

OFFICIAL

Oklahoma Administrative Code

**2011
EDITION**

Permanent Rules Filed with the Secretary of State as of August 15, 2011

Title 515

Pardon and Parole Board

Published by
Oklahoma Secretary of State

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Table of Contents

Title 515 *Oklahoma Administrative Code* *2011 Edition*

Preface	iii
How to cite the <i>OAC</i> and its supplements	iv
Title 515 - Pardon and Parole Board	1
Index to Title 515	Index-1

Preface

This Title publication has been extracted from the *2011 Edition* of the *Oklahoma Administrative Code (OAC)*, which supersedes all previous editions and supplements to the *OAC*. The *OAC*, prepared under the authority of 75 O.S., § 256, comprises the only *official* publication of Oklahoma's permanent rules and executive orders. The *2011 Edition* is a compilation of permanent rules that have been issued by agencies, as well as Executive Orders issued by the Governor, and includes updates filed with the Secretary of State as of August 15, 2011.

Full editions of the *OAC* are published every five years, and between full edition publications, cumulative supplements are published annually. Also, until each year's edition or supplement is published at the end of the year, the semi-monthly issues of *The Oklahoma Register* serve as additional official supplementation. At any given point in time, therefore, **current rules can be found** by checking the latest full edition of the *OAC* and the latest cumulative annual supplement, and by checking issues of the *Register* for permanent, preemptive, and emergency rule updates filed with the Secretary of State after the August 15 closing date for the latest annual *OAC* publication (full edition or supplement).

The *OAC*, its supplements, and the semi-monthly issues of the *Register* are available for public inspection at Oklahoma's depository libraries [as designated by the *Oklahoma Department of Libraries* at <http://www.odl.state.ok.us/sginfo/depsys.htm>], as well as at many County Clerks' offices around the state. They are also available at the Jan Eric Cartwright Memorial Law Library in the State Capitol Building and at the Secretary of State's Office of Administrative Rules.

OAC publications are also available for purchase. Each edition and each supplement can be purchased as a full set or by individual Title. Full set publications include a comprehensive *General Index*, and individual Title publications include a Title index. A *User's Guide to the OAC* is also available, and may be purchased separately.

For additional information about the *OAC*, or to order the *2011 Edition* or individual Titles, earlier *OAC* publications, the *General Index*, the *User's Guide*, or *The Oklahoma Register*, contact the Office of Administrative Rules:

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How to cite the *OAC* and its supplements

- To cite the *most recent* codification of a Section or Appendix in the *OAC*, do not cite a publication date. For example:

OAC 165:56-5-3
OAC 165:56, Appendix C

- To cite a *specific* codification of a Section or Appendix in the *OAC*, cite to the specific publication date. For example:

OAC (2011) 165:56-5-3
OAC (2011) 165:56, Appendix C

OAC (2010 Supp.) 165:56-5-3
OAC (2010 Supp.) 165:56, Appendix C

OAC (2009 Supp.) 165:56-5-3
OAC (2009 Supp.) 165:56, Appendix C

OAC (2008 Supp.) 165:56-5-3
OAC (2008 Supp.) 165:56, Appendix C

OAC (2007 Supp.) 165:56-5-3
OAC (2007 Supp.) 165:56, Appendix C

OAC (2006) 165:56-5-3
OAC (2006) 165:56, Appendix C

- For information about citing Parts, Subchapters, Chapters, and Titles in the *OAC*, see the *User's Guide to the OAC*.

