

TITLE 515. PARDON AND PAROLE BOARD

CHAPTER 1. PROCEDURES OF THE PARDON AND PAROLE BOARD

[Authority: OKLA. CONST. art VI, §10; 57 O.S., §332 et seq.]
[Source: Codified 6-12-03]

SUBCHAPTER 1. GENERAL PROVISIONS

515:1-1-1. Purpose

- (a) **Purpose.** This Chapter establishes the organization and procedures of the Pardon and Parole Board to implement the provisions of Article 6, § 10 of the Oklahoma Constitution and Title 57 § 332.2 of the Oklahoma Statutes.
- (b) **Scope.** The rules in this Chapter are not intended to limit or expand the authority of the Pardon and Parole Board. The Pardon and Parole Board may address any matter under its authority and change any procedure for good cause.
- (c) **Severability.** The repeal or invalidity of any particular rule of this Chapter shall not affect other rules.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-1-2. Definitions

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.

"Board" means the Pardon and Parole Board.

"Clemency hearing" means a hearing before the Board for an Inmate on death row who has been scheduled for execution by the Court of Criminal Appeals.

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

"Confirmation number" means a tracking number assigned by the administrative staff of the Board upon request by persons who wish to speak in support or in protest of an inmate's parole, pardon, commutation, or clemency consideration.

"Delegate" means a person that speaks on behalf of the Inmate.

"Docket" means the document which is created to identify the individuals who will be considered by the Board.

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

"Jacket Review" means the review of the investigative report for the Inmate and is applied to those Inmates that do not meet personal appearance criteria as determined by policy.

"Pardon" means an act of forgiveness by the Governor that allows a person to be released from the consequences of conviction of a crime and restores some of a person's civil rights.

"Parole" means the conditional release of an offender who has served part of the term for which they were sentenced to prison, provided that such may be revoked if the parolee fails to observe the conditions of parole.

"Personal appearance" means an appearance by the Inmate before the Board either in person or via video-conferencing.

"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.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

SUBCHAPTER 3. GENERAL OPERATION

515:1-3-1. Office hours; communications

(a) **Hours of operation.** Office hours are from 8:00 a.m. to 5:00 p.m., unless otherwise designated by the Executive Director, Monday through Friday with the exception of state holidays.

(b) **Communications.** Unless a person is working with a particular employee, written communication to the Board shall be addressed to the Executive Director at the administrative office of the Board.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 28 Ok Reg 2291, eff 7-25-11; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-3-2. Availability of records

(a) **Availability.** Records of the Pardon and Parole Board, not otherwise deemed confidential or privileged from disclosure by state or federal law, are subject to the Open Records Act. Requests for public records shall be made to the Executive Director, or a designee. The Board will charge the established and posted rate per page for each page copied.

(b) **Confidentiality.** Any person submitting information, data or materials to the Pardon and Parole Board may assert and substantiate a claim of confidentiality upon submission. Absent such assertion and substantiation, information or materials submitted to the Pardon and Parole Board shall be recognized and treated as being available for disclosure. Provided that the following information is considered confidential:

- (1) Victim protest letters (including information about the existence of such correspondence)
- (2) Correspondence from persons exercising their constitutional rights
- (3) Criminal history information not resulting in conviction
- (4) Juvenile records
- (5) Medical and mental health information, including substance abuse treatment
- (6) References to Department of Corrections internal investigations
- (7) Pre-sentence investigations
- (8) Other information deemed confidential by the Executive Director, General Counsel, or a designee, pursuant to state and federal law.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

SUBCHAPTER 5. NOTIFICATION

515:1-5-1. Dockets

(a) **Internet posting.** Copies of the dockets are posted on the Internet at the Board's website at least twenty days (20) before each meeting.

(b) **District Attorneys.** Copies of the dockets as well as a copy of any supplemental docket is posted on the Board's website.

(1) **Regular dockets.** The monthly dockets will be available at least twenty (20) days before each meeting.

(2) **Supplemental dockets.** Any supplemental docket will be available at least ten (10) days before being considered by the Board.

(c) **Victims and victim representatives.** Victims and Victims' Representative requesting prior notification of consideration for a specific Inmate will receive notice of the consideration at least twenty (20) days prior to the meeting. The Department of Corrections is responsible for notification when an Inmate is released.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-5-2. Board results

(a) **Telephone.** Anyone may call the administrative office of the Board after 2:00 p.m. on the Monday following a Board meeting to inquire about the Board's recommendation on a specific Inmate or Applicant.

(b) **Internet posting.** Results from a Board meeting will be posted on the Board's website in a timely manner but not later than twenty (20) days after the meeting. Results from a Board meeting will remain posted on the Board's website for no less than sixty (60) days following the meeting.

(c) **Victims and victim representatives.** Any Victim or victim representative requesting notification of the Board's recommendation will be notified no later than twenty (20) days after the meeting.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-5-3. Status updates

The administrative office of the Board will give status updates on Inmates approved by the Board or recommended by the Board for parole, commutation, pardon or clemency during normal business hours.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-5-4. Governor action [REVOKED]

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Revoked at 38 Ok Reg 2418, eff 9-11-21]

SUBCHAPTER 7. MEETINGS

515:1-7-1. Attendance

(a) **Public.** Meetings 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 the Department of Corrections facilities and the Department of Corrections is responsible for the security.

Questions of admittance to the facility hosting the meeting will be determined by the Department of Corrections. Generally, Victims and Victims' Representatives will not be scheduled to appear at the same time as Inmates or their Delegates.

(b) **District Attorneys.** A portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the District Attorneys and other law enforcement personnel regarding Inmates being considered for relief in a single-stage hearing, or at the second stage of a two-stage consideration for parole or commutation.

(c) **Victims and Victim representatives.** A portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the Victims and Victims' Representatives to address the members of the Board regarding Inmates being considered for relief in a single-stage hearing, or at the second stage of a two-stage consideration for parole or commutation.

(d) **Inmates and Delegates.** A portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the Inmates and their Delegates regarding Inmates being considered for relief in a single-stage hearing, or at the second stage of a two-stage consideration for parole or commutation.

(1) **Jacket review.** Inmates who the Board is considering by Jacket Review may have Delegates appear on their behalf in accordance with the policy of the Board.

