

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 2422

By: Fetgatter of the House

5 and

6 Gollihare of the Senate

9 AS INTRODUCED

10 An Act relating to sex offenders; defining terms;
11 establishing conditions for parole eligibility for
12 certain sex offenders; requiring continuation of
13 certain treatment to maintain eligibility; stating
14 conditions for revocation of parole; requiring lab
15 and blood testing; directing the Department of
16 Corrections to promulgate rules; providing immunity
17 from civil or criminal liability; making provisions
18 of act prospective; amending 57 O.S. 2021, Section
19 332.21, which relates to parole eligibility;
20 authorizing parole for certain persons; amending 57
21 O.S. 2021, Section 512, which relates to the
22 supervisions of paroled inmates; providing an
23 exception for certain defined term; providing for
24 codification; and providing an effective date.

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

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

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

A. For purposes of this section:

1 1. "Hormonal treatment" means the administration of
2 medroxyprogesterone acetate;
3
4 2. "Mental health evaluation" means an examination performed by
a licensed mental health professional; and
5
6 3. "Sex offender" means any person over the age of twenty-one
7 (21) years who has committed a crime involving physical touch
8 against a minor under the age of thirteen (13) years that requires
9 registration as a sex offender as provided in the Sex Offenders
Registration Act.

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

- 13 a. a mental health evaluation is performed on the sex
14 offender to determine the likelihood that the sex
15 offender would commit subsequent offenses if released
16 on parole. If the mental health professional
17 determines that hormonal treatment would inhibit the
18 likelihood of subsequent offenses, the sex offender
19 may elect to receive hormonal treatment as a condition
20 of parole. The decision to receive hormonal treatment
21 shall be made voluntarily by the sex offender,
22
23 b. a licensed physician shall administer the hormonal
24 treatment to the sex offender six (6) weeks prior to
release, and

1 c. the sex offender shall continue to receive hormonal
2 treatment while imprisoned in the custody of the
3 Department of Corrections at an appropriate frequency
4 as determined by a licensed physician.

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

11 3. A sex offender who:

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

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

19 4. A sex offender who commits a subsequent sex offense, as such
20 term is defined in Section 40 of Title 22 of the Oklahoma Statutes,
21 shall no longer remain eligible for parole and shall be sentenced to
22 imprisonment in the custody of the Department of Corrections for
23 life without parole. The sex offender shall be subject to lab or
24

1 blood testing at irregular intervals as determined by his or her
2 parole officer.

3 C. The Department of Corrections shall promulgate rules to
4 administer the provisions of this section.

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

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

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

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

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

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

19 3. Poses minimal public safety risks warranting continued
20 imprisonment;

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

1 5. Has not been convicted of a crime that would require the
2 person to be subject to the registration requirements of the Sex
3 Offenders Registration Act.

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

7 B. The authority to grant parole under Section 332.2 of ~~Title~~
8 ~~57 of the Oklahoma Statutes~~ this title shall rest with the Pardon
9 and Parole Board.

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

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

18 1. Ten (10) years of the term or terms of actual imprisonment;
19 or

20 2. One-third (1/3) of the total term or terms of imprisonment.

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

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

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

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

11 I. For purposes of this section:

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

15 2. "Evidence-based" means programs or practices that have been
16 scientifically tested in controlled studies and proven to be
17 effective.

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

20 Section 512. Any inmate in ~~a state penal institution~~ the
21 custody of the Department of Corrections who has been granted a
22 parole shall be released from the institution upon the following
23 conditions:

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

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

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

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

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

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
OVERSIGHT, dated 02/27/2025 - DO PASS.

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