TITLE 515. PARDON AND PAROLE BOARD

Chapter	Section
1. Procedures of the Pardon and Parole Board	515:1-1-1
3. Parole Docketing Procedures	515:3-1-1
5. IT Accessibility Compliance Representative	515:5-1-1

CHAPTER 1. PROCEDURES OF THE PARDON AND PAROLE BOARD

Subchapter	Section
1. General Provisions	515:1-1-1
3. General Operation	515:1-3-1
5. Notification	515:1-5-1
7. Meetings	515:1-7-1
9. Correspondence	515:1-9-1

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

SUBCHAPTER 1. GENERAL PROVISIONS

Section	Purpose
515:1-1-1.	Purpose
515:1-1-2.	Definitions

515:1-1-1. Purpose
 (a) **Purpose.** This Chapter establishes the organization and procedures of the Pardon and Parole Board.
 (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]

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:

"**Commutation**" means the change of a punishment to one which is less severe; as from execution to life imprisonment.
 "**Jacket Review**" means the review of the investigative report for the offender and is applied to those offenders that do not meet personal appearance criteria as determined by the Policy and Procedures Manual.
 "**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.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

SUBCHAPTER 3. GENERAL OPERATION

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

515:1-3-2. Availability of records

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, each day except Saturday, Sunday and state holidays.
 (b) **Communications.** Unless a person is working with a particular person, written communication to the Pardon and Parole Board agency staff shall be addressed to the Executive Director at the principal office.

[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]

515:1-3-2. Availability of records
 (a) **Availability.** Records of the Pardon and Parole Board, not otherwise confidential or privileged from disclosure by law, shall be available to the public for inspection and copying at the Pardon and Parole Board's principal office or other offices during normal business hours. The Pardon and Parole Board may take reasonable precautions in order to ensure the safety and integrity of records under its care.

(b) **Removal.** Records may not be removed from the Pardon and Parole Board's offices without written permission from the Executive Director.

(c) **Reproduction.**
 (1) **By the Pardon and Parole Board.** The Pardon and Parole Board may limit the number of copies made and the time and personnel available for reproduction of open records requested by a member of the public or refer the requester to the provisions of paragraphs two (2) and three (3) of this subsection.

(2) **Commercial reproduction.** With written permission from the Executive Director, persons may arrange for the pick-up, reproduction and return of open records by a commercial copying service at their expense.

(3) **Other.** With written permission from the Executive Director and if suitable floor space is available, a requester may bring in and use his own copy machine for the reproduction of open records.

(d) **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 presence of such correspondence)
 - (2) Correspondence from a person exercising their rights under the State Constitution
 - (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 or General Counsel pursuant to Oklahoma law.
- (e) **Certification.** Copies of official records of the Pardon and Parole Board may be certified by the Executive Director or designee.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

SUBCHAPTER 5. NOTIFICATION

Section

515:1-5-1.	Consideration of offenders
515:1-5-2.	Board recommendation
515:1-5-3.	Status updates
515:1-5-4.	Governor action

515:1-5-1. Consideration of offenders

- (a) **Internet posting.** A copy of the Regular Parole Docket is posted on the Internet at the Pardon and Parole Board's website: www.ppb.state.ok.us at least twenty days before each meeting and is available to any member of the public.
- (b) **District Attorneys.** A copy of the Regular Parole Docket as well as a copy of any Supplemental Docket(s) is posted on a portion of the Pardon and Parole Board's website with access restricted to District Attorneys or their designee.
- (1) **Regular Docket.** The Regular Docket will be available at least twenty days before each meeting.
 - (2) **Supplemental Dockets.** Any Supplemental Docket(s) will be available at least ten days before each meeting.
 - (3) **Paper copy of docket.** Anyone may request a paper copy of the docket. The request will be filled in a timely manner. The fee schedule will apply to the request, see 515:1-3-4.
- (d) **Victims and victims' representatives.** Any victim or victim's representative requesting prior notification of consideration for a specific offender will receive notice of parole consideration at least twenty days prior to the meeting. The

Department of Corrections is responsible for notification when an offender is released on parole or due to discharge.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

