Section 502), is amended to read as follows:

Section 502. As used in this title, unless the context otherwise requires:

1. "Board" means the State Board of Corrections;
2. "Department" means the Department of Corrections of this state;
3. "Director" means the Director of the Department of Corrections;
4. "Halfway house" means a private facility for the placement of inmates in a community setting for the purpose of reintegrating into the community inmates who are nearing their release dates. The term shall not include private prisons;
5. "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Jim E. Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel Bassett Correctional Center located at McLoud, Oklahoma; the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the Northeast Oklahoma Correctional Center located at Vinita, Oklahoma; the Clara Waters and Kate Barnard Community Corrections Centers located at Oklahoma City, Oklahoma; the Community Corrections Centers located at Lawton, Enid, Oklahoma City and Union City; the Charles E. "Bill" Johnson Correctional Center, located east of Alva, Oklahoma; the Southern Oklahoma Resource Center located at Pauls Valley, Oklahoma; and other facilities under the
jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;

6. "Intermediate revocation facility" means a corrections center operated by the Department of Corrections or a private facility or public trust operating pursuant to contract with the Department of Corrections which provides housing and intensive programmatic services for offenders who have violated the terms or conditions of probation as determined by a supervising probation officer. "Intensive programmatic services" offered by the Department of Corrections includes, but shall not be limited to, alcohol and substance abuse counseling and treatment, mental health counseling and treatment and domestic violence courses and treatment programs;

7. "Intermediate sanctions facility" means a community corrections center operated by the Department of Corrections or a private facility or public trust operating pursuant to contract with the Department of Corrections which provides for the housing and programmatic services of offenders such as probation or parole violators or community sentenced offenders placed in the facility for disciplinary sanctions, work release offenders, offenders who need intensive programmatic services, or offenders who have demonstrated positive adjustment while in an institutional setting who need additional programmatic services to enhance their reentry into society upon release from a prison term; and
8. "Private prison contractor" means:
   a. a nongovernmental entity or public trust which, pursuant to a contract with the Department of Corrections, operates an institution within the Department other than a halfway house or intermediate sanctions facility, or provides for the housing, care, and control of inmates and performs other functions related to these responsibilities within a minimum, medium, or maximum security level facility not owned by the Department but operated by the contractor, or
   b. a nongovernmental entity or public trust which, pursuant to a contract with the United States or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States or another state, and performs other functions related to these responsibilities other than a halfway house or intermediate sanctions facility within a facility owned or operated by the contractor; and

9. "Risk and needs assessment" means a validated actuarial tool that determines the risk of an individual to reoffend and the criminal risk factors that, when addressed, reduce the risk of an individual to reoffend.
SECTION 12.  AMENDATORY  57 O.S. 2011, Section 510.9, as last amended by Section 31, Chapter 210, O.S.L. 2016 (57 O.S. Supp. 2016, Section 510.9), is amended to read as follows:

Section 510.9  A. There is hereby created the Electronic Monitoring Program for inmates in the custody of the Department of Corrections who are sentenced for a nonviolent offense not included as a violent offense defined in Section 571 of this title. The Department is authorized to use an electronic monitoring global positioning device to satisfy its custody duties and responsibilities.

B. After an inmate has been processed and received through a Department Assessment and Reception Center, has been incarcerated for a minimum of ninety (90) days, and has met the criteria established in subsection C of Section 521 of this title, the Director of the Department of Corrections may assign the inmate, if eligible, to the Electronic Monitoring Program. Nothing shall prohibit the Director from assigning an inmate to the Electronic Monitoring Program while assigned to the accredited halfway house or transitional living facility. The following inmates, youthful offenders, and juveniles shall not be eligible for assignment to the program:

  1. Any inmate serving a sentence of more than five (5) years who has eleven (11) twenty-four (24) months or more left on the sentence or any inmate serving a sentence of five (5) years or less
whose initial custody assessment requires placement above the minimum security level;

2. Inmates convicted of a violent offense within the previous ten (10) years pursuant to Section 571 of this title;

3. Inmates convicted of any violation of the provisions of the Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63 of the Oklahoma Statutes;

4. Inmates denied parole within the previous twelve (12) months pursuant to Section 332.7 of this title;

5. Inmates convicted pursuant to Section 11-902 of Title 47 of the Oklahoma Statutes who are not receptive to substance abuse treatment and follow-up treatment;

6. Inmates removed from the Electronic Monitoring Program or any other alternative to incarceration authorized by law for violation of any rule or condition of the program and reassigned to imprisonment in a correctional facility;

7. Inmates deemed by the Department to be a security risk or threat to the public;

8. Inmates requiring educational, medical or other services or programs not available in a community setting as determined by the Department;

9. Inmates convicted of any violation of subsection C of Section 644 of Title 21 of the Oklahoma Statutes or who have an active protection order that was issued under the Protection from
1. Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the Oklahoma Statutes;

10. Inmates who have outstanding felony warrants or detainers from another jurisdiction;

11. Inmates convicted of a sex offense who, upon release from incarceration, would be required by law to register pursuant to the Sex Offender Registration Act;

12. Inmates convicted of racketeering activity as defined in Section 1402 of Title 22 of the Oklahoma Statutes;

13. Inmates convicted pursuant to subsection F of Section 2-401 of Title 63 of the Oklahoma Statutes;

14. Inmates convicted pursuant to Section 650 of Title 21 of the Oklahoma Statutes;

15. Inmates who have escaped from a penal or correctional institution within the previous ten (10) years; or

16. Inmates who currently have active misconduct actions on file with the Department of Corrections.

C. Every eligible inmate assigned to the Electronic Monitoring Program shall remain in such program until one of the following conditions has been met:

1. The inmate discharges the term of the sentence;

2. The inmate is removed from the Electronic Monitoring Program for violation of any rule or condition of the program and reassigned to imprisonment in a correctional facility; or
3. The inmate is paroled by the Governor or by the Pardon and Parole Board pursuant to Section 332.7 of this title.