(2) **Personal appearance.** Inmates making a Personal Appearance before the members of the Board will be allowed to appear along with their delegates in accordance with the policy of the Board.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-7-2. Public input

(a) **Victims and victim representatives.** Victims and Victims' Representatives may address the members of the Board during the time designated on the agenda for a maximum of five (5) minutes. No more than two (2) Victims or Victims' Representatives per Inmate may appear, and only one will be allowed to address the members of the Board. The Board may hear from more than one Victim or Victims' Representative in cases in which there are multiple victims at the discretion of the Chair. Because Board meetings are open to the public, any Victim or Victims' Representative who appears to present to the Board waives confidentiality with regards to their appearance at the meeting and statements made during the meeting.

(1) **Confirmation Number.** In order to speak before the Board, a Victim or Victims' Representative must obtain a confirmation number from the 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.

(2) **In lieu of attending.** In lieu of attending in person, a Victim or Victims' Representative may provide written correspondence via email to BoardCommunications@ppb.ok.gov or mail it to the administrative office of the Board. The deadline for receipt of written correspondence is by the close of business on the Tuesday preceding the Board meeting at which the Board will consider the application.

(b) **District Attorneys.** District Attorneys or a designee, and other law enforcement personnel may address the members of the Board during the time designated on the agenda for a maximum of five (5) minutes. Any law enforcement personnel that is appearing in the capacity of a Victim or Victims' Representative is requested to address the Board during the time designated for Victims and Victims' Representatives rather than during the time designated for law enforcement personnel.

(1) **Confirmation Number.** In order to speak before the Board, District Attorneys or designees, and other law enforcement personnel must obtain a confirmation number from the 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.

(2) **In lieu of attendance.** In lieu of attending in person, District Attorneys or designees, and other law enforcement personnel may provide written correspondence via email to BoardCommunications@ppb.ok.gov or mail it to the administrative office of the Board. The deadline for receipt of written correspondence is by the close of business on the Tuesday preceding a Board meeting.

(c) **Delegates.** Delegates may address the members of the Board during the time designated on the agenda for a maximum of five (5) minutes. No more than two Delegates may appear on behalf of an Inmate, and only one Delegate may address the members of the Board. The Board may hear from more than one Delegate if one of the Delegates is representing an Inmate as legal counsel, or at the discretion of the Chair.

(1) **Jacket review.** Jacket review Delegates will appear during the time designated on the agenda and address the Board without the Inmate being present.

(2) **Personal appearance.** Personal appearance Delegates will appear during the time designated on the agenda with the Inmate being present.

(3) **Confirmation number.** In order to speak before the Board, Delegates must obtain a confirmation number from the 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.

(4) **In lieu of attendance.** In lieu of attending in person, Delegates may provide written correspondence via email to BoardCommunications@ppb.ok.gov or mail it to the administrative office of the Board. The deadline for receipt of written correspondence is by the close of business on the Tuesday preceding a Board meeting.

(d) **Inmates.** Inmates who are granted a personal appearance before the members of the Board may address the Board for a maximum of five (5) minutes and may be questioned by the members of the Board at the discretion of the Chair.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-7-3. Business meeting

A monthly business meeting will be held on a set day during a set time period as identified on the agenda for the Board meeting. The agenda will be available and posted in accordance with the Open Meeting Act.

(1) **Agenda item.** Only those people listed on the agenda will be allowed to address the members of the Board. The Chair may recognize anyone to speak that is not listed on the agenda if an agenda item solicits public input.

(2) **Place an item on the agenda.** Anyone may request an item be placed on the agenda of an upcoming meeting by contacting the Executive Director at least seven days prior to the meeting. The Executive Director will relay the request to the Chair of the Board for approval.

[Source: Added at 38 Ok Reg 2418, eff 9-11-21]

SUBCHAPTER 9. CORRESPONDENCE

515:1-9-1. Public correspondence with members of the Board

Anyone may write to the members of the Board concerning a specific Inmate or the general business of the Board. All correspondence to the Board must meet certain requirements.

(1) **Return address.** All mail must show a valid return address on the outside of the envelope.

(2) **Information required on envelope.** The outside of the envelope must clearly identify the name of the Inmate, the Inmate's DOC number, and the Docket and Month in which the Inmate is scheduled to be considered.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-9-2. Victims or Victim representatives correspondence

Victims or victim representatives protesting the possibility of favorable action by the Board concerning an Inmate are not required to indicate on the outside of the envelope that they are "protesting" the named Inmate, nor are they required to indicate that they are a Victim or victim representative.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

515:1-9-3. Public correspondence with the agency

Anyone may send written correspondence to the administrative office of the Board at any time.

(1) **Public record.** Any written correspondence received by the Board is a public record unless it is expressly confidential under state or federal law.

(2) **Response.** The administrative staff of the Board will respond to any correspondence requiring a response. The Executive Director, or a designee, may determine what correspondence requires a response.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03; Amended at 38 Ok Reg 2418, eff 9-11-21]

CHAPTER 3. PAROLE DOCKETING PROCEDURES [REVOKED]

[Authority: OKLA. CONST. art VI, §10; 57 O.S., §§ 332.7 and 332.18]

[Source: Codified 5-14-04]

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

515:3-1-1. Purpose [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

515:3-1-2. Definitions [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

SUBCHAPTER 3. INITIAL PAROLE CONSIDERATION [REVOKED]

515:3-3-1. Crime committed prior to July 1, 1998 [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

515:3-3-2. Crime committed after July 1, 1998 [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

515:3-3-3. Eighty-five percent crimes committed after March 1, 2000 [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

515:3-3-4. Eighty-five percent crimes committed after June 5, 2001 [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

515:3-3-5. Drug offenses [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

SUBCHAPTER 5. PAROLE HEARING PROCESS [REVOKED]

515:3-5-1. Consideration of offenders convicted of non-violent offenses [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

515:3-5-2. Consideration of offenders convicted of violent offenses [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

SUBCHAPTER 7. RECONSIDERATION [REVOKED]

515:3-7-1. Re-docketing of offenders after denial [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

SUBCHAPTER 9. BOARD PLACEMENT [REVOKED]

515:3-9-1. Docket placement by the Board [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

SUBCHAPTER 11. MEDICAL DOCKET [REVOKED]

515:3-11-1. Medical docket [REVOKED]

[Source: Added at 21 Ok Reg 1114, eff 5-13-04; Revoked at 38 Ok Reg 2423, eff 9-11-21]

CHAPTER 5. IT ACCESSIBILITY COMPLIANCE REPRESENTATIVE

[Authority: OKLA. CONST. art VI, §10; 57 O.S., §332 et seq.]