515:1-5-2. Board recommendation

- (a) **Telephone.** Anyone may call the offices of the Pardon and Parole Board on the Monday following a Board meeting after 2:00 p.m. to inquire about the Board's recommendation on a specific offender.
- (b) **Internet posting.** Following a Board meeting results will be posted on the Pardon and Parole Board's website in a timely manner by no later than twenty days after the meeting.
- (c) **District Attorneys.** Following a Board meeting results for all dockets will be posted on a portion of the Pardon and Parole Board's website with access restricted to the District Attorneys or their designee.
- (d) **Victims and victims' representatives.** Any victim or victims' representative requesting notification of the Board's recommendation will be notified no later than twenty 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]

515:1-5-3. Status updates

The Pardon and Parole Board will give status updates on Offenders recommended for clemency by the Board and awaiting Governor action each Tuesday from 8:30 a.m. to 4:00 p.m. Due to time constraints and deadlines that must be met by the Pardon and Parole Board, status updates are only available during this time.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

515:1-5-4. Governor action

- (a) **Sheriff and District Attorney.** Within ten days after the month of the Governor's action on an Offenders' parole file, the Sheriff and District Attorney in the county of residence will be notified, unless an out of state parole is granted. The Sheriff and District Attorney in the county of sentencing will also be notified, if different from the county of residence.
- (b) **Chief law enforcement officer - municipal.** Within ten days after the month of the Governors' action on an Offenders' parole file, the Chief law enforcement officer of the municipality of residence will be notified, unless an out of state parole is granted.
- (c) **Victim.** Within ten days after the month of the Governor's action on an Offenders' parole file, any Victim of any crime for which the Offender was convicted who has requested such notification will be notified of the Governor's action.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

SUBCHAPTER 7. MEETINGS

Section

515:1-7-1.	Attendance
515:1-7-2.	Public input

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 Department of Corrections facilities and the Department of Corrections is responsible for the security of everyone in attendance. Questions of admittance to the facility hosting the meeting will be determined by the Department of Corrections. Generally, Victims and Victims' Representatives will not appear at the same time as Offenders or their Delegations.

(b) **District Attorneys.** A portion of each meeting will be set aside for the members of the Pardon and Parole Board to hear from District Attorneys and other law enforcement personnel.

(c) **Victims and Victims' Representatives.** A portion of each meeting will be set aside for Victims and Victims' Representatives to address the members of the Board.

(d) **Offenders and Delegations.** A portion of each meeting will be set aside for the members of the Board to hear from and question Offenders and their Delegations.

(1) **Jacket Review.** Those Offenders that are being considered by the Board by Jacket Review may have Delegates appear on their behalf in accordance with the Policies and Procedures of the Pardon and Parole Board.

(2) **Personal Appearance.** Those Offenders making a Personal Appearance before the members of the Board will be allowed to appear along with their delegation in accordance with the Policies and Procedures of the Pardon and Parole Board.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

515:1-7-2. Public input

(a) **Business meeting.** The monthly business meeting portion of the Pardon and Parole Board's regular meeting will be held on a set day during a set time period as stated in the agenda for the meeting which will be available and posted no later than twenty-four hours prior to each Regular meeting.

(1) **Agenda item.** Only those people listed on the agenda will be allowed to address the members of the Board, without approval from the Chair. The Chair may recognize anyone to speak that is not listed on the agenda.

(2) **Placing item on 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 Pardon and Parole Board at least three days prior to the meeting for approval to place the item on the Agenda.

(b) **Victims and Victims' Representatives.** Victims and Victims' Representatives may address the members of the Board during the time designated for a maximum of five minutes. No more than two Victims or Victims' Representatives per Offender 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. Any Victim or Victims' Representative that appears at the meeting and addresses the Board waives confidentiality with regards to their appearance at the meeting and the statements made during the meeting.

(c) **District Attorneys.** District Attorneys and other law enforcement personnel may address the members of the Board during the time designated. 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.

(d) **Offender Delegations.** Delegations on behalf of Offenders may address the Board on the day designated for a maximum of two minutes. No more than two delegates may appear on behalf of an Offender and only one Delegate will be allowed to address the members of the Board.

(1) **Jacket Review.** Jacket Review Delegations will appear on a designated day and address the Board without the Offender being present. The Board will not make a recommendation concerning the Offender at that time.

