

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 56th Legislature (2017)

3 HOUSE BILL 1097

By: Jordan

4
5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2011, Section 510, as last amended
9 by Section 20, Chapter 42, O.S.L. 2017 (57 O.S. Supp.
10 2017, Section 510), which relates to the Oklahoma
11 Corrections Act of 1967; modifying powers and duties
12 of the Director; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510, as last
15 amended by Section 20, Chapter 42, O.S.L. 2017 (57 O.S. Supp. 2017,
16 Section 510), is amended to read as follows:

17 Section 510. A. The Director of the Department of Corrections
18 shall have the following specific powers and duties relating to the
19 penal institutions:

20 1. To appoint, subject to the approval of the State Board of
21 Corrections, a warden for each penal institution, who shall qualify
22 for the position by character, knowledge, skill, ability, training,
23 and successful administrative experience in the correctional field;
24 and if the person is not the incumbent warden or superintendent of a
penal institution, the person shall have a bachelor's degree from an

1 accredited college or university and six (6) years of professional
2 level work experience in corrections;

3 2. To fix the duties of the wardens and superintendents and to
4 appoint and fix the duties and compensation of such other personnel
5 for each institution as may be necessary for the proper operation
6 thereof. However, correctional officers hired after November 1,
7 1995, shall be subject to the following qualifications:

8 a. the minimum age for service shall be twenty (20) years
9 of age. The Director shall have the authority to
10 establish the maximum age for correctional officers
11 entering service,

12 b. possession of a minimum of thirty (30) semester hours
13 from an accredited college or university, or
14 possession of a high school diploma acquired from an
15 accredited high school or GED equivalent testing
16 program and graduation from a training course
17 conducted by or approved by the Department and
18 certified by the Council on Law Enforcement Education
19 and Training either prior to employment or during the
20 first six (6) months of employment,

21 c. be of good moral character,

22 d. before going on duty alone, satisfactory completion of
23 an adequate training program for correctional
24 officers, as prescribed and approved by the State

1 Board of Corrections; provided, however, correctional
2 officers reinstated within three (3) years of
3 separating from the Department shall not be required
4 to repeat preservice training. The Director or
5 designee may, however, require the correctional
6 officers to attend updated training to ensure
7 compliance with agency training standards,

8 e. satisfactory completion of minimum testing or
9 professional evaluation through the Merit System of
10 Personnel Administration to determine the fitness of
11 the individual to serve in the position. All written
12 evaluations shall be submitted to the Department of
13 Corrections, and

14 f. satisfactory completion of a physical in keeping with
15 the conditions of the job description on an annual
16 basis and along the guidelines as established by the
17 Department of Corrections;

18 3. To designate as peace officers qualified personnel in any
19 Department of Corrections job classifications. The Director shall
20 designate as peace officers correctional officers who are employed
21 in positions requiring said designation. The peace officer
22 authority of employees designated as peace officers shall be limited
23 to: maintaining custody of prisoners; preventing attempted escapes;
24 pursuing, recapturing and incarcerating escapees and parole or

1 probation violators and arresting such escapees, parole or probation
2 violators, serving warrants, and performing any duties specifically
3 required for the job descriptions. Such powers and duties of peace
4 officers may be exercised for the purpose of maintaining custody,
5 security, and control of any prisoner being transported outside this
6 state as authorized by the Uniform Criminal Extradition Act. To
7 become qualified for designation as peace officers, employees shall
8 meet the training and screening requirements conducted by the
9 Department and certified by the Council on Law Enforcement Education
10 and Training within twelve (12) months of employment or, in the case
11 of employees designated as peace officers on or before July 1, 1997,
12 by July 1, 1998, and shall not be subject to Section 3311 of Title
13 70 of the Oklahoma Statutes;

14 4. To maintain such industries, factories, plants, shops,
15 farms, and other enterprises and operations, hereinafter referred to
16 as prison industries, at each institution as the State Board of
17 Corrections deems necessary or appropriate to employ the prisoners
18 or teach skills, or to sustain the institution; and as provided for
19 by policies established by the State Board of Corrections, to allow
20 compensation for the work of the prisoners, and to provide for
21 apportionment of inmate wages, the amounts thus allowed to be kept
22 in accounts by the Board for the prisoners and given to the inmates
23 upon discharge from the institution, or upon an order paid to their
24 families or dependents or used for the personal needs of the

