

**TITLE 515. PARDON AND PAROLE BOARD
CHAPTER 15. COMMUTATION PROCEDURES**

SUBCHAPTER 1. GENERAL PROVISIONS

515:15-1-2. Definitions [AMENDED]

The following words and terms when used in this Chapter shall have the following meaning unless the context clearly indicates otherwise:

"Administrative office" means the current main office for the Board, the address of which shall be posted to the Board's public website.

"Adverse decision" means a denial by the Board for commutation, a denial by the Board for parole, or an effective denial for submitting a falsified commutation application in accordance with this Chapter.

"Application review" means the process conducted by the administrative staff of the Board to determine the completeness of the application.

"Board" means Pardon and Parole Board.

"Commutation" means a reduction in the incarceration term of a sentence, or the changing of an indefinite incarceration term to a definite incarceration term.

"Commutation application" means the form approved by the Board for the consideration of a commutation.

"Complete application" means an application in which all sections of the application have been determined to be complete.

"Confirmation number" means a tracking number assigned by the Board to identify those persons who wish to appear before the Board in support or in protest of an Inmate's commutation application.

"Delegate" means a person that appears before the Board on behalf of the Inmate.

"Executive Director" means the Executive Director of the Board.

"Illegible application" means a handwritten application in which the handwriting cannot be read as determined by the Executive Director or an assigned designee.

"Incomplete application" means an application that is lacking a part, parts, or all of a section or sections or the Inmate did not sufficiently answer all questions as determined by the Executive Director or an assigned designee as required in the commutation application instructions.

"Initial Review" means a Stage One review of the application by the Board to determine if the application warrants additional investigation and further study.

"Inmate" means an applicant who is in the physical custody of the Oklahoma Department of Corrections.

"Jacket review" means a review by the Board of a complete application.

"Legal representative for the Inmate" means a person or persons who is licensed to practice law and appointed or authorized to represent the Inmate.

"Personal appearance" means an appearance by the Inmate before the Board via videoconferencing.

"Petition for reconsideration" means a formal request that the Board reconsider an Inmate's commutation application.

"Receipt" means the date on which the application is determined to be complete and is date stamped as received.

"**Stage Two review**" means a second review of a commutation application by the Board and includes a personal appearance.

"**Trial Official**" means the current elected judge of the court where the conviction was had, the current elected district attorney of the jurisdiction where the conviction was had, or the chief or head administrative officer of the arresting law enforcement agency.

"**Victim**" means any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act.

"**Victim representative**" means a person who is a member of the immediate family of the Victim, including stepparents, stepbrothers, stepsisters, and stepchildren; or it means a representative that the victim chooses to speak on his or her behalf.

SUBCHAPTER 3. COMMUTATION ELIGIBILITY CRITERIA

515:15-3-1. General eligibility [AMENDED]

Except as otherwise provided herein, an ~~An~~ Inmate in the custody of the Department of Corrections, not serving a probationary term as a result of a deferment or suspension of a sentence, ~~and~~ not on parole, ~~not currently eligible for release on parole or becoming eligible for release on parole within one year of the application date,~~ shall be eligible for commutation consideration of a sentence, ~~except for a conviction of impeachment,~~ provided that the prerequisites of at least one of the criteria for Board recommendation provided in Sections 2 through 5 of this Subchapter have been established in the application.

515:15-3-2. Commutation consideration based on change in sentencing range [NEW]

The Board shall consider recommending to the Governor a commutation of sentence upon the submission of an application from an Inmate if there has been a statutory change in the sentencing range for one or more of the Inmate's current offenses, with the statutory change in the sentencing range having become effective after the Inmate's sentencing date

515:15-3-3. Commutation consideration for Inmates without a projected release date [NEW]

The Board shall consider recommending to the Governor a commutation of sentence upon the submission of an application from an Inmate if the Inmate does not have a projected release date and has been incarcerated for at least 30 years, provided that the Inmate must have an exceptional institutional record including at least five years without misconducts prior to submitting the application.

515:15-3-4. Commutation consideration based on recommendation from a trial official [NEW]

The Board shall consider recommending to the Governor a commutation of sentence upon the submission of an application from an Inmate if the application is accompanied by the written recommendation of a trial official stating that the sentence now appears to be excessive based upon new facts and/or evidence directly related to the case, statutory changes which would appear to make the original sentence excessive, and/or the Inmate's exceptional turnaround while incarcerated.