D. After an inmate has been assigned to the Electronic Monitoring Program, denial of parole pursuant to Section 332.7 of this title, shall not be cause for removal from the program, provided the inmate has not violated the rules or conditions of the program. The inmate may remain assigned to the program, if otherwise eligible, until the completion of the sentence.

E. The Electronic Monitoring Program shall require active supervision of the inmate in a community setting by a correctional officer or other employee of the Department of Corrections with monitoring by a global positioning device approved by the Department under such rules and conditions as may be established by the Department. If an inmate violates any rule or condition of the program, the Department may take necessary disciplinary action consistent with the rules established pursuant to this section, including reassignment to a higher level of security or removing the inmate from the program with reassignment to imprisonment in a correctional facility. Any inmate who escapes from the Electronic Monitoring Program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.

F. Upon assignment of an inmate to the Electronic Monitoring Program, the Department of Corrections shall administer a validated risk and needs assessment; provided, however, a risk and needs
assessment shall not be required if the inmate was assessed within six (6) months prior to being assigned to the Electronic Monitoring Program. The Department shall use the results of the risk and needs assessment to develop an individualized case plan for the inmate.

G. Upon an inmate assigned to the Electronic Monitoring Program becoming eligible for parole consideration, pursuant to Section 332.7 of this title, the Department of Corrections shall deliver the inmate, in person, to a correctional facility for interview, together with any Department records necessary for the Pardon and Parole Board's investigation. Inmates assigned to the Electronic Monitoring Program shall not be allowed to waive consideration or recommendation for parole.

H. Prior to placement of any eligible inmate assigned to the Electronic Monitoring Program being placed in a community setting, the Department of Corrections shall deliver a written notification to the sheriff and district attorney of the county, and the chief law enforcement officer of any incorporated city or town in which the inmate is to be monitored and supervised under the program. The district attorney shall disseminate such information to victims of the crime for which the inmate is serving sentence, if any, when the victims are known to live in the same city, town or county.

I. An inmate assigned to the Electronic Monitoring Program may be required to pay the Department of Corrections for all or part of any monitoring equipment or fee, substance abuse treatment...
program or follow-up treatment expense, supervision cost, or other costs while assigned to the program. The Department shall determine whether the inmate has the ability to pay all or part of such fee or costs. If the Department determines that an inmate is not able to pay all or part of such fee or costs associated with the program, the Department shall waive, subsidize or establish a payment plan for the fee or costs associated with the program. No inmate may be excluded from the Electronic Monitoring Program for an inability to pay the fee or costs associated with the program.

I. The Department of Corrections shall promulgate and adopt rules and procedures necessary to implement the Electronic Monitoring Program, including but not limited to methods of monitoring and supervision, disciplinary action, reassignment to higher and lower security levels, removal from the program, and costs of monitoring and supervision to be paid by the inmate, if any.

J. An inmate assigned to the Electronic Monitoring Program shall, within thirty (30) days of being placed in a community setting, report to the court clerk and the district attorney of the county from which the judgment and sentence resulting in incarceration arose to address payment of any fines, costs, restitution and assessments owed by the inmate, if any.

SECTION 13. AMENDATORY 57 O.S. 2011, Section 512, is amended to read as follows:
Section 512. **A.** Any inmate in a state penal institution who has been granted a parole shall be released from the institution upon the following conditions:

1. That he comply with specified requirements of the Division of Community Services of the Department of Corrections under the active supervision of a Probation and Parole Officer. Such active supervision shall be for a period not to exceed three (3) years, except as provided in paragraph 2 of this section.

2. That he be actively supervised by a Probation and Parole Officer for an extended period not to exceed the expiration of the maximum term or terms for which he was sentenced if convicted of a sex offense or upon the determination by the Division of Community Services that the best interests of the public and the parolee will be served by such an extended period of supervision.

Provided, for the purposes of this section, the term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

The Probation and Parole Officer, upon information sufficient to give him reasonable grounds to believe that the parolee has violated the terms of and conditions of his parole, shall notify the Deputy Director of the Division of Community Services in accordance with Section 516 of Title 57 of the Oklahoma Statutes.

**B.** Upon receiving an offender on parole, the Department shall:
1. Conduct an intake and orientation for the parolee. The parolee shall present himself or herself to the Department within three (3) business days of release from confinement for the purpose of intake and orientation to parole supervision. The intake shall consist of the personal information of the offender and shall include, but not be limited to, name, address, phone numbers, employment and employment history, family information and criminal history. The Department shall also provide an orientation to the parolee. The orientation shall explain rules and conditions, reporting instructions, consequences for violations of the rules and conditions which include reviewing the sanctions and incentives matrix established by the Department, and expectations for the parolee while on supervision;

2. Administer a risk and needs assessment on each individual on parole within thirty (30) calendar days of release from confinement. The results of the risk and needs assessment conducted in accordance with this paragraph shall be used to guide supervision responses consistent with evidence-based practices as to the level of supervision and the practices used to reduce recidivism. The risk and needs assessment shall be administered and scored by qualified personnel in the Department or individuals approved by the Department of Mental Health and Substance Abuse Services;

3. Develop an individualized case plan for each person assessed as moderate to high risk to reoffend;
4. Monitor the compliance or noncompliance of the offender with all monetary obligations and parole requirements ordered by the Pardon and Parole Board which may include, but not be limited to, the following:

   a. substance abuse testing,
   b. employment or education verification,
   c. criminal history background checks,
   d. verification of the payment of fines, costs, assessments, restitution, prosecution fees and supervision fees,
   e. verification of attendance and completion of community service requirements, or
   f. verification of attendance and completion of counseling or treatment programs; and

5. Provide sanctions in accordance with Section 20 of this act in the event the offender violates the rules and conditions of parole supervision which may include, but not be limited to, the following:

   a. increased reporting requirements,
   b. increased substance abuse testing,
   c. increased counseling or substance abuse meetings,
   d. short-term period of incarceration in jail,
   e. additional community service hours,
f. electronic monitoring or installation of an ignition interlock device, or

g. revocation.