[Source: Codified 7-25-11]

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

515:5-1-1. Purpose [REVOKED]

[Source: Added at 28 Ok Reg 2290, eff 7-25-11; Revoked at 38 Ok Reg 2425, eff 9-11-21]

515:5-1-2. Definitions [REVOKED]

[Source: Added at 28 Ok Reg 2290, eff 7-25-11; Revoked at 38 Ok Reg 2425, eff 9-11-21]

SUBCHAPTER 3. RESPONSIBILITIES [REVOKED]

515:5-3-1. Responsibilities [REVOKED]

[Source: Added at 28 Ok Reg 2290, eff 7-25-11; Revoked at 38 Ok Reg 2425, eff 9-11-21]

SUBCHAPTER 5. PROCEDURES [REVOKED]

515:5-5-1. Filing a formal complaint [REVOKED]

[Source: Revoked at 38 Ok Reg 2425, eff 9-11-21]

515:5-5-2. Processing a complaint [REVOKED]

[Source: Added at 28 Ok Reg 2290, eff 7-25-11; Revoked at 38 Ok Reg 2425, eff 9-11-21]

515:5-5-3. Review of final agency decision [REVOKED]

[Source: Added at 28 Ok Reg 2290, eff 7-25-11; Revoked at 38 Ok Reg 2425, eff 9-11-21]

515:5-5-4. Annual complaint report [REVOKED]

[Source: Added at 28 Ok Reg 2290, eff 7-25-11; Revoked at 38 Ok Reg 2425, eff 9-11-21]

515:5-5-5. Evaluation of proposed custom-designed information technology system [REVOKED]

[Source: Added at 28 Ok Reg 2290, eff 7-25-11; Revoked at 38 Ok Reg 2425, eff 9-11-21]

CHAPTER 10. CLEMENCY HEARINGS

[Authority: OKLA. CONST. art VI, § 10; 57 O.S., § 332.2]

[Source: Codified 9-14-18]

SUBCHAPTER 1. GENERAL PROVISIONS

515:10-1-1. Purpose

(a) **Purpose.** This Chapter establishes rules and procedures used by the Pardon and Parole Board to implement the provisions of Article 6, § 10 of the Oklahoma Constitution and Title 57 O.S. § 332.2.

(b) **Scope.** The rules in this Chapter include, but are not limited to processes and procedures regarding clemency hearings. This Chapter is not intended to limit or expand the authority of the Pardon and Parole Board. The Pardon and Parole Board may change any procedure for good cause.

(c) **Severability.** The repeal or invalidity of any particular rule of this Chapter shall not affect other rules.

[Source: Added at 35 Ok Reg 1905, eff 9-14-18]

515:10-1-2. Definitions

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.

"Board" means the five-member Pardon and Parole Board.

"Clemency hearing" means a hearing before the Board requested by an Offender on death row who has been scheduled for execution by the Court of Criminal Appeals.

"Clemency hearing packet" means written arguments, documents, and/or exhibits from the Representative for the State and Legal Representative for the Offender that are to be presented to the Board during the Clemency Hearing.

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

"Inmate" means an inmate who is on death row and in the physical custody of the Oklahoma Department of Corrections.

"Jacket review proceeding" means a review of the Clemency Hearing Packets as submitted by the Legal Representative for the Offender and the Representative for the State for those offenders that waive a personal appearance before the Board.

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

"Representative for the State" means a person or persons who are legally authorized to represent the Office of the Attorney General on behalf of the State.

"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 or persons of the immediate or extended family of the Victim or a person or persons designated by the Victim or the immediate or extended family of the Victim.

[Source: Added at 35 Ok Reg 1905, eff 9-14-18; Amended at 28 Ok Reg 2428, eff 9-11-21]

SUBCHAPTER 3. SCHEDULING AND NOTICE OF CLEMENCY HEARINGS

515:10-3-1. Scheduling of a clemency hearing

The Chairperson of the Board will schedule a clemency hearing within three (3) business days of receiving the notice of the setting of an execution date by the Oklahoma Court of Criminal Appeals, or as soon thereafter as practical. The clemency hearing will be scheduled on or before the twenty-first calendar day preceding the scheduled execution date, unless otherwise directed by the Chairperson.

[Source: Added at 35 Ok Reg 1905, eff 9-14-18]

515:10-3-2. Notice of clemency hearing

(a) The Executive Director or a designee will promptly notify in writing and via certified mail the Representative for the State and Legal Representative for the Offender of the date of the scheduled Clemency Hearing.

(b) The Executive Director or a designee will send a Clemency Hearing Notice and Intent to Appear Form with the hearing notice to the Legal Representative for the

Offender.

(c) If the Executive Director or a designee is unable to determine who the Legal Representative is for the Offender, the notice and the Clemency Hearing Notice and Intent to Appear form shall be sent to the Offender in the care of the Warden of the Department of Corrections facility where the Offender is incarcerated.

(d) Within ten (10) days after receiving the Clemency Hearing Notice and Intent to Appear form, the Offender or the Legal Representative for the Offender must return the form per the instructions on the form indicating the Offender's affirmative request for a clemency hearing and whether the Offender intends to appear or the Offender waives the hearing. Failure to return the form by such date shall be deemed an intent to waive the hearing.

[Source: Added at 35 Ok Reg 1905, eff 9-14-18]

SUBCHAPTER 5. CLEMENCY HEARING PROCEDURES

515:10-5-1. Clemency hearing packets

(a) Clemency Hearing Packets must be submitted to the administrative office of the Board on or before a date set by the Chairperson.

(b) A Clemency Hearing Packet shall consist of no more than fifty pages of arguments and an appendix of no more than one hundred and fifty pages of supplemental exhibits, such as trial transcripts, photos, letters of support, etc.

(c) All pages in the appendix of the Clemency Hearing Packet shall be consecutively numbered. An argument referring to documents in the appendix shall include reference to the appendix page number.

(d) Audio or visual exhibits may be submitted in lieu of written exhibits.