(2) **Personal Appearance.** Personal Appearance Delegation will appear on a designated day at a designated time with the Offender present. The Board may make a recommendation concerning the Offender at that time.

(e) **Offenders.** Offenders that are making a personal appearance before the members of the Board may be allowed to address the Board or may be questioned by the members of the Board or a Pardon and Parole Board staff member at the discretion of the Chair. There is no time limit placed on an Offender's personal appearance.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

SUBCHAPTER 9. CORRESPONDENCE

Section

515:1-9-1.	Public correspondence with members of the Board
515:1-9-2.	Victims or Victims' Representatives correspondence
515:1-9-3.	Public correspondence with the agency

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

Anyone may write to the members of the Board concerning a specific Offender or concerning the business of the Pardon and Parole Board in general. All correspondence to the members of the Pardon and Parole Board must comply with the following:

- (1) **Return address.** All mail must show a valid return address on the outside of the envelope.
- (2) **Concerning.** The outside of the envelope must clearly show a brief description of the issue involved if the correspondence is of a general nature or the Name and DOC number of the Offender the correspondence concerns.
- (3) **Docket and Month.** The outside of the envelope must also clearly identify the Docket and Month on which the Offender is scheduled to be considered by the Board or the Month the author wishes the issue of a general nature to be addressed by the Board.
- (4) **Large packages.** The mailing of large packages to the members of the Board is not recommended. Envelopes should be no larger than 10" X 13". Standard letter size envelopes are preferred.
- (5) **Registered Mail.** Registered Mail should not be used when corresponding with Board members.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

515:1-9-2. Victims or Victims' Representatives correspondence

Victims or Victims' Representatives contesting the possibility of favorable action by the Board concerning an Offender

are not required to indicate on the outside of the envelope that they are "protesting" the named Offender, nor are they required to indicate that they are a Victim or Victims' Representative on the outside of the envelope.

[Source: Added at 20 Ok Reg 612, eff 1-31-03 (emergency); Added at 20 Ok Reg 1744, eff 6-12-03]

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

Anyone may send written correspondence to the Pardon and Parole Board agency at any time.

- (1) **Public record.** All written correspondence received by the Pardon and Parole Board agency is a public record unless declared confidential by applicable state law.
- (2) **Response.** The staff of the Pardon and Parole Board will respond to any correspondence that requires a response. The Executive Director has the authority to 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]

CHAPTER 3. PAROLE DOCKETING PROCEDURES

Subchapter	Section
1. General Provisions	515:3-1-1
3. Initial Parole Consideration	515:3-3-1
5. Parole Hearing Process	515:3-5-1
7. Reconsideration	515:3-7-1
9. Board Placement	515:3-9-1
11. Medical Docket	515:3-11-1

[Authority: OKLA. CONST. art VI, §10; 57 O.S., §332.7(F)]
 [Source: Codified 5-14-04]

SUBCHAPTER 1. GENERAL PROVISIONS

Section	Purpose
515:3-1-1.	Purpose
515:3-1-2.	Definitions

515:3-1-1. Purpose

(a) **Purpose.** This Chapter establishes procedures used by the Pardon and Parole Board to implement the provisions of subsections A, B and C of Section 332.7 of Title 57.

(b) **Scope.** The rules in this Chapter include but are not limited to procedures followed by the Board for the establishment of initial parole docket dates as well as dates for the reconsideration of persons denied parole. This Chapter also establishes the procedure used by the Board to determine what sentence a person eligible for parole consideration pursuant to subsection A of Section 332.7 of Title 57 would have received under the applicable matrix. 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 21 Ok Reg 1114, eff 5-13-04]

515:3-1-2. Definitions

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

"Commutation" means the change of a punishment to one that is less severe; as from execution to life imprisonment.

"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.

"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.