When recommending a short-term period of incarceration in jail, additional community service hours, electronic monitoring or installation of an ignition interlock device, the Department shall notify the Pardon and Parole Board prior to implementing the sanction.

C. The Department shall have the authority to implement additional supervision requirements including, but not limited to, the following:

1. Individualized case plans based upon the results of any mental health or substance abuse screening or assessment, risk and needs assessment and any other assessment or evaluation conducted on the individual. The individualized case plan may include additional reporting requirements and additional program requirements including mental health and substance abuse treatment. The case plan shall be developed to assist the offender with successful progress toward completion of parole supervision;

2. Random substance abuse testing to ensure the compliance and sobriety of the offender;

3. Progress reports as requested by the Pardon and Parole Board; and
4. Specialized supervision or case management for violators of conditions of supervision that involve a victim of domestic violence.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 512.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Every offender on felony probation supervision under Section 515a of Title 57 of the Oklahoma Statutes, whether conducted by the Department of Corrections, the district attorney or a private supervision provider, shall be eligible to earn discharge credits for compliance with the terms and conditions of probation supervision to reduce the term of supervision and the overall term of the sentence. For every calendar month of compliance with the terms and conditions of probation supervision, the Department or supervising body shall award the offender earned discharge credits equal to thirty (30) calendar days to be applied towards a reduction of the probation supervision term ordered under Section 991a of Title 22 of the Oklahoma Statutes. For every calendar month of compliance with the terms and conditions of probation supervision, the Department shall award an offender earned discharge credits equal to fifteen (15) calendar days to be applied towards a reduction of the overall term of the sentence ordered under Section 991a of Title 22 of the Oklahoma Statutes. No more than twelve (12) months of earned discharge credits may be accumulated by an offender.
and applied toward a reduction of the overall term of the sentence ordered or a reduction of the term of the probation supervision ordered.

B. No person convicted of an offense under Section 13.1 or subsections C, D, E, F, G or J of Section 644 of Title 21 of the Oklahoma Statutes shall be eligible for earned discharge credits under this section.

C. Every provider responsible for the supervision of felony probationers, including the Department of Corrections, district attorneys and private supervision providers, is directed to develop written policies necessary for the implementation of earned discharge credits for offenders on felony probation supervision as authorized under this section. The policies developed by the Department of Corrections, district attorneys and private supervision providers shall include, but not be limited to, written guidelines regarding the process to earn discharge credits and the application of the credits toward the reduction of the term of supervision, the collection of data related to who earns credit, how much is applied and how much of the supervision period is reduced at the point of discharge as well as information when discharge credit is not earned.

D. Every provider responsible for the supervision of felony probationers, including the Department of Corrections, district attorneys and private supervision providers, shall maintain a record
of credits earned by an offender under this section. At least every six (6) months from the date the offender is placed on probation, the provider shall notify the offender of the current discharge date for the term of supervision and the overall sentence of the offender.

E. Every provider responsible for the supervision of felony probationers, including the Department of Corrections, district attorneys and private supervision providers, shall notify the court not less than thirty (30) days prior to the expected termination date. However, nothing in this section shall prohibit the Department, district attorney or a private supervision provider from requesting termination of the sentence earlier than the termination date of the sentence authorized in subsection F of this section.

F. Once a combination of time served in custody, if applicable, time served on any form of probation, parole or post-release supervision and earned discharge credits satisfy the total sentence, the supervising agency shall order the discharge of the sentence of the offender unless it is determined that discharge of the sentence would interrupt the completion of a necessary treatment program. If the Department finds that discharging the sentence would interrupt the completion of a necessary treatment program, the offender shall complete the treatment program and then have his or her sentence discharged. Upon termination of the offender from probation
supervision, all outstanding fines, fees or costs, excluding restitution, shall be converted into a civil action.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 512.2 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Every offender on parole supervision under Section 512 of Title 57 of the Oklahoma Statutes shall be eligible to earn discharge credits for compliance with the terms and conditions of parole supervision that reduce the term of supervision of the offender. For every calendar month of compliance with the terms and conditions of parole supervision, the Department shall award an offender earned discharge credits equal to thirty (30) calendar days to be applied towards a reduction of the parole supervision period. No more than twelve (12) months of earned discharge credits may be accumulated by any offender and applied toward a reduction of the parole supervision period. No person convicted of an offense under Section 13.1 or subsections C, D, E, F, G or J of Section 644 of Title 21 of the Oklahoma Statutes shall be eligible for earned discharge credits under this section.

B. The Department of Corrections is directed to develop written policies for the implementation of earned discharge credits authorized under this section. The policies developed by the Department of Corrections shall include, but not be limited to, written guidelines regarding the process to earn discharge credits.
and the application of the credits toward the reduction of the term
of supervision, the collection of data related to who earns credit,
how much is applied and how much of the supervision period is
reduced at the point of discharge as well as information concerning
when discharge credits are not earned.