(e) If audio or visual exhibits are submitted, one-hour running time shall be considered equal to fifty pages. The burden is on the party making an audio or visual exhibit in lieu of written exhibits to ensure that the submission is in a format that is readily available to the members of the Board as well as the opposing party.

(f) Clemency Hearing Packets in excess of these limitations will be rejected by the Board unless prior approval to exceed the limitation has been obtained in writing from the Chairperson of the Board.

(g) A Clemency Hearing Packet for each Board member must be submitted along with an additional copy for the administrative office.

(h) With the exception of the copy for the Board's administrative office copy, a Clemency Hearing Packet must be submitted with pre-paid postage for mailing purposes.

(i) Failure, by either party, to deliver the Clemency Hearing Packets on or before the date set by the Chairperson shall constitute a waiver of the opportunity to submit a Clemency Hearing Packet, unless prior approval for the late filing of a packet is obtained from the Chairperson.

(j) The administrative office of the Board is responsible for mailing the Clemency Hearing Packets to the members of the Board.

(k) The Representative for the State and the Legal Representative for the Offender are responsible for providing a copy of the Clemency Hearing Packet to the other party at the same time the packet is delivered to the administrative offices of the Board. The Board shall not be responsible for the exchange of documents between the parties.

(l) The Representative for the State and the Legal Representative for the Offender is responsible for providing a copy of the Clemency Hearing Packet to the Office of the Governor at the same time the packet is delivered to the administrative offices

of the Board.

(m) No supplemental documents or exhibits may be submitted to the members of the Board at the Clemency Hearing, without prior approval from the Chairperson of the Board.

[Source: Added at 35 Ok Reg 1905, eff 9-14-18]

515:10-5-2. Clemency hearing procedures

The procedures for the Clemency Hearing shall be as follows, unless modified prior to the hearing by the Chairperson of the Board:

- (1) The Clemency Hearing will comply with the Open Meeting Act as per 25 O.S. § 301.
- (2) The Chairperson of the Board will call the meeting to order.
- (3) The administrative staff of the Board will read an opening statement and the order of the meeting.
- (4) The Legal Representative for the Offender will be given forty (40) minutes to make a presentation to the Board. If there is more than one person wishing to speak, a primary spokesperson must be selected to allocate time among those that wish to speak. The Board staff will only keep time of the forty (40) minutes. Keeping time for individual allotments among speakers will be the responsibility of the spokesperson. The Legal Representative may reserve a portion of the forty (40) minutes presentation period to address the Board after the Representative of the State and the Victim or Victim Representative have addressed the Board. If the Legal Representative wishes to reserve time for this purpose, the spokesperson must state how much time will be reserved at the beginning of the initial presentation for time keeping purposes. No more than five (5) minutes may be reserved.
- (5) The Board reserves the right to ask questions during the presentation by the Legal Representative for the Offender or may reserve questions until after the presentation has concluded. Questions will not be counted against the allotted time.
- (6) The Representative for the State will be given forty (40) minutes to address the Board. If there is more than one person wishing to speak, a primary spokesperson must be selected to allocate time among those that wish to speak. The Board staff will only keep time of the forty (40) minutes, keeping time for individual allotments among speakers will be the responsibility of the spokesperson. The Representative for the State may reserve a portion of their forty (40) minutes presentation period to address the Board after the Legal Representative for Offender and the Victim or Victim Representative have addressed the Board. If the Representative for the State wish to reserve time for this purpose, the spokesperson must state how much time will be reserved at the beginning of the initial presentation for time keeping purposes. No more than five (5) minutes may be reserved.
- (7) The Board reserves the right to ask questions during the presentation by the Legal Representative for the State or may reserve questions until after the presentation has concluded. Questions will not be counted against the allotted time.
- (8) The Victim or Victim Representative will be given twenty (20) minutes to address the Board. If there is more than one Victim or Victim Representative wishing to speak, a primary spokesperson must be selected to allocate time among those that wish to speak. The Board staff will only

- keep time on the twenty (20) minutes. Keeping time for individual allotments among speakers will be the responsibility of the spokesperson.
- (9) The Board reserves the right to ask questions during the presentation by the Victim or Victim Representative or may reserve questions until after the presentation has concluded. Questions will not be counted against the allotted time.
- (10) The Representative for the State may address the Board a second time for summation, if time was reserved for this purpose at the beginning of their initial presentation. The primary spokesperson will be responsible for allocating time among speakers if more than one person is going to speak. The Board staff will keep time for the period that was reserved.
- (11) The Legal Representative for the Offender may address the Board a second time for rebuttal, if they reserved time for this purpose at the beginning of their initial presentation. The primary spokesperson will be responsible for allocating time among speakers if more than one person is going to speak. The Board staff will keep time for the period that was reserved.
- (12) The Offender will be given twenty (20) minutes to address the Board. If the Offender chooses not to address the Board, the portion of the hearing reserved for the Offender may be conducted as a jacket review proceeding.
- (13) The Board will vote to deny or recommend clemency to the Governor for the Offender before the Clemency Hearing is adjourned. If clemency is recommended, the Board may include a recommendation for commutation. The Board may discuss the matter before voting. The Board is not required to state reasons when they vote.
- (14) The Board's administrative staff will announce the vote of the Board and the administrative staff will read the statement of adjournment.

[Source: Added at 35 Ok Reg 1905, eff 9-14-18]

515:10-5-3. Option to listen to and watch clemency hearing

The Inmate shall have the option to listen to and watch, via one-way video transmission, the entire presentation of their clemency petition.

[Source: Added at 38 Ok Reg 2428, eff 9-11-21]

CHAPTER 15. COMMUTATION PROCEDURES

[Authority: OKLA. CONST. art VI, § 10; 57 O.S., § 332.2]

[Source: Codified 9-14-18]

SUBCHAPTER 1. GENERAL PROVISIONS

515:15-1-1. Purpose

(a) **Purpose.** This Chapter establishes rules and procedures used by the Pardon and Parole Board to implement the provisions of Article 6, Section 10 of the Oklahoma Constitution and Title 57 O.S. § 332.2.

(b) **Scope.** The rules in this Chapter include, but are not limited to procedures to apply for commutation consideration and the procedures for the Board's review and hearing process for commutations. This Chapter is not intended to limit or expand the authority of the Pardon and Parole Board. The Pardon and Parole Board may change any procedure for good cause.