[Source: Added at 21 Ok Reg 1114, eff 5-13-04]

SUBCHAPTER 3. INITIAL PAROLE CONSIDERATION

Section	Crime committed prior to July 1, 1998
515:3-3-1.	Crime committed after July 1, 1998
515:3-3-2.	Eighty-five percent crimes committed after March 1, 2000
515:3-3-3.	Eighty-five percent crimes committed after June 5, 2001
515:3-3-4.	Drug offenses
515:3-3-5.	

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

(a) **Eligibility.** Offenders in the custody of the Department of Corrections for crimes committed prior to July 1, 1998 are eligible for parole upon:

- (1) Serving one-third (1/3) of the sentence;
- (2) Being sixty years old and serving fifty percent (50%) of the time of imprisonment provided in Sections 598 through 602, Chapter 133, O.S.L. 1997; excluding those offenders serving a sentence for a crime listed in Schedule A, S-1, S-2, or S-3 of Section 6, Chapter 133, O.S.L., 1997 or serving a sentence of life without parole;
- (3) Serving eight-five (85%) of the midpoint of the time of imprisonment provided in Schedule A, B, C, D, D-1, S-1, S-2, or S-3 of Section 6, Chapter 133, O.S.L. 1997, excluding those offenders serving a sentence of life without parole; or
- (4) Serving seventy-five (75%) of the midpoint of the time of imprisonment provided in any other Schedule not listed in paragraph (3) above; excluding those offender serving a sentence of life without parole.

(b) **Mandatory terms.** Offenders 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 21 Ok Reg 1114, eff 5-13-04]

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

(a) **Eligibility.** Offender in the custody of the Department of Corrections for crimes committed after July 1, 1998 are eligible for parole upon serving one-third (1/3) of the sentence;

excluding those offenders serving a sentence of life without parole and those offenders covered under subsections 515:3-3-3 and 515:3-3-4 below.

(b) **Mandatory term.** Offenders 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 21 Ok Reg 1114, eff 5-13-04]

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

Eligibility. Offenders in the custody of the Department of Correction for a crime listed in this section committed after March 1, 2000 are eligible for parole upon serving eighty-five percent (85%) of the sentence; excluding those offenders serving a sentence of life without parole.

- (1) First-degree murder.
- (2) Robbery with a dangerous weapon.
- (3) First-degree rape.
- (4) First-degree arson.
- (5) First-degree burglary.
- (6) Bombing.
- (7) Child abuse.
- (8) Forcible sodomy.
- (9) Child pornography.
- (10) Child prostitution.
- (11) Lewd molestation of a child.

[Source: Added at 21 Ok Reg 1114, eff 5-13-04]

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

Eligibility. Offenders in the custody of the Department of Correction for a crime listed in this section committed after June 5, 2001 are eligible for parole upon serving eighty-five percent (85%) of the sentence; excluding those offenders serving a sentence of life without parole.

- (1) Second-degree murder.
- (2) Manslaughter in the first degree.
- (3) Poisoning with intent to kill.
- (4) Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm.
- (5) Assault with intent to kill.
- (6) Conjoint robbery.
- (7) First-degree robbery.
- (8) Any crime against a child listed in 10 O.S. Section 7115.
- (9) Abuse of a vulnerable adult.

[Source: Added at 21 Ok Reg 1114, eff 5-13-04]

515:3-3-5. Drug offenses

Eligibility. Offenders in the custody of the Department of Corrections for violations of the Uniform Controlled Dangerous Substances Act shall have their parole eligibility calculated

in accordance with the Act. Specifically the provisions of 63 O.S. § 2-401 shall be applicable.

[Source: Added at 21 Ok Reg 1114, eff 5-13-04]

SUBCHAPTER 5. PAROLE HEARING PROCESS

Section

- 515:3-5-1. Consideration of offenders convicted of non-violent offenses
- 515:3-5-2. Consideration of offenders convicted of violent offenses

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

- (a) **Timing.** Offenders convicted of a non-violent offense shall be considered for parole during the regular meeting of the Pardon and Parole Board conducted two months prior to the offender's initial eligibility date.
- (b) **One stage.** Parole hearings for offenders convicted of a non-violent offense shall be conducted in one stage.

