

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3764 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kevin McDugle _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3764

By: McDugle

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to criminal procedure; amending 22
10 O.S. 2021, Section 982a, which relates to sentence
11 modification; removing approval requirement for
12 certain sentence modifications; removing limitation
13 when modifying sentences imposed via plea agreements
14 or jury verdicts; and providing an effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2021, Section 982a, is
16 amended to read as follows:

17 Section 982a. A. 1. Any time within sixty (60) months after
18 the initial sentence is imposed or within sixty (60) months after
19 probation has been revoked, the court imposing sentence or
20 revocation of probation may modify such sentence or revocation by
21 directing that another sentence be imposed, if the court is
22 satisfied that the best interests of the public will not be
23 jeopardized; provided, however, the court shall not impose a
24 deferred sentence. ~~Any application for sentence modification that~~

1 ~~is filed and ruled upon beyond twelve (12) months of the initial~~
2 ~~sentence being imposed must be approved by the district attorney who~~
3 ~~shall provide written notice to any victims in the case which is~~
4 ~~being considered for modification.~~

5 2. The court imposing sentence may modify the sentence of any
6 offender who was originally sentenced for a drug charge and ordered
7 to complete the Drug Offender Work Camp at the Bill Johnson
8 Correctional Facility and direct that another sentence be imposed,
9 if the court is satisfied that the best interests of the public will
10 not be jeopardized; provided, however, the court shall not impose a
11 deferred sentence. An application for sentence modification
12 pursuant to this paragraph may be filed and ruled upon beyond the
13 initial sixty-month time period provided for in paragraph 1 of this
14 subsection.

15 3. ~~This section~~ The provisions of this subsection shall not
16 apply to convicted felons who have been in confinement in any state
17 or federal prison system for any previous felony conviction during
18 the ten-year period preceding the date that the sentence this
19 ~~section~~ subsection applies to was imposed. ~~Further, without the~~
20 ~~consent of the district attorney, this section shall not apply to~~
21 ~~sentences imposed pursuant to a plea agreement or jury verdict.~~

22 B. The court imposing the sentence may modify the sentence of
23 any offender sentenced to life without parole for an offense other
24 than a violent crime, as enumerated in Section 571 of Title 57 of

1 the Oklahoma Statutes, who has served at least ten (10) years of the
2 sentence in the custody of the Department of Corrections upon a
3 finding that the best interests of the public will not be
4 jeopardized. Provided⁺, however, prior to granting a sentence
5 modification under the provisions of this subsection, the court
6 shall provide notice of the hearing to determine sentence
7 modification to the victim or representative of the victim and shall
8 allow the victim or representative of the victim the opportunity to
9 provide testimony at the hearing. The court shall consider the
10 testimony of the victim or representative of the victim when
11 rendering a decision to modify the sentence of an offender.

12 C. For purposes of judicial review, upon court order or written
13 request from the sentencing judge, the Department of Corrections
14 shall provide the court imposing sentence or revocation of probation
15 with a report to include a summary of the assessed needs of the
16 offender, any progress made by the offender in addressing his or her
17 assessed needs, and any other information the Department can supply
18 on the offender. The court shall consider such reports when
19 modifying the sentence or revocation of probation. The court shall
20 allow the Department of Corrections at least twenty (20) days after
21 receipt of a request or order from the court to prepare the required
22 reports.

23 D. If the court considers modification of the sentence or
24 revocation of probation, a hearing shall be made in open court after

1 receipt of the reports required in subsection C of this section.
2 The clerk of the court imposing sentence or revocation of probation
3 shall give notice of the judicial review hearing to the Department
4 of Corrections, the offender, the legal counsel of the offender, and
5 the district attorney of the county in which the offender was
6 convicted upon receipt of the reports. Such notice shall be mailed
7 at least twenty-one (21) days prior to the hearing date and shall
8 include a copy of the report and any other written information to be
9 considered at the judicial review hearing.

10 E. If an appeal is taken from the original sentence or from a
11 revocation of probation which results in a modification of the
12 sentence or modification to the revocation of probation of the
13 offender, such sentence may be further modified in the manner
14 described in paragraph 1 of subsection A of this section within
15 sixty (60) months after the receipt by the clerk of the district
16 court of the mandate from the Supreme Court or the Court of Criminal
17 Appeals.

18 SECTION 2. This act shall become effective November 1, 2022.

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20 58-2-10938 GRS 03/02/22

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