(c) **Severability.** The repeal or invalidity of any particular rule of this Chapter shall not affect other rules.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

515:15-1-2. Definitions

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.

"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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

SUBCHAPTER 3. COMMUTATION ELIGIBILITY CRITERIA

515:15-3-1. General eligibility

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, shall be eligible for commutation consideration of a sentence except for a conviction of impeachment.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18]

SUBCHAPTER 5. COMMUTATION APPLICATION

515:15-5-1. Application for commutation

(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.

(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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

515:15-5-2. Incomplete applications

(a) **Incomplete application notification.** If the application is incomplete, a notification letter will be mailed within ten (10) 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. 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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

SUBCHAPTER 7. VICTIM NOTIFICATION PROGRAM

515:15-7-1. Victim registration

(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](http://www.ok.gov/PPB/Victim%20Notification%20Program), 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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

SUBCHAPTER 9. APPLICATION NOTIFICATION

515:15-9-1. Notification of application of a commutation

(a) **District Attorneys.** A copy of the complete commutation application will be provided to the Office of the District Attorney in the county where the Inmate was prosecuted within ten (10) business days of receipt.

(b) **Victim and Victim Representative.** The Victim or Victim Representative will be provided a letter with a code to access the complete commutation application on-line within ten (10) business days of receipt.

(c) **Office of the Attorney General.** A copy of the completed commutation application will be provided to the Office of the Attorney General within ten (10) business days of receipt.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18]

515:15-9-2. Public notice

(a) **Internet posting.** Each month, the Commutation Docket will be posted on the Board's website at www.ok.gov/ppb at least twenty (20) days before each meeting and is available to the public.

(b) **Paper copy of docket.** Anyone may request a paper copy of the docket through an Open Records Request. The request will be filled in a timely manner and the published fee schedule will apply.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18]

515:15-9-3. Notification of a docketed application

(a) **Victim or Victim Representative.** When a complete application has been scheduled on a docket, notice shall be sent to the Victim or Victim Representative who shall have twenty (20) days to submit support or protest correspondence.

(b) **Trial Officials.** When a complete application is scheduled on a docket, notice shall be sent to the Trial Officials who shall have twenty (20) business days to submit support or protest correspondence.

(c) **Inmates.** Administrative staff forward the monthly docket to the Department of Corrections. The Department of Corrections is responsible for notifying Inmates that the Initial Review and/or personal appearance has been scheduled on the docket. Inmates are responsible for notifying any Delegates regarding the docketing of the application.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

SUBCHAPTER 11. BOARD REVIEW PROCESS AND COMMUTATION APPLICATION HEARING

515:15-11-1. Application Review Process

(a) **Review.** All complete 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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18]

515:15-11-2. Attendance

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 and the Department of Corrections is responsible for the security. Questions of admittance to the facility hosting the meeting will be determined by the Department of Corrections. Generally, any Victim or Victim Representative will not appear at the same time as the Inmate or their Delegates.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

515:15-11-3. Inmate personal appearances at Stage Two review

(a) **Personal appearance.** An Inmate that has been passed to Stage Two for a commutation review will appear before the members of the Board via video conferencing to demonstrate why circumstances warrant the exercise of the Governor's rare discretionary commutation power. At Stage Two, an Inmate will be allowed to address the Board and/or may be questioned by the members of the Board.

(b) **Misconduct prior to personal appearance.** If an Inmate receives a misconduct from the date of the receipt of the application up to the hearing, the personal appearance is cancelled, and the commutation consideration will be conducted as a jacket review. The Board may, by majority vote, grant exceptions for just cause.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

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

(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. 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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

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

(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. 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 their 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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

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

(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.

(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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18; Amended at 38 Ok Reg 2429, eff 9-11-21]

515:15-11-7. Enhanced Stage Two review

(a) **Waiving of default limits.** During an Initial Review, the Board may vote to pass the Inmate to a Stage Two review without the default limits on time and the number of speakers, if a majority of the Board concurs that it is in the interest of the Inmate's due process rights, the public interest, and/or necessary to fully consider and investigate the commutation application.

(b) **Discretion of the Chair.** If the Board votes to waive the default limits for a Stage Two review, it is at the discretion of the Chair how much additional time will be allotted and the number of interested parties who may speak in support or protest of the Inmate's commutation.

(c) **Equal proportions.** The increases in time and permissible speakers prescribed by the Chair shall be allocated in equal proportions between the Trial Officials, Victims or Victim Representatives, and the Delegates.

[Source: Added at 38 Ok Reg 2429, eff 9-11-21]

515:15-11-8. Consideration during the current gubernatorial term

All complete and eligible applications received by the end of the year preceding a gubernatorial election will be considered by the Board appointed in the current term, and recommendations will be submitted to the Governor before the expiration of the Governor's current term. Applications received in the final year of a gubernatorial term will be docketed based upon the date of receipt.

[Source: Added at 38 Ok Reg 2429, eff 9-11-21]

SUBCHAPTER 13. BOARD RECOMMENDATION

515:15-13-1. Board recommendation

After the personal appearance, the Board will vote to either favorably recommend a commutation or deny the request. There are no limitations on the factors that the Board may consider in making its recommendation to the Governor. If a favorable vote is received, the Board's recommendation, the commutation application, along with any protests and support letters, will be forwarded to the Governor.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18]

515:15-13-2. Status results

(a) **Telephone.** Anyone may call the administrative office of the Board after 2:00 p.m. on the Monday following a Board meeting to inquire about the Board's recommendation on a specific commutation application.

(b) **Internet posting.** Following a Board meeting, results will be posted on the Board's website in a timely manner but no later than twenty (20) business days after the meeting.

(c) **Victim and Victim Representative.** A Victim or Victim Representative registered with the Victim Notification Program will be notified in writing of the Board's recommendation no later than twenty (20) days after the meeting.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18]

SUBCHAPTER 15. REAPPLICATION

515:15-15-1. Reapplication after an unfavorable recommendation

An 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; or, 3) three years from the last date of denial. 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.

