

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2422

By: Fetgatter

6 AS INTRODUCED

7 An Act relating to sex offenders; defining terms;
8 establishing conditions for parole eligibility for
9 certain sex offenders; requiring continuation of
certain treatment to maintain eligibility; stating
conditions for revocation of parole; requiring lab
and blood testing; directing the Department of
10 Corrections to promulgate rules; providing immunity
from civil or criminal liability; making provisions
11 of act prospective; amending 57 O.S. 2021, Section
332.21, which relates to parole eligibility;
12 authorizing parole for certain persons; amending 57
O.S. 2021, Section 512, which relates to the
13 supervisions of paroled inmates; providing an
exception for certain defined term; providing for
14 codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified

19 in the Oklahoma Statutes as Section 332.22 of Title 57, unless there
20 is created a duplication in numbering, reads as follows:

21 A. For purposes of this section:

22 1. "Hormonal treatment" means the administration of
23 medroxyprogesterone acetate;

1 2. "Mental health evaluation" means an examination performed by
2 a licensed mental health professional; and

3 3. "Sex offender" means any person over the age of twenty-one
4 (21) years who has committed a crime involving physical touch
5 against a minor under the age of thirteen (13) years that requires
6 registration as a sex offender as provided in the Sex Offenders
7 Registration Act.

8 B. 1. A sex offender who meets the criteria for parole
9 eligibility as provided for in Section 332.21 of Title 57 of the
10 Oklahoma Statutes and the following conditions:

11 a. a mental health evaluation is performed on the sex
12 offender to determine the likelihood that the sex
13 offender would commit subsequent offenses if released
14 on parole. If the mental health professional
15 determines that hormonal treatment would inhibit the
16 likelihood of subsequent offenses, the sex offender
17 may elect to receive hormonal treatment as a condition
18 of parole. The decision to receive hormonal treatment
19 shall be made voluntarily by the sex offender,

20 b. a licensed physician shall administer the hormonal
21 treatment to the sex offender six (6) weeks prior to
22 release, and

23 c. the sex offender shall continue to receive hormonal
24 treatment while imprisoned in the custody of the

Department of Corrections at an appropriate frequency as determined by a licensed physician.

2. Once a sex offender has met the conditions pursuant to paragraph 1 of this subsection, the sex offender shall continue to receive hormonal treatment at an appropriate frequency as determined by a licensed physician in order to remain eligible for parole unless it is determined by a licensed physician that hormonal treatment is no longer necessary.

3. A sex offender who:

- a. does not continue hormonal treatment as a condition of parole,
 - b. receives another treatment to reverse the effects of the hormonal treatment, or
 - c. commits subsequent offenses,

15 shall no longer remain eligible for parole and shall be subject to
16 imprisonment in the custody of the Department of Corrections.

17 4. A sex offender who commits a subsequent sex offense, as such
18 term is defined in Section 40 of Title 22 of the Oklahoma Statutes,
19 shall no longer remain eligible for parole and shall be sentenced to
20 imprisonment in the custody of the Department of Corrections for
21 life without parole. The sex offender shall be subject to lab or
22 blood testing at irregular intervals as determined by his or her
23 parole officer.

1 C. The Department of Corrections shall promulgate rules to
2 administer the provisions of this section.

3 D. A physician or mental health professional who acts in good
4 faith in compliance with this section in the administration of
5 treatment shall be immune from and not subject to civil or criminal
6 liability.

7 E. The provisions of this section shall only apply to sex
8 offenders convicted on or after the effective date of this act.

9 SECTION 2. AMENDATORY 57 O.S. 2021, Section 332.21, is
10 amended to read as follows:

11 Section 332.21. A. The Pardon and Parole Board is empowered to
12 parole a prisoner who:

13 1. Is sixty (60) years of age or older;

14 2. Has served, in actual custody, the shorter of ten (10) years
15 of the term or terms of imprisonment, or one-third (1/3) of the
16 total term or terms of imprisonment;

17 3. Poses minimal public safety risks warranting continued
18 imprisonment;

19 4. Is not imprisoned for a crime enumerated in Section 13.1 of
20 Title 21 of the Oklahoma Statutes or Section 571 of Title 57 of the
21 Oklahoma Statutes; and

22 5. Has not been convicted of a crime that would require the
23 person to be subject to the registration requirements of the Sex
24 Offenders Registration Act.

1 If the prisoner has been convicted for a crime as provided for
2 in paragraphs 4 and 5 of this subsection, the prisoner may be
3 paroled pursuant to the provisions in Section 1 of this act.

4 B. The authority to grant parole under Section 332.2 of ~~Title~~
5 ~~57 of the Oklahoma Statutes~~ this title shall rest with the Pardon
6 and Parole Board.

7 C. The Pardon and Parole Board shall use an evidence-based
8 risk-assessment instrument to assess the public safety risk posed by
9 aging prisoners upon release.

10 D. Unless eligible for release at an earlier date, an aging
11 prisoner who has been committed to the Department of Corrections for
12 a term or terms of imprisonment shall have the ability to request a
13 parole hearing before the Pardon and Parole Board if the prisoner
14 has served, in actual custody, the shorter of:

15 1. Ten (10) years of the term or terms of actual imprisonment;
16 or
17 2. One-third (1/3) of the total term or terms of imprisonment.

18 E. Once a prisoner requests a parole hearing under subsection A
19 of this section, the Pardon and Parole Board may place the prisoner
20 on the next available docket.

21 F. The Pardon and Parole Board may grant parole to a prisoner
22 if the Board finds by a preponderance of the evidence that the
23 prisoner, if released, can live and remain at liberty without posing
24 a substantial risk to public safety.

1 G. The Pardon and Parole Board may use the selected evidence-
2 based risk-assessment instrument to make the determination provided
3 for in subsection F of this section.

4 H. The Pardon and Parole Board may provide the prisoner the
5 opportunity to speak on his or her own behalf and the option of
6 having counsel present at the parole hearing.

7 I. For purposes of this section:

8 1. "Aging prisoner" means any person imprisoned by the
9 Department of Corrections who is sixty (60) years of age or older;
10 and

11 2. "Evidence-based" means programs or practices that have been
12 scientifically tested in controlled studies and proven to be
13 effective.

14 SECTION 3. AMENDATORY 57 O.S. 2021, Section 512, is
15 amended to read as follows:

16 Section 512. Any inmate in ~~a state penal institution~~ the
17 custody of the Department of Corrections who has been granted a
18 parole shall be released from the institution upon the following
19 conditions:

20 1. That ~~he~~ the inmate comply with specified requirements of the
21 Division of Community Services of the Department of Corrections
22 under the active supervision of a ~~Probation and Parole Officer~~
23 probation and parole officer. Such active supervision shall be for

1 a period not to exceed three (3) years, except as provided in
2 paragraph 2 of this section.; and

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

10 Provided, for the purposes of this section, the term "sex
11 offense" shall not include a violation of paragraph 1 of subsection
12 A of Section 1021 of Title 21 of the Oklahoma Statutes unless the
13 conditions of parole are those provided for in Section 1 of this
14 act.

15 The ~~Probation and Parole Officer~~ probation and parole officer,
16 upon information sufficient to give him or her reasonable grounds to
17 believe that the parolee has violated the terms of and conditions of
18 ~~his~~ parole, shall notify the Deputy Director of the Division of
19 Community Services in accordance with Section 516 of ~~Title 57 of the~~
20 ~~Oklahoma Statutes~~ this title.

21 SECTION 4. This act shall become effective November 1, 2025.
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