[Source: Added at 21 Ok Reg 1114, eff 5-13-04]

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

- (a) **Timing.** Offender 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 two months prior to the offender's initial eligibility date.
- (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 21 Ok Reg 1114, eff 5-13-04]

SUBCHAPTER 7. RECONSIDERATION

Section

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

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

- (a) **Non-violent.** The Pardon and Parole Board shall reconsider offenders convicted of non-violent offenses that are denied parole by the Pardon and Parole Board or by the Governor, one year from the date of their last consideration.
- (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 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.

(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.

(3) One year prior to discharge

[Source: Added at 21 Ok Reg 1114, eff 5-13-04]

SUBCHAPTER 9. BOARD PLACEMENT

Section

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

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

(a) With the concurrence of three members of the Pardon and Parole Board, an offender may be placed on a docket earlier than those prescribed above so long as the offender is not

subject to any mandatory terms as described in Subchapter 3 above.

(b) 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 21 Ok Reg 1114, eff 5-13-04]

SUBCHAPTER 11. MEDICAL DOCKET

Section

515:3-11-1. Medical docket

515:3-11-1. Medical docket

Offenders will be placed on a medical docket for the next available Regular meeting of the Pardon and Parole Board once the Director of the Department of Corrections pursuant to 57 O.S. § 332.18 recommends an offender for the medical docket.

[Source: Added at 21 Ok Reg 1114, eff 5-13-04]

CHAPTER 5. IT ACCESSIBILITY COMPLIANCE REPRESENTATIVE

Subchapter	Section
1. General Provisions	515:5-1-1
3. Responsibilities	515:5-3-1
5. Procedures	515:5-5-1

[Authority: OKLA. CONST. art VI, §10; 57 O.S., §332 et seq.]
 [Source: Codified 7-25-11]

SUBCHAPTER 1. GENERAL PROVISIONS

Section	Purpose
515:5-1-1.	Purpose
515:5-1-2.	Definitions

515:5-1-1. Purpose

(a) **Purpose.** This Chapter provides information and establishes procedures to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of Title 62, Section 41.5(t) and Section 508 of the Rehabilitation Act (29 U.S.C. 794(d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998.

(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 28 Ok Reg 2290, eff 7-25-11]

515:5-1-2. Definitions

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

"Accessibility" means compliance with nationally accepted accessibility and usability standards, such as those established in Section 508 of the Rehabilitation Act (29 U.S.C. 794(d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998;

"Accommodation" means changes in the way things are customarily done that enable individuals with disabilities to enjoy equal access and benefits. Most often in these standards the term refers to the provision of effective communication through delivery of auxiliary aids and services such as qualified interpreters, note takers, transcription or captioning, qualified readers, Braille, video description and assistive devices.

"Alternate formats" means formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats.

"Alternate methods" means a different means of providing information, including product documentation, to people with disabilities. Alternate methods may include, but are not

limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

"Appointing authority" means the chief administrative officer of an agency. As the term is used in this chapter, the term includes employees of an agency to whom the Appointing Authority has lawfully delegated authority to act on his or her behalf.

"Assistive Technology Device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

"Captioning" means a written representation of audio or dialogue that accompanies video information. Captions are similar to subtitles but also convey non-dialogue auditory information that is important to the video, such as laughter.

"Director" means the Director of the Office of State Finance.

"Electronic content" means electronic information presented in aural, visual, or textual manner, which is produced, manipulated, or provided by information technology, including, but not limited to formats such as work processor documents, spreadsheets, PDF's, images, slideshows/presentations, and markup languages.

"Individual with Disabilities" means any individual who is considered to have a disability or handicap for the purposes of any Federal or Oklahoma law.