[Source: Added at 35 Ok Reg 1908, eff 9-14-18]

CHAPTER 20. PARDON PROCEDURES

[Authority: OKLA. CONST. art VI, § 10; 57 O.S., § 332.2]

[Source: Codified 9-14-18]

SUBCHAPTER 1. GENERAL PROVISIONS

515:20-1-1. Purpose

(a) **Purpose.** This Chapter establishes rules and procedures used by the Pardon and Parole Board to implement the provisions of Article 6 Section 10 of the Oklahoma Constitution, Title 57 O.S. Section 332.2, and Title 57 O.S. §332.19.

(b) **Scope.** The rules in this Chapter include, but are not limited to procedures for making application for a pardon and the procedures for the Pardon and Parole Board's review and hearing process for pardons. This Chapter is not intended to limit or expand the authority of the Pardon and Parole Board. The Pardon and Parole Board may address any matter under its authority and change any procedure for good cause.

(c) **Severability.** The repeal or invalidity of any particular rule of this Chapter shall not affect other rules.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

515:20-1-2. Definitions

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.

"Applicant" means a person who has submitted a pardon application to the Board for consideration.

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

"Board" means the Pardon and Parole Board.

"Conviction" means a formal judgment of guilt entered by a court or, if adjudication of guilt was withheld, where:

(A) a judge or jury found the applicant guilty or the applicant entered a plea of guilty or nolo contendere or admitted sufficient facts to warrant a finding of guilt, and

(B) the judge ordered that some form of punishment, penalty, or restraint on the applicant's liberty be imposed.

"Complete application" means an application in which all sections of the application have been determined to be complete and all required documentation has been submitted.

"Confirmation number" means a tracking number assigned by the administrative staff of the Board upon request by persons who wish to speak in support or in protest of an inmate's parole, pardon, commutation, or clemency consideration.

"Docket" means the document which is created to identify the individuals who will be considered by the Board.

"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 applicant did not sufficiently answer all questions as determined by the Executive Director or an assigned designee as required in the pardon application instructions.

"Ineligible application" means an application submitted by an applicant who does not meet the eligibility criteria for a pardon consideration.

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

"Pardon" means an act of forgiveness by the Governor that allows a person to be released from the consequences of conviction of a crime and restores some of a person's civil rights.

"Pardon application" means the form approved by the Board for the consideration of a pardon.

"Personal appearance" means an appearance by the Applicant before the members of the Board either in person or via video-conferencing.

"Pre-pardon investigation" means an investigation conducted to verify the information provided in the application.

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

"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.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

SUBCHAPTER 3. PARDON ELIGIBILITY CRITERIA

515:20-3-1. General eligibility

A person must meet the following criteria for all convictions for which a pardon is being requested:

- (1) Must have been convicted of an Oklahoma law violation, either a felony or misdemeanor, or a crime of moral turpitude involving alcohol or an illegal drug offense in an Oklahoma Municipal Court. Traffic misdemeanor convictions are NOT eligible for a pardon.
- (2) Must either have discharged all sentences, including supervision, or successfully completed five consecutive years of parole or probation immediately prior to application with no new offenses and, if still under supervision, a favorable recommendation from the applicant's supervising officer.
- (3) Must have paid all fines, fees, restitution, court costs, etc. in full.
- (4) Must not have any new or pending charges, unresolved detainers, warrants, tax liens, or child support arrearages.
- (5) Must not currently be in jail or prison.
- (6) Must not have been considered for a pardon within the previous three (3) years.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

515:20-3-2. Application ineligibility

If an ineligible application is submitted, the administrative staff of the Board will notify the Applicant in writing. Applications for pardon consideration will be deemed ineligible at any point in the pardon process if the Applicant is arrested, charged with a new criminal offense, or incarcerated prior to Board review. The Applicant may re-apply once all eligibility criteria have been met.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

SUBCHAPTER 5. PARDON APPLICATION

515:20-5-1. Applications for pardon

(a) **Application.** The Board shall adopt a pardon application to be used for pardon requests and pardons based on actual innocence. The pardon applications and instructions shall be posted on the Board's website at www.ok.gov/ppb.

Applications 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.

(d) **Submitting an application.** Completed applications may be hand-delivered or mailed to the administrative office of the Board.

(e) **Address change.** If an Applicant has an address change at any point after submitting the application, the administrative office of the Board should be contacted via telephone, email, or in writing to provide the Applicant's new address. Applicants are responsible for maintaining current addresses with the administrative staff of the Board.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

515:20-5-2. Incomplete applications

(a) **Incomplete application notification.** If an application is incomplete, a notification letter will be mailed to the address provided by the Applicant.

(b) **Missing information deadline.** From the date of the notification letter, the Applicant will be provided a ninety (90) day deadline in which to provide the missing information. No further action by the Pardon and Parole Board will be taken on an incomplete application until the missing information is provided.

(c) **Withdrawn applications.** Applications that are withdrawn by the Applicant will be moved to inactive status.

(d) **Inactive status.** Withdrawn applications and those that remain incomplete following the 90-day deadline will be automatically 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.** The incomplete application will not be returned to the Applicant or legal representative for the Applicant. Prior to the disposition of the records, a copy of the incomplete application and certified documents submitted with the application may be obtained through an Open Records Request, 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.** Applicants who have submitted an illegible application will be notified in writing along with a request that a legible or typed application be resubmitted.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

SUBCHAPTER 7. PRE-PARDON INVESTIGATIONS

515:20-7-1. Pre-pardon investigation

(a) **Application verification.** All of the information in the pardon application must be verified, including the information in the required attachments. The pardon application review process can last six (6) months to one year prior to placement on a docket.

(b) **Referral to the Department of Corrections.** After a pardon application is received, the application is electronically forwarded and assigned to the appropriate Oklahoma Department of Correction's Probation and Parole District to perform a Pre-Pardon Investigation.

(c) **NCIC reports.** As a part of the application verification process, NCIC reports are requested and attached to the application.

(d) **Timeline.** The investigating authority is allowed up to seventy (70) days from the time that the application is assigned to complete a pre-pardon investigation and then compile a report for the Board.

(e) **Extensions.** Extensions of deadlines may be granted by the Executive Director or his/her designee when circumstances warrant.

(f) **Past-due investigations.** If a report is overdue, the appropriate investigator or Probation and Parole District office will be contacted to determine the status of the investigation.