C. The Department shall maintain a record of credits earned by
an offender under this section. At least every six (6) months from
the date the offender is placed on parole supervision, the
Department shall notify the offender of the current parole
termination date.

D. Once a combination of time served in custody, if applicable,
time served on any form of probation, parole or post-release
supervision and earned discharge credits satisfy the total sentence,
the Department shall order the final termination of the parole
supervision of the offender unless the Department determines that
termination would interrupt the completion of a necessary treatment
program. If the Department finds that termination of the sentence
would interrupt the completion of a necessary treatment program, the
offender shall complete the treatment program and then have his or
her parole supervision terminated. Upon termination of an offender
from probation supervision, all outstanding fines, fees or costs,
excluding restitution, shall be converted into a civil action.

E. The Department shall notify the Pardon and Parole Board of
the impending termination not less than thirty (30) days prior to
the expected termination date. However, nothing in this section shall prohibit the Department from requesting parole termination earlier than the termination date authorized in subsection D of this section.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 512.3 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Department of Corrections may issue a certificate of rehabilitation to any person who meets the eligibility requirements established under subsection B of this section.

B. Persons authorized to apply for a certificate of rehabilitation, as provided herein, must be within one of the following categories:

1. The person has not previously been convicted of a crime of violence under Section 571 of Title 57 of the Oklahoma Statutes or a sex offense as defined under Section 40 of Title 22 of the Oklahoma Statutes;

2. The person was convicted of a misdemeanor or felony that is not a crime of violence under Section 571 of Title 57 of the Oklahoma Statutes or a sex offense as defined under Section 40 of Title 22 of the Oklahoma Statutes;

3. The person has been released under administrative parole pursuant to Section 332.7 of Title 57 of the Oklahoma Statutes;
4. The person is under the jurisdiction or supervision of the Pardon and Parole Board, the Department of Corrections, a district attorney or private supervision provider under conditions of parole, probation or post-release supervision and has been in compliance with the terms and conditions of supervision for at least six (6) months. For the purposes of this section, "compliance" shall be deemed the absence of a violation report submitted by a probation and parole officer or supervising body; or

5. The person is no longer under the supervision or jurisdiction of a corrections agency and can apply for a certificate of rehabilitation upon a letter of support from a prior case manager or parole or probation officer.

C. A licensing board may not deny, suspend or revoke an occupational license or certificate for any applicant who has been issued a certificate of rehabilitation solely on the basis that the applicant has previously been convicted of the crime that is the subject of the certificate of rehabilitation, unless the licensing board determines that:

1. There is a direct relationship between the previous conviction of the applicant and the specific occupational license or certificate sought; or

2. The issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.
D. For the purposes of this section, a "licensing board" shall be defined as any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license.

E. In making a determination under subsection C of this section, the licensing board shall consider:

1. The policy of this state expressed in this section;
2. The specific duties and responsibilities required of a licensee or certificate holder;
3. Whether the previous conviction of the applicant has any impact on the fitness or ability of the applicant to perform the duties and responsibilities authorized by the license or certificate;
4. The age of the applicant at the time of the conviction and the amount of time that has elapsed since the conviction;
5. The seriousness of the offense for which the applicant was convicted;
6. Other information provided by the applicant or on behalf of the applicant with regard to the rehabilitation and good conduct of the applicant; and
7. The legitimate interest of the licensing board in protecting property and the safety and welfare of specific individuals or the general public.
F. At the request of any person who has been denied a license or certificate, a public agency or private employer shall provide, within thirty (30) days of the request, a written statement setting forth the reason for the denial. Appeal of the action of the licensing board may be made in accordance with the provisions of the Administrative Procedures Act.

G. Any person whose application for a certificate of rehabilitation has been denied shall have the right to appeal to the Department within thirty (30) days of the written receipt of the initial decision.

H. The Department of Corrections shall adopt policies establishing an application and review process necessary for the implementation of the certificate of rehabilitation authorized under this section.

SECTION 17. AMENDATORY 57 O.S. 2011, Section 515, as amended by Section 4, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2016, Section 515), is amended to read as follows:

Section 515. A. All parole and probation officers shall be deemed peace officers and shall possess the powers granted by law to peace officers. Parole and probation officers shall meet all of the training and qualifications for peace officers required by Section 3311 of Title 70 of the Oklahoma Statutes. Qualifications for parole and probation shall be good character and a bachelor's degree from an
accredited college or university including at least twenty-four (24) credit hours in any combination of psychology, sociology, social work, criminology, education, criminal justice administration, penology or police science.

B. The Department shall require all parole and probation officers that supervise felony offenders on probation or parole supervision to undergo annual training regarding:

1. Identifying, understanding and targeting the criminal risk factors of the individual;

2. Principles of effective risk intervention;

3. Supporting and encouraging compliance and behavior change;

and

4. Responding to violations committed by offenders on supervision for an offense involving a victim of domestic violence.

SECTION 18. AMENDATORY Section 2, Chapter 414, O.S.L. 2014 (57 O.S. Supp. 2016, Section 515a), is amended to read as follows:

Section 515a. A. Felony probation supervision, whether conducted by the Department of Corrections, a district attorney or private supervision provider shall incorporate all minimum supervision standards provided for in subsection B of this section.