"Information Technology" or **"IT"** means any electronic information equipment or *interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including audio, graphic and text.* [62 O.S., Section 41.5(t).1]

"Oklahoma Information Technology Accessibility Standards" or **"IT Accessibility Standards"** or **"Standards"** means the accessibility standards adopted by the Office of State Finance together with the Department of Central Services, to address all technical standard categories of Section 508 of the Rehabilitation Act (29 U.S.C. 794(d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998 to be used by each state agency in the procurement of information technology, and in the development and implementation of custom-designed information technology systems, web sites, and other emerging information technology systems.

"Operable Controls" means a component of a product that requires physical contact for normal operation. Operable

controls include, but are not limited to, mechanically operated controls, input and output trays, card slots, keyboards, or keypads.

"Section 508" means Section 508 of the Rehabilitation Act (29 U.S.C. 794(d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998.

"Self-Contained, Closed Products" means products that generally have embedded software and are commonly designed in such a fashion that a user could not easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, fax machines, voting machines and other similar types of products.

"State agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding political subdivisions of the state. State agency shall include the Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education and Technology Center school districts. [62 O.S., Section 41.5(t).1]

"Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

"Television Broadcast" means any video production that was distributed via an FCC regulated television station, but does not include the same video production distributed or redistributed via the Internet or an internal Intranet.

"Teletypewriter" or **"TTY"** means machinery or equipment that employs interactive text-based communications through the transmission of coded signals across the telephone network. TTY's may include devices known as TDD's (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTY's are also called text telephones.

"Undue Burden" means *significant difficulty or expense, including, but not limited to, difficulty or expense associated with technical feasibility.* [62 O.S., Section 41.5(t).1]

"Video Description" means the insertion of verbal descriptions about the setting and/or action in a video program when information about these visual elements is not contained in the audio portion of the program. These descriptions supplement the regular audio track of the program. Video descriptions are a way to let people who are blind or have low vision know what is happening on screen.

"Web pages" means electronic content connected to the World Wide Web or an intranet and available via a browser.

[Source: Added at 28 Ok Reg 2290, eff 7-25-11]

SUBCHAPTER 3. RESPONSIBILITIES

Section
515:5-3-1. Responsibilities

515:5-3-1. Responsibilities

(a) **Designation.** The Appointing authority shall designate an Accessibility Compliance Representative(s) to:

- (1) Ensure all electronic and information technology produced, procured, or developed by the agency is accessible to the disabled;
- (2) Receive, investigate and process formal complaints alleging the agency's failure to comply with electronic and information technology accessibility laws, rules and/or standards;
- (3) Assist complainants to ensure a complaint is clear and complies with this Chapter;
- (4) Upon receipt of a formal complaint, thoroughly investigate other instances of similar accessibility issues in related systems within the agency.
- (5) Annually execute a certified statement assuring compliance with state Standards and submit to the Information Services Division with the long-range plan prescribed by the Office of State Finance in accordance with 62 O.S., Section 41.5(e).

(b) The name and contact information of the designated Accessibility Compliance Representative shall be filed and updated, whenever necessary, with the Office of State Finance, Department of Central Services and Oklahoma ABLE Tech.

(c) The name and contact information of the Accessibility Compliance Representative shall be published on the agency website.

[Source: Added at 28 Ok Reg 2290, eff 7-25-11]

SUBCHAPTER 5. PROCEDURES

Section	
515:5-5-1.	Filing a formal complaint
515:5-5-2.	Processing a complaint
515:5-5-3.	Review of final agency decision
515:5-5-4.	Annual complaint report
515:5-5-5.	Evaluation of proposed custom-designed information technology systems

515:5-5-1. Filing a formal complaint

(a) Any individual may file a complaint alleging that this agency or its authorized agent does not comply with electronic and information technology accessibility laws or the Information Technology Accessibility Standards.

(b) The written complaint shall be filed with this agency if it is the agency responsible for the information technology in question.

(c) The written complaint must:

- (1) state the name, contact address and telephone number of the complainant;
- (2) identify the information technology in question; and
- (3) describe the non-conformance with the IT Accessibility standards in sufficient detail as to allow a thorough investigation.