515:15-3-5. Commutation consideration based on certification of eligibility from the Governor [NEW]

The Board shall consider recommending to the Governor a commutation of sentence upon the submission of an application from an Inmate if the applicant's eligibility for commutation consideration has been certified thereto by the Governor, in accordance with 57 O.S. § 332.2(A).

SUBCHAPTER 5. COMMUTATION APPLICATION

515:15-5-1. Application for commutation [AMENDED]

- (a) **Application.** The Board shall adopt an application to be used for commutation requests. The commutation application and instructions shall be posted on the Board's website at www.ok.gov/ppb. The application must be completed as specified in the instructions.
- (b) **Application form.** The most current application form posted on the website must be used. Outdated application forms will be returned.
- (c) **Altered applications.** Applications which have been altered in any manner will be returned with a request to submit the application on the Board approved form. An application shall be considered altered if not in a Board approved form or if any supplemental form or materials are used that would render the application illegible.
- (d) **Submitting an application.** Completed applications may be hand-delivered or mailed to the administrative office of the Board.
- (e) **Withdrawing an application.** Applications may be withdrawn through written request from the Inmate or their Legal representative. The request to withdraw an application must be hand-delivered or mailed to the administrative office by the Friday of the week prior to the Board meeting on which the application is docketed for Initial Review.

515:15-5-2. Incomplete applications [AMENDED]

- (a) **Incomplete application notification.** The application must be verified to ensure that all eligibility criteria are satisfied and all required information is complete. If the application is incomplete, a notification letter will be mailed within ~~ten~~fifteen (~~10~~15) business days of the review to the Inmate.
- (b) **Missing information deadline.** The Inmate will be afforded ninety (90) days from the date of the notification letter to provide the missing information or eligibility criteria in a form approved by Board and in accordance with the instructions of the notification letter. No further action by the Board will be taken on an incomplete application until the missing information is provided.
- (c) **Withdrawn applications.** Applications that are withdrawn by the Inmate will be moved to inactive status.
- (d) **Inactive status.** Withdrawn applications and those that remain incomplete following the 90-day deadline will be moved to inactive status and the disposition of the application will follow the Board's published Records Disposition schedule.
- (e) **Return of the incomplete application.** An incomplete application will not be returned to the Inmate or Legal Representative for the Inmate. A copy of the incomplete application may be obtained through an Open Records Request prior to disposition along with payment in accordance with the published fee schedule. The application and certified documents submitted with the application may also be picked up at the Board's administrative office prior to the scheduled disposition of the records.

- (f) **Illegible applications.** Inmates who have submitted an illegible application will be notified in writing along with a request that a legible or typed application be resubmitted.
- (g) **Falsified applications.** Inmates shall not knowingly and purposefully submit materially false information in the application. In such case, the Inmate will be notified in writing that the request for commutation is denied, and that the application may not be resubmitted for three years from the date of the last application.

SUBCHAPTER 7. VICTIM NOTIFICATION PROGRAM

515:15-7-1. Victim registration [AMENDED]

- (a) **Victim notification program.** The Board utilizes the Victim Notification Program to notify a registered Victim or Victim Representative of an Inmate's commutation application.
- (b) **Registration.** A Victim or Victim Representative may register with the Victim Notification Program by contacting the administrative staff at 405/521-6600 to obtain a copy of the form. The form is also available on the website at www.ok.gov/PPB/Victim-Notification-Program, or by contacting the Victim Witness Coordinator in the District Attorney's office in the county where the Inmate was prosecuted. A completed form can be mailed to the administrative office of the Board or emailed as per the directions on the form.
- (c) **Change of address.** In order to ensure continued notifications from the Board, changes of address of the Victim or Victim Representative must be provided in writing to administrative office of the Board.

SUBCHAPTER 11. BOARD REVIEW PROCESS AND COMMUTATION APPLICATION HEARING

515:15-11-1. Application Review Process [AMENDED]

- (a) **Review.** All complete and eligible commutation applications shall be set for review during a regular meeting of the Board.
- (b) **Two-stage review process.** Commutation applications will be reviewed in two stages. An Initial Review of the completed application will be conducted by the Board to determine if the application warrants additional investigation and further study, or a pass to Stage Two, for consideration of sentence commutation.
- (c) **Initial review.** During an Initial Review, the Board reviews only the application as received. No personal appearances are allowed. The Board will vote to pass the Inmate to Stage Two for further investigation and consideration or deny the application.
- (d) **Stage Two review.** During Stage Two, the Inmate will receive a personal appearance via videoconference with the Board.