B. Upon receiving an offender on probation supervision, the supervising agency shall:
1. Conduct an intake and orientation for the offender. The offender shall present to the principal office of the supervising agency within three (3) business days of sentencing or within three (3) business days of release from confinement if any term of incarceration is ordered, for the purpose of intake and orientation to probation supervision. The intake shall consist of the personal information of the offender and shall include, but not be limited to, name, address, phone numbers, employment and employment history, family information and criminal history. The supervising agency shall also provide an orientation to the offender. The orientation shall explain rules and conditions, reporting instructions, consequences for violations of the rules and conditions pursuant to Section 991b of Title 22 of the Oklahoma Statutes, and expectations of the offender subject to probation supervision;

2. Administer a risk and needs assessment on each individual on probation supervision within thirty (30) calendar days of sentencing or within thirty (30) calendar days of release from confinement. The results of the risk and needs assessment conducted in accordance with this paragraph shall be used to guide supervision responses consistent with evidence-based practices as to the level of supervision and the practices used to reduce recidivism. The risk and needs assessment shall be administered and scored by qualified personnel in the Department or individuals approved by the Department of Mental Health and Substance Abuse Services;
3. Develop an individualized treatment and supervision plan for each person assessed as moderate or high risk to reoffend;

4. Require the offender to complete within ninety (90) days of intake and orientation, an approved substance abuse screening or assessment and evaluation, if deemed appropriate by the court; provided, however, a substance abuse screening or assessment and evaluation shall not be required if the offender has been previously assessed within one (1) year six (6) months prior to the date of sentencing, unless ordered by the court. Substance abuse assessments and evaluations ordered by the court shall be administered and scored by assessment personnel certified individuals approved by the Department of Mental Health and Substance Abuse Services;

5. Require the offender to receive an assessment for batterers through a program certified by the Office of the Attorney General for batterers, if deemed appropriate by the court, within sixty (60) business days of sentencing or within sixty (60) business days of release from confinement. The assessment of the batterer ordered by the court shall be administered and scored by qualified personnel in the Department of Corrections or personnel certified by the Office of the Attorney General;

6. Monitor the compliance or noncompliance of the offender with all monetary obligations and probation requirements ordered by the court which may include, but not be limited to, the following:
a. substance abuse testing,
b. employment or education verification,
c. criminal history background checks,
d. verification of the payment of fines, costs, assessments, restitution, prosecution fees and supervision fees,
e. verification of attendance and completion of community service requirements, or
f. verification of attendance and completion of counseling or treatment programs;

4-7. Provide sanctions in accordance with paragraph 1 of subsection B of Section 991b of Title 22 of the Oklahoma Statutes in the event the offender violates the rules and conditions of probation supervision which may include, but not be limited to, the following:
a. increased reporting requirements,
b. increased substance abuse testing,
c. increased counseling or substance abuse meetings,
d. short-term period of incarceration in jail or intermediate revocation facilities,
e. additional community service hours,
f. electronic monitoring or installation of an ignition interlock device, or
g. revocation or acceleration of the suspended or deferred sentence; and

5.8. Provide a written sanction report to the court and offender specifying the violation, sanction and plan to correct the noncompliant behavior of the offender. When recommending a short-term period of incarceration in jail, additional community service hours, electronic monitoring or installation of an ignition interlock device, the supervising agency shall obtain court approval prior to implementing the sanction.

C. The supervising agency shall have the authority to implement additional supervision requirements including, but not limited to, the following:

1. Individualized treatment case plans based upon the results of any mental health or substance abuse assessment and evaluation, risk and needs assessment and any other assessment or evaluation conducted on the individual. The individualized treatment case plan may include additional reporting requirements and additional counseling programming requirements, which may include mental health and substance abuse meeting requirements treatment. The treatment case plan shall be developed to assist the offender with successful progress toward completion of probation supervision;

2. Random substance abuse testing to ensure the compliance and sobriety of the offender; and

3. Progress reports as requested by the court; and
4. Specialized supervision or case management for violators of conditions of supervision that include a victim of domestic violence.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 515b of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Supreme Court shall establish regulations by rule for all providers under contract with a district court whose duties include supervision of felony probationers pursuant to Section 515a of Title 57 of the Oklahoma Statutes. These rules shall guide the supervision and management of people on probation supervision and the performance of the provider. The rules and regulations developed under this section shall include, but not be limited to:

1. The use of a risk and needs assessment as defined in Section 502 of Title 57 of the Oklahoma Statutes to guide supervision and programming decisions and the development of an individualized case plan pursuant to Section 515a of Title 57 of the Oklahoma Statutes;

2. The application of the earned discharge program pursuant to Section 14 of this act; and

3. The application of the graduated sanctions and incentives matrix pursuant to Section 991b of Title 22 of the Oklahoma Statutes.

B. Any provider under contract with a district court whose duties include supervision of felony probations pursuant to Section
1 515a of Title 57 of the Oklahoma Statutes shall complete, upon
2 hiring and on an annual basis, training courses, including, but not
3 limited to:
4 1. Identifying, understanding and targeting the criminal risk
5 factors of an individual;
6 2. Principles of effective risk interventions;
7 3. Supporting and encouraging compliance and behavior change;
8 4. The use of a graduated sanctions matrix developed by the
9 Department of Corrections according to Section 991b of Title 22 of
10 the Oklahoma Statutes; and
11 5. If applicable, best practices on graduated responses to
12 domestic violence offenders and victim sensitivity training.
13 C. Each judicial district shall be responsible for developing
14 and administering procedures and rules for the implementation of the
15 requirements in this section. The chief judge of each judicial
16 district shall carry out this mandate within one (1) year of the
17 effective date of this act.
18 SECTION 20. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 515c of Title 57, unless there
20 is created a duplication in numbering, reads as follows:
21 A. The Department of Corrections shall develop a matrix of
22 sanctions and incentives to address behavior committed by parolees
23 who are being supervised by the Department. The Department shall be
24 authorized to use a graduated response process based on the matrix
to apply to any technical violations of the terms and conditions of parole.