(d) The agency Accessibility Compliance Representative will review the complaint, and when necessary, work with the

complainant to ensure the complaint is clear and is addressed by the IT Accessibility Standards.

515:5-5-2. Processing a complaint

(a) Upon receipt of a complaint, the agency Accessibility Compliance Representative will review the complaint to determine whether the technology listed in the complaint is subject to the IT Accessibility Standards.

(b) The Accessibility Compliance Representative will send a written notice to the complainant within ten (10) business days, excluding holidays, from the receipt of the written complaint, which will include:

- (1) a statement indicating whether the technology in question is or is not subject to the IT Accessibility Standards;
- (2) a statement that the agency will conduct a review to confirm whether the technology in question is non-compliant, if the technology in question has been determined to be subject to the IT Accessibility Standards; and
- (3) a copy of these complaint procedures.

(c) The Accessibility Compliance Representative will conduct a review within thirty (30) days from the receipt of the written complaint to determine whether the technology in question is non-compliant. The Information Services Director, Office of State Finance and/or the Electronic and Information Technology Accessibility (EITA) Advisory Council may assist the review, if necessary.

(d) Upon completion of the review, the agency shall provide written notice of the results of the review to the complainant, the Office of State Finance and the EITA Advisory Council, which shall include one of the following:

- (1) documentation that the technology conforms to all applicable accessibility standards;
- (2) a documented explanation that any non-conformance with accessibility standards was exempted due to an exception or undue burden; or
- (3) an agreement in part or in whole with the written complaint that includes a plan with reasonable timelines for conforming to applicable IT Accessibility Standards.

[Source: Added at 28 Ok Reg 2290, eff 7-25-11]

515:5-5-3. Review of final agency decision

(a) If a complainant is not satisfied with the final compliance response issued by the agency, a complaint may be refilled with the agency or with the Information Services Director of the Office of State Finance (OSF) and the EITA Advisory Council, c/o: Oklahoma ABLE Tech.

(b) Whenever a complaint is filed with OSF and the EITA Advisory Council pursuant to this section, a review team will convene to review the complaint and the agency response. Members of this team shall include a representative of the

IT Services Division of OSF, a representative of the EITA Advisory Council and may include additional members with technical expertise needed to determine conformance with the Accessibility Standards.

(c) Written notice of receipt of a complaint pursuant to this section shall be sent to the complainant, within ten (10) business days, excluding holidays, from the date the complaint is filed with either entity.

(d) The review team shall evaluate the complaint and the agency response and may gather additional information as necessary to render an independent decision.

(1) If the review team determines the technology does not comply with IT Accessibility Standards, the team shall send written notice to the agency of such findings and request a plan of resolution including timelines.

(2) The team shall also send written notice of their findings to the complainant and the agency indicating an agreement or disagreement with the agency's initial complaint response. If the technology in question is out of compliance, the written notice shall also include a copy of the agency's plan for resolution.

(e) The review team must conclude this review and send the final written notice to the complainant and the agency no later than sixty (60) calendar days from the receipt of the written complaint with the Office of State Finance or EITA Advisory Council.

[Source: Added at 28 Ok Reg 2290, eff 7-25-11]

515:5-5-4. Annual complaint report

(a) The agency will maintain summary and statistical information about the number, nature and outcome of all formal complaints filed.

(b) A complaint report containing such information shall be provided to the Office of State Finance on October 1 of each year.

[Source: Added at 28 Ok Reg 2290, eff 7-25-11]

515:5-5-5. Evaluation of proposed custom-designed information technology systems

(a) The agency shall evaluate the accessibility of any proposed custom-designed information technology system prior to the expenditure of state funds in accordance with review procedures prescribed by the Director.

(b) The agency shall certify the results of the review in writing on a form prescribed by the Director. If applicable, the form shall include a declaration that the agency has determined that an undue burden or exception exists.

[Source: Added at 28 Ok Reg 2290, eff 7-25-11]