(g) **Docketing.** Once the Pre-Pardon Investigation report is provided to the administrative office, the application will be placed on the next available docket for pardon consideration.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

SUBCHAPTER 9. VICTIM NOTIFICATION

515:20-9-1. Victim registration

(a) **Victim notification program.** The Board utilizes the Victim Notification Program to notify a registered Victim or Victim Representative of an Applicant's request for a pardon.

(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 Applicant was prosecuted. A completed form can be mailed or emailed 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 the administrative offices of the Board.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

SUBCHAPTER 11. APPLICATION NOTIFICATION

515:20-11-1. Notification of and response to pardon application

(a) **District Attorneys.** Within twenty (20) business days after receipt of an application, a copy of the pardon application will be provided to the Office of the District Attorney in the county where the Applicant was prosecuted. The District Attorney shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application.

(b) **Victim or Victim Representative.** Within twenty (20) business days after receipt of an application, a copy of the pardon application will be provided to the registered Victim or Victim Representative. The Victim or Victim Representative shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application.

(c) **Office of the Attorney General.** Within twenty (20) business days after receipt of an application, a copy of the completed pardon application will be provided to the Office of the Attorney General.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

515:20-11-2. Notification of a docketed application

(a) **Internet posting.** Each month, the Pardon Docket will be posted on the Board's website at www.ok.gov/ppb at least twenty (20) days before each meeting and is available to the public.

(b) **Paper copy of docket.** Anyone may request a paper copy of the docket through an Open Records Request. The request will be filled in a timely manner and the published fee schedule will apply.

(c) **Victim or Victim Representative.** A registered Victim or Victim Representative will be notified in writing at least twenty (20) days prior to the date that the application has been scheduled for consideration by the Board.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

SUBCHAPTER 13. BOARD REVIEW PROCESS AND PARDON APPLICATION HEARING

515:20-13-1. Application review process

All complete pardon applications shall be set for review during a regular meeting of the Board. Applications for pardon consideration will be stricken from the docket at any point in the pardon process if the Applicant is arrested, charged with a new criminal offense, or incarcerated prior to Board review.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

515:20-13-2. Attendance

Board meetings, including pardon 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 the Department of Corrections facilities and the Department of Corrections is responsible for the security. Questions of admittance to the facility hosting the meeting will be determined by the Department of Corrections.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

515:20-13-3. Applicant attendance

An Applicant may choose to appear before the Board and speak on his/her behalf. Applicants may bring a representative with them; however, only one person will be allowed to speak to the Board regarding the reasons for requesting the pardon. The speaker will be given five (5) minutes to speak to the Board. The Board Members may or may not have questions for the Applicant.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

515:20-13-4. District Attorney appearances and communication with the Board

(a) **District Attorney appearance.** A portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the District Attorneys and other law enforcement personnel. This will occur at a separate time from the Applicant's personal appearance.

(b) **Confirmation Number.** In order to speak before the Board, District Attorneys or designees, and other law enforcement personnel must obtain a confirmation number from the 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) **In lieu of attendance.** In lieu of attending in person, District Attorneys or designees, and other law enforcement personnel may provide written correspondence via email to BoardCommunications@ppb.ok.gov or mail it to the administrative office of the Board.

(d) **Submission deadline for written correspondence.** The deadline for receipt of written correspondence is by the close of business on the Tuesday preceding a Board meeting.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

515:20-13-5. Victim or Victim Representative appearances and communication with the Board

(a) **Victim or Victim Representative appearances.** A portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the Victim or Victim Representative. No more than two Victims and/or Victim Representatives may appear and only one will be allowed to address the Board for a maximum of five (5) minutes. 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 their appearance at the meeting and the statements made during the meeting. Confidentiality is maintained when written protests or support communication are provided.

(d) **In lieu of attendance.** As an 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 by the close of business of the administrative office of the Board on the Tuesday prior to the Board meeting on which the application is docketed.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

SUBCHAPTER 15. BOARD RECOMMENDATION AND GOVERNOR'S ACTION

515:20-15-1. Board recommendation

After the pardon application is reviewed, the Board will vote to either recommend a pardon or deny the request; however, votes are not final until the conclusion of the full meeting. There are no limitations on the factors that the Pardon and Parole Board may consider in making its recommendation to the Governor. If a favorable vote is received, the Board's recommendation, the pardon application, along with any protests and support letters, and a draft Pardon certificate will be forwarded to the Governor within thirty (30) days.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18]

515:20-15-2. Status results

(a) **Telephone.** Anyone may call the administrative offices of the Board after 2:00 p.m. on the Monday following a Board meeting to inquire about the Board's recommendation on a specific Pardon Application.

(b) **Internet posting.** Results from a Board meeting will be posted on the Board's website in a timely manner but not later than twenty (20) business days after the meeting. Results from a Board meeting will remain posted on the Board's website for no less than sixty (60) days following the meeting.

(c) **Victim and Victim Representative.** Victims and Victim Representatives who are registered will be notified in writing of the Board's recommendation no later than twenty (20) days after the meeting.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

515:20-15-3. Governor review and action

(a) **Governor review.** After the Board has recommended a pardon, the Governor has ninety (90) days to determine whether to grant or deny the pardon.

(b) **Governor action.** If the Governor grants the pardon request, the Pardon Certificate will be signed as approved. If the Governor denies the pardon request, the Governor will indicate denied on the Pardon Certificate. The Governor will file granted and denied Pardon Certificates with the Oklahoma Secretary of State.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

SUBCHAPTER 17. PROCESS FOLLOWING PARDON APPROVAL OR DENIAL

515:20-17-1. Pardon notifications

(a) **Applicant notification.** When the administrative staff of the Board receives notification of the Governor's action for the pardon consideration, the Applicant will be notified in writing. If the pardon is granted, the Applicant will also receive a copy of the Pardon Certificate. A granted pardon is effective as per the date on the Pardon Certificate.

(b) **Other agency notification.** If the pardon is granted, the following agencies will be notified and provided a copy of the Pardon Certificate: 1) Department of Corrections; 2) Oklahoma State Bureau of Investigation; and 3) Court clerk of the sentencing county.

(c) **Victim and Victim Representative Notification.** Any registered Victim or Victim Representative will be notified in writing of the Governor's action.

[Source: Added at 35 Ok Reg 1911, eff 9-14-18; Amended at 38 Ok Reg 2433, eff 9-11-21]

515:20-17-2. Reapplication after denial

If an Applicant is denied a pardon by either the Board or the Governor, the Applicant may reapply three (3) years from the date of the denial.