515:15-11-2. Attendance [AMENDED]

Board meetings, including commutation application hearings, are open to the public, except when exclusion is allowed by law. Admittance may be limited by security regulations as well as the capacity of the meeting room. Meetings are conducted at ~~Department of Correction's facilities~~ a location determined by the Board and the ~~Department of Corrections is responsible~~ Board will facilitate for the security for the meeting which may include contracting with an appropriate agency. Questions of admittance to the facility hosting the meeting will be

determined by the ~~Department of Corrections~~Board. Generally, any Victim or Victim Representative will not appear at the same time as ~~the~~ Inmates or their Delegates.

515:15-11-4. Trial Officials appearances and communication with the Board [AMENDED]

(a) **Trial Officials appearance.** During a Stage Two review, a portion of each meeting will be set aside for the Trial Officials to address the members of the Board for a maximum of five minutes or a reasonable time limit at the Chair's discretion. This will occur at a separate time from the Inmate's personal appearance.

(b) **In lieu of attendance.** As an alternative option to attending, Trial Officials may provide protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(c) **Submission deadline for written correspondence.** The deadline for submission of emails or written correspondence is the close of business on the Tuesday prior to the Board meeting on which the Stage Two review date is docketed.

515:15-11-5. Victims or Victim Representative appearances and communication with the Board [AMENDED]

(a) **Victim or Victim Representative appearances.** During a Stage Two review, a portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the Victims or Victim Representatives. No more than two Victims and/or Victim Representatives per Inmate may appear and only one will be allowed to address the Board for a maximum of five (5) minutes or a reasonable time limit at the Chair's discretion. In cases in which there are multiple Victims, the Board may hear from more than one Victim and/or Victim Representative at the discretion of the Chair and within the time constraints of the meeting.

(b) **Confirmation number.** In order to speak before the Board, a Victim or Victim Representative must obtain a confirmation number from the Board's administrative office. The deadline to obtain a confirmation number is 4:00 p.m. on the last full business day preceding the Board meeting at which the Board will consider the application.

(c) **Confidentiality.** Any Victim or Victim Representative that appears at the meeting and addresses the Board waives confidentiality concerning his or her appearance at the meeting and the statements made during the meeting. Confidentiality is maintained when written protests or support communications are provided.

(d) **In lieu of attendance.** As an alternative option to attending, a Victim or Victim Representative may provide written protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(e) **Submission deadline for written correspondence.** The deadline for submission of emails or written correspondence is the close of business of the Board's administrative office on the Tuesday prior to the Board meeting on which the Stage Two review is docketed.

515:15-11-6. Delegate appearances and communication with the Board [AMENDED]

(a) **Delegate appearances.** During Stage Two review, Delegates will be allowed to appear along with the Inmate, either at the Board meeting location or at the video host facility on the designated day and scheduled time.

(b) **Delegate attendance.** No more than two Delegates may appear on behalf of an Inmate and only one Delegate will be allowed to address the Board for a maximum of five (5) minutes or a reasonable time limit at the Chair's discretion.

(c) **Confirmation number.** In order to speak before the Board, a Delegate must obtain a confirmation number from the Board's administrative office. The deadline to obtain a confirmation number is by 4:00 p.m. on the Friday prior to the Board meeting.

(d) **In lieu of attendance.** As an alternative option to attending, the Delegate may provide protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(e) **Submission of written correspondence.** The deadline for submission of emails or written correspondence is the close of business of the Board's administrative office on the Tuesday prior to the Board meeting on which the Stage Two review is scheduled.

SUBCHAPTER 15. REAPPLICATION

5:15:15-1. Reapplication after an unfavorable recommendation [AMENDED]

An ~~Inmate Applicant~~ may reapply after an unfavorable recommendation: 1) upon recommendation from the Governor; 2) if there has been a statutory change in the penalty for the crime; since the date of denial, or, 3) three years from the last date of denial provided that after two consecutive Adverse decisions by the Board, the Inmate must wait five years before reapplying for commutation. After receiving a favorable commutation of a sentence from the Governor, an Inmate is ineligible to apply for an additional commutation on the same sentence.