B. Within four (4) working days of the discovery of the violation, the parole and probation officer shall initiate the graduated response process. The parole and probation officer shall complete a sanction form, which shall specify the technical violation, sanction and action plan to correct the noncompliant behavior resulting in the technical violation. The parole and probation officer shall refer to the sanctioning matrix to determine the supervision, treatment and sanctions appropriate to address the noncompliant behavior. The parole and probation officer shall refer the violation information and recommended response with a sanction plan to the Department of Corrections to be heard by a hearing officer. The Department of Corrections shall develop a sanction and incentive matrix, forms, policies and procedures necessary to implement this provision. If the severity of the violation warrants, or graduated use of sanctions has been exhausted and the noncompliant behavior has continued, the parole and probation officer may recommend revocation.

C. The Department of Corrections shall establish policies to hear responses to technical violations and review sanction plans including the following:

1. Hearing officers shall report through a chain of command separate from that of the supervising parole and probation officers;
2. The Department shall provide the offender written notice of the violation, the evidence relied upon and the reason the sanction was imposed;

3. The hearing shall be held unless the offender waives the right to the hearing;

4. The hearings shall be electronically recorded; and

5. The Department shall provide to the Governor a record of all violations and actions taken pursuant to this subsection.

D. The hearing officer shall determine based on a preponderance of the evidence whether a technical violation occurred. Upon a finding that a technical violation occurred, the hearing officer may order the offender to participate in the recommended sanction plan or may modify the plan. Offenders who accept the sanction plan shall sign a violation response sanction form, and the hearing officer shall then impose the sanction. Failure of the offender to comply with the imposed sanction plan shall constitute a violation of the rules and conditions of supervision that may result in a revocation proceeding. If an offender does not voluntarily accept the recommended sanction plan, the Department shall either both impose the sanction and allow the offender to appeal to the district court or request a revocation proceeding as provided by law.

E. Absent a finding of willful nonpayment by an offender, the failure of an offender to pay fines and costs may not serve as a basis for revocation.
SECTION 21.  AMENDATORY 57 O.S. 2011, Section 516, is amended to read as follows:

Section 516.  A. Except as provided in subsection subsections B and C of this section, the probation and parole officer shall, upon information sufficient to give the officer reasonable grounds to believe that the parolee has committed a violation, other than a technical violation as defined in Section 502 of this title, of the terms and conditions of parole, notify the Department of Corrections. If it is determined that the facts justify revocation action, the Department shall issue a warrant for the arrest of the parolee and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. The parolee shall, after arrest, be immediately incarcerated in the nearest county jail, intermediate sanctions facility, or a Department of Corrections facility to await action by the Governor as to whether the parole will be revoked. Parole time shall cease to run after the issuance of a warrant for arrest by the Department of Corrections for a parolee who has absconded, and earned credits shall not be accrued during any period of time when the parolee is incarcerated pending revocation action by the Governor.

B. The probation and parole officer shall, upon information sufficient to give the officer reasonable grounds to believe that the parolee has committed a technical violation of the terms and conditions of parole, as defined in Section 502 of this title,
notify the Department of Corrections. If the options within the sanctions and incentive matrix established in Section 20 of this act have been exhausted and the Department has determined that the facts justify revocation of parole, the Department shall issue a summons requiring the parolee to appear before the Pardon and Parole Board for a preliminary revocation hearing. If the parolee fails to appear at the preliminary revocation hearing, or if the Department finds that a warrant is justified for the protection of public safety, the Department shall issue a warrant for the arrest of the parolee and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state, and the parolee shall be held in accordance with subsection A of this section.

C. If a parolee is issued a summons pursuant to subsection B of this section, the Pardon and Parole Board shall hold the preliminary revocation hearing within twenty (20) calendar days from the date the summons is issued. The Board may, in its discretion, continue parole and modify the terms and conditions of parole or forward the decision on to the Governor. If the Governor revokes parole for a technical violation of the terms or conditions of parole, as defined in Section 502 of the title, the Governor shall impose a period of imprisonment of not more than fifteen (15) days for the first application for revocation, not more than thirty (30) days for the second application for revocation and not more than sixty (60) days
for the third application for revocation. For the fourth and subsequent application for revocation for a technical violation, the Governor may impose a period of imprisonment of not more than five (5) years or the remainder of the sentence, whichever is less.

D. If a parolee is arrested and detained on a warrant pursuant to subsection B of this section, the Pardon and Parole Board shall hold the preliminary revocation hearing within ten (10) calendar days from the date the parolee is detained on the warrant. The Board may, in its discretion, continue parole and modify the terms and conditions of parole or forward the decision to the Governor. If the Governor revokes parole for a technical violation, the Governor shall impose a period of imprisonment as required under subsection C of this section.

E. If the Board does not hold a preliminary revocation hearing within ten (10) calendar days as required under subsection D of this section, the parolee shall be released from a county jail, intermediate sanctions facility or a Department of Corrections facility and shall return to parole status. The Pardon and Parole Board may subsequently hold a preliminary revocation hearing within a reasonable time frame. The Board may, in its discretion, continue parole and modify the terms and conditions of parole or forward the decision to the Governor. If the Governor revokes parole for a technical violation, the Governor shall impose a period of imprisonment as required under subsection C of this section.
F. The Governor may depart from the periods of imprisonment required under subsection C of this section if the offender is on parole supervision for an offense under Section 13.1 of Title 21 of the Oklahoma Statutes.