[Source: Added at 38 Ok Reg 2433, eff 9-11-21]

CHAPTER 25. PAROLE PROCEDURES

[Authority: OKLA. CONST. art VI, § 10; 57 O.S., § 332.7]

[Source: Codified 9-11-21]

SUBCHAPTER 1. GENERAL PROVISIONS

515:25-1-1. Purpose

(a) **Purpose.** This Chapter establishes rules and procedures used by the Pardon and Parole Board to implement the provisions of Article 6, Section 10 of the Oklahoma Constitution and Title 57 O.S. § 332.7.

(b) **Scope.** The rules in this Chapter include but are not limited to the Board's procedures for parole consideration. This Chapter is not intended to limit or expand the authority of the Pardon and Parole Board. The Pardon and Parole Board may change any procedure for good cause.

(c) **Severability.** The repeal or invalidity of any particular rule of this Chapter shall not affect other rules.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

515:25-1-2. Definitions

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.

"Board" means Pardon and Parole Board.

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

"Inmate" means a person who is in the physical custody of the Oklahoma Department of Corrections or incarcerated in another jurisdiction under a judgement by an Oklahoma district court.

"Jacket Review" means the review of the investigative report for the offender, as well as other material sent to the members of the Board, and is applied to those offenders that do not meet personal appearance criteria as determined by the Policy and Procedures Manual.

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

"Non-violent" means any offense that is not enumerated in 57 O.S. § 571.

"Notice of Inmate Status Change" means a change in the Inmate's status that may affect parole eligibility such as a sentence commutation, amended judgment and sentence, or rebilling to a consecutive sentence.

"Parole" means the conditional release of an offender who has served part of the term for which they were sentenced to prison, provided that such may be revoked if the offender fails to observe and abide by the conditions.

"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.

"Violent" means an offense that is enumerated in 57 O.S. § 571.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

SUBCHAPTER 3. INITIAL PAROLE CONSIDERATION

515:25-3-1. General eligibility

(a) **Eligibility.** An Inmate in the custody of the Department of Corrections, or incarcerated in another jurisdiction under a judgement by an Oklahoma district court, will be assigned a parole consideration date, unless an Inmate is:

- (1) Projected to discharge the sentence currently being served within 180 days of reception or rebill;
- (2) Committed to Department of Corrections custody under the Delayed Sentencing Program, and has not yet received a determinate sentence;
- (3) Committed to Department of Corrections custody for intermediate revocation of post-imprisonment supervision or deferred or suspended sentence, or for intermediate sanction for parole violation;
- (4) Returned as a parole violator with less than 28 months remaining to serve;
- (5) Sentenced to death;
- (6) Sentenced to life without parole;
- (7) Sentenced to time to serve in a non-Department of Corrections facility, such as the county jail, in-patient treatment facility, privately operated community facility, or the Office of Juvenile Affairs facility as Youthful Offender; or
- (8) Returned to custody after being released pursuant to the Rapid Repatriation Act.

(b) **Mandatory terms.** Parole eligibility date calculations are based on statute, and Inmates who are required to serve a mandatory term of incarceration prior to parole consideration are ineligible for parole consideration until the mandatory term has been served.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

515:25-3-2. Modification of parole eligibility date

Upon receipt of Notice of an Inmate Status Change, the parole investigator will determine whether the event will affect the Inmate's previously calculated docketed date and if it does, will revise the parole eligibility date within 30 days of receipt of the notice of the status change.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

SUBCHAPTER 5. VICTIM NOTIFICATION PROGRAM

515:25-5-1. Victim registration

(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.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

SUBCHAPTER 7. PAROLE HEARING PROCESS

515:25-7-1. Consideration of offenders convicted of non-violent offenses

(a) **Timing.** Inmates convicted of a non-violent offense shall be considered for parole during the regular meeting of the Pardon and Parole Board.

(b) **One stage.** Parole hearings for offenders convicted of a non-violent offense shall be conducted in one stage.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

515:25-7-2. Consideration of offenders convicted of violent offenses

(a) **Timing.** Inmates convicted of a violent offense shall have the first stage of their parole hearing conducted during the regular meeting of the Pardon and Parole Board.

(b) **Two stages.** Parole hearings for offender convicted of a violent offense shall be conducted in two stages.

(1) During stage one the Pardon and Parole Board will vote on whether or not to pass the offender to stage two for parole consideration.

(2) During stage two the Pardon and Parole Board will vote to determine whether parole is recommended for the offender.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

SUBCHAPTER 9. BOARD RECOMMENDATION AND ACTION

515:25-9-1. Board recommendation on violent offenses

At the Stage Two parole hearing for a violent offense, the Board will vote to either favorably recommend or deny parole for the Inmate. There are no limitations on the factors that the Board may consider in making its recommendation to the Governor. If a favorable vote is received, the Board's recommendation, the investigative report, along with any protests and support letters, will be forwarded to the Governor.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

515:25-9-2. Board parole of non-violent offenses.

At the Inmate's parole hearing for a non-violent offense, the Board will vote to either grant or deny parole to the Inmate. There are no limitations on the factors that the Board may consider in making its decision. If a favorable vote is received, the Board will have the authority to grant parole to the Inmate.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

SUBCHAPTER 11. RECONSIDERATION

515:25-11-1. Re-docketing of offenders after denial

(a) **Non-violent.** Inmates convicted of a non-violent offenses shall be reconsidered one year after the date of denial.

(b) **Violent.** Offenders convicted of violent offenses that are denied parole by the Pardon and Parole Board or by the Governor shall be reconsidered in accordance

with the following.

(1) Upon the completion of one-third (1/3) of the sentence, unless the one-third date is within twenty-four months of the initial consideration. If the one-third date is within twenty-four months of the initial consideration then the offender will be reconsidered two years from the date of denial; or

(2) Once the offender has passed their one-third date, reconsideration shall be three years from the date of denial, unless the offender is within one year of discharge; or

(3) One year prior to discharge.

(c) **Set off reconsideration.** The members of the Pardon and Parole Board may with a majority vote set off any offender's reconsideration for up to five years.

[Source: Added at 38 Ok Reg 2436, eff 9-11-21]

SUBCHAPTER 13. REVOCATION [RESERVED]