G. Any parolee determined to have violated any terms or conditions of parole by the supervising parole officer may be given the option, at the discretion of the Department of Corrections, to be placed in an intermediate sanctions facility for disciplinary sanction and programmatic services in lieu of revocation or when revocation action by the Governor is deemed unnecessary for the nature of the violation. Any parolee for whom a warrant for arrest issues as provided in subsection A of this section may, at the discretion of the Department or the Governor, be placed in an intermediate sanctions facility pending or following any action by the Governor as to revocation of parole or required additional conditions to remain on parole. A parolee may be received and processed into the custody of the Department on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

H. The Department and the Pardon and Parole Board shall develop written policies and procedures related to this section.

SECTION 22. AMENDATORY 57 O.S. 2011, Section 517, as amended by Section 8, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2016, Section 517), is amended to read as follows:
Section 517. A. A Probation and Parole Officer, upon information sufficient to give the officer reasonable grounds to believe that a probationer has been charged with or found guilty of committing a felony or misdemeanor offense, or has escaped from custody as provided in Section 443 of Title 21 of the Oklahoma Statutes, shall notify the Department. If it is determined that the facts justify revocation action, the Department shall issue a warrant for the arrest of the probationer and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. A probationer shall may, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanctions facility to await action by the court as to whether the probation will be revoked.

B. A Probation and Parole Officer, upon information sufficient to give the officer reasonable grounds to believe that a probationer has violated the terms or conditions of probation, may notify the Department. If it is determined that the facts justify disciplinary sanctions, the Department shall issue a warrant for the arrest of the probationer and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. The probationer shall, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanction facility to await action by the court as to whether disciplinary sanctions shall be imposed. Upon approval of the court and the Department of
Corrections, the probationer shall be placed in an intermediate revocation facility for disciplinary sanction and intensive programmatic services in lieu of a first revocation. Repeated violations by the probationer of the terms and conditions of probation may result in a revocation proceeding committed a technical violation of the terms or conditions of probation, as defined in Section 502 of this title, may notify the Department. If it is determined that the facts justify revocation action, the Department shall issue a summons requiring the probationer to appear at a revocation hearing. The district attorney may petition the court to issue a warrant in place of a summons for a compelling reason in the interest of public safety. If the probationer fails to appear at the hearing ordered by the summons, or if the court approves the district attorney's petition for a warrant, the Department shall issue a warrant for the arrest of the probationer and the warrant shall have the force and effect of any warrant issued by a district court in this state. The probationer may, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanction facility to await action by the court as to whether disciplinary sanctions will be imposed.

C. Any probationer for whom a warrant for arrest issues as provided in subsection A of this section may, at the discretion of the court, be placed in an intermediate sanctions facility pending or following any action by the court as to revocation of probation.
or required additional conditions to remain on probation. The court shall hold a revocation hearing for any probationer who is issued a summons within twenty (20) calendar days from the date the summons is issued. The court may, in its discretion, revoke probation or continue probation and modify the terms and conditions thereof. The court shall consider the employment status of the offender when making a determination as to whether to revoke or continue the offender on probation. Upon a finding the offender is employed and a revocation sentence would result in a disruption of employment, the court may, in lieu of revocation, order the probationer to serve weekends in a county jail pursuant to Section 991a of Title 22 of the Oklahoma Statues, at the discretion of the court. If the court revokes probation for a technical violation of the terms or conditions of probation, the court shall impose a period of imprisonment of not more than fifteen (15) days for the first application for revocation, not more than thirty (30) days for the second application for revocation and not more than sixty (60) days for the third application for revocation. For the fourth and subsequent application for revocation for a technical violation, the court may impose a period of imprisonment of not more than five (5) years or the remainder of the maximum sentence imposed, whichever is less. If the court does not hold a revocation hearing within twenty (20) calendar days pursuant to this section, the probationer shall be returned to probation status. The court may subsequently hold a
revocation hearing and may revoke probation or continue probation and modify the terms and conditions of probation. If the court revokes probation for a technical violation, the court shall impose a period of imprisonment that follows the revocation periods outlined in this section.

D. If the court revokes probation for violations other than a technical violation, the court shall follow the procedures outlined in Section 991b or Section 991c of Title 22 of the Oklahoma Statutes.

E. If the probationer has been arrested and detained on a warrant and the court does not hold a revocation hearing within ten (10) days, the probationer shall be released from county jail, intermediate sanctions facility or Department of Corrections facility and shall return to probation status. The court may subsequently hold a revocation hearing and may revoke probation or continue probation and modify the terms and conditions of probation. If the court revokes probation for a technical violation and imposes a period of imprisonment, the court shall impose a period of imprisonment that follows the revocation periods outlined in this section.

F. The judge may depart from the periods of imprisonment required under subsection C of this section if the offender is on probation supervision for an offense under Section 13.1 of Title 21 of the Oklahoma Statutes.
G. A probationer may be processed by the Department on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

D. H. Nothing in this section shall preclude a district attorney from initiating an application to revoke a suspended sentence pursuant to subsection A of this section without a recommendation from the Department or from initiating an application to revoke a suspended sentence and referring the person to an intermediate revocation facility without a recommendation from the Department pursuant to subsection B of this section, when the district attorney believes that competent evidence justifies the revocation of the suspended sentence.

I. For purposes of this section, the term "probationer" means any offender on a deferred judgment or suspended sentence supervised by the Department of Corrections or another supervising body other than a drug court or mental health court.

SECTION 23. AMENDATORY 57 O.S. 2011, Section 571, as amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2016, Section 571), is amended to read as follows:

Section 571. As used in the Oklahoma Statutes, unless another definition is specified:

1. "Capacity" means the actual available bedspace as certified by the State Board of Corrections subject to applicable federal and
state laws and the rules and regulations promulgated under such laws;

2. "Violent crime" means any of the following felony offenses and any attempts to commit or conspiracy or solicitation to commit the following crimes:

   a. assault, battery, or assault and battery with a dangerous or deadly weapon, as provided for in Sections 645 and 652 of Title 21 of the Oklahoma Statutes;

   b. shooting with intent to kill, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of Title 21 of the Oklahoma Statutes;

   c. aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law, as provided for in Section 650 of Title 21 of the Oklahoma Statutes;

   d. poisoning with intent to kill, as provided for in Section 651 of Title 21 of the Oklahoma Statutes;

   e. shooting with intent to kill, as provided for in Section 652 of Title 21 of the Oklahoma Statutes;

   f. assault with intent to kill, as provided for in Section 653 of Title 21 of the Oklahoma Statutes;
g. assault with intent to commit a felony, as provided for in Section 681 of Title 21 of the Oklahoma Statutes;

h. assaults with a dangerous weapon or other instrument of punishment while masked or disguised, as provided for in Section 1303 of Title 21 of the Oklahoma Statutes;

i. murder in the first degree, as provided for in Section 701.7 of Title 21 of the Oklahoma Statutes;

j. murder in the second degree, as provided for in Section 701.8 of Title 21 of the Oklahoma Statutes;

k. manslaughter in the first degree, as provided for in Section 711 of Title 21 of the Oklahoma Statutes;

l. manslaughter in the second degree, as provided for in Section 716 of Title 21 of the Oklahoma Statutes;

m. kidnapping, as provided for in Section 741 of Title 21 of the Oklahoma Statutes;

n. burglary in the first degree, as provided for in Section 1431 of Title 21 of the Oklahoma Statutes;

o. burglary with explosives, as provided for in Section 1441 of Title 21 of the Oklahoma Statutes;

p. kidnapping for extortion, as provided for in Section 745 of Title 21 of the Oklahoma Statutes;
q. maiming, as provided for in Section 751 of Title 21 of the Oklahoma Statutes;

r. robbery, as provided for in Section 791 of Title 21 of the Oklahoma Statutes;

s. robbery in the first degree, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes;

t. robbery in the second degree, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes;

u. armed robbery, as provided for in Section 801 of Title 21 of the Oklahoma Statutes;

v. robbery by two (2) or more persons, as provided for in Section 800 of Title 21 of the Oklahoma Statutes;

w. robbery with dangerous weapon or imitation firearm, as provided for in Section 801 of Title 21 of the Oklahoma Statutes;

x. child abuse, as provided for in Section 843.5 of Title 21 of the Oklahoma Statutes;

y. wiring any equipment, vehicle or structure with explosives, as provided for in Section 849 of Title 21 of the Oklahoma Statutes;

z. forcible sodomy, as provided for in Section 888 of Title 21 of the Oklahoma Statutes;
aa. rape in the first degree, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes;

bb. rape in the second degree, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes;

c. rape by instrumentation, as provided for in Section 1111.1 of Title 21 of the Oklahoma Statutes;

dd. lewd or indecent proposition or lewd or indecent act with a child under sixteen (16) years of age, as provided for in Section 1123 of Title 21 of the Oklahoma Statutes;

e. use of a firearm or offensive weapon to commit or attempt to commit a felony, as provided for in Section 1287 of Title 21 of the Oklahoma Statutes;

ff. pointing firearms, as provided for in Section 1279 of Title 21 of the Oklahoma Statutes;

gg. rioting, as provided for in Section 1311 of Title 21 of the Oklahoma Statutes;

hh. inciting to riot, as provided for in Section 1320.2 of Title 21 of the Oklahoma Statutes;

ii. arson in the first degree, as provided for in Section 1401 of Title 21 of the Oklahoma Statutes;

jj. injuring or burning public buildings, as provided for in Section 349 of Title 21 of the Oklahoma Statutes;
kk. sabotage, as provided for in Section 1262 of Title 21 of the Oklahoma Statutes;

ll. criminal syndicalism, as provided for in Section 1261 of Title 21 of the Oklahoma Statutes;

mm. extortion, as provided for in Section 1481 of Title 21 of the Oklahoma Statutes;

nn. obtaining signature by extortion, as provided for in Section 1485 of Title 21 of the Oklahoma Statutes;

oo. seizure of a bus, discharging firearm or hurling missile at bus, as provided for in Section 1903 of Title 21 of the Oklahoma Statutes;

pp. mistreatment of a mental patient, as provided for in Section 843.1 of Title 21 of the Oklahoma Statutes;

qq. using a vehicle to facilitate the discharge of a weapon pursuant to Section 652 of Title 21 of the Oklahoma Statutes;

rr. bombing offenses as defined in Section 1767.1 of Title 21 of the Oklahoma Statutes;

ss. child pornography or aggravated child pornography as defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a of Title 21 of the Oklahoma Statutes;

tt. child prostitution as defined in Section 1030 of Title 21 of the Oklahoma Statutes;
uu. abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes who is a resident of a nursing facility;

vv. aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes;

ww. aggravated assault and battery upon any person defending another person from assault and battery, as provided for in Section 646 of Title 21 of the Oklahoma Statutes;

xx. human trafficking as provided for in Section 748 of Title 21 of the Oklahoma Statutes; or

yy. terrorism crimes as provided in Sections 1268 et seq. of Title 21 of the Oklahoma Statutes.

Such offenses shall constitute exceptions to nonviolent offenses pursuant to Article VI, Section 10 of the Oklahoma Constitution.

SECTION 24. This act shall become effective November 1, 2017.