1 prisoners. Any industry that employs prisoners shall be deemed a
2 "State Prison Industry" if the prisoners are paid from state funds
3 including the proceeds of goods sold as authorized by Section 123f
4 of Title 74 of the Oklahoma Statutes. Any industry in which wages
5 of prisoners are paid by a nongovernmental person, group, or
6 corporation, except those industries employing prisoners in work-
7 release centers under the authority of the Department of Corrections
8 shall be deemed a "Private Prison Industry";

9 5. To assign residences at each institution to institutional
10 personnel and their families;

11 6. To provide for the education, training, vocational
12 education, rehabilitation, and recreation of prisoners;

13 7. To regulate the operation of canteens for prisoners;

14 8. To prescribe rules for the conduct, management, and
15 operation of each institution, including rules for the demeanor of
16 prisoners, the punishment of recalcitrant prisoners, the treatment
17 of incorrigible prisoners, and the disposal of property or
18 contraband seized from inmates or offenders under the supervision of
19 the Department;

20 9. To transfer prisoners from one institution to another;

21 10. To establish procedures that ensure inmates are educated
22 and provided with the opportunity to execute advance directives for
23 health care in compliance with Section 3101.2 of Title 63 of the
24 Oklahoma Statutes. The procedures shall ensure that any inmate

1 executing an advance directive for health care is competent and
2 executes the directive with informed consent;

3 11. To maintain courses of training and instruction for
4 employees at each institution;

5 12. To maintain a program of research and statistics;

6 13. To provide for the periodic audit, at least once annually,
7 of all funds and accounts of each institution and the funds of each
8 prisoner;

9 14. To provide, subject to rules established by the State Board
10 of Corrections, for the utilization of inmate labor for any agency
11 of the state, city, town, or subdivision of this state, upon the
12 duly authorized request for such labor by the agency. The inmate
13 labor shall not be used to reduce employees or replace regular
14 maintenance or operations of the agency. The inmate labor shall be
15 used solely for public or state purposes. No inmate labor shall be
16 used for private use or purpose. Insofar as it is practicable, all
17 inmate labor shall be of such a nature and designed to assist and
18 aid in the rehabilitation of inmates performing the labor;

19 15. To provide clerical services for, and keep and preserve the
20 files and records of, the Pardon and Parole Board; make
21 investigations and inquiries as to prisoners at the institutions who
22 are to be, or who might be, considered for parole or other clemency;
23 assist prisoners who are to be, or who might be, considered for
24 parole or discharge in obtaining suitable employment in the event of

1 parole or discharge; report to the Pardon and Parole Board, for
2 recommendation to the Governor, violations of terms and conditions
3 of paroles; upon request of the Governor, make investigations and
4 inquiries as to persons who are to be, or who might be, considered
5 for reprieves or leaves of absence; report to the Pardon and Parole
6 Board, for recommendation to the Governor, whether a parolee is
7 entitled to a pardon, when the terms and conditions of the parole
8 have been completed; make presentence investigations for, and make
9 reports thereof to, trial judges in criminal cases before sentences
10 are pronounced; supervise persons undergoing suspended sentences, or
11 who are on probation or parole; and develop and operate, subject to
12 the policies and guidelines of the Board, work-release centers,
13 community treatment facilities or prerelease programs at appropriate
14 sites throughout this state;

15 16. To establish an employee tuition assistance program and
16 promulgate rules in accordance with the Administrative Procedures
17 Act for the operation of the program. The rules shall include, but
18 not be limited to, program purposes, eligibility requirements, use
19 of tuition assistance, service commitment to the Department,
20 reimbursement of tuition assistance funds for failure to complete
21 course work or service commitment, amounts of tuition assistance and
22 limitations, and record keeping;

23 17. To establish an employee recruitment and referral incentive
24 program and promulgate rules in accordance with the Administrative

1 Procedures Act for the operation of the program. The rules shall
2 include, but not be limited to, program purposes, pay incentives for
3 employees, eligibility requirements, payment conditions and amounts,
4 payment methods, and record keeping;

5 18. To provide reintegration referral services to any person
6 discharged from the state custody who has volunteered to receive
7 reintegration referral services. The Director may assign staff to
8 refer persons discharged from state custody to services. The
9 Director shall promulgate rules for the referral process. All
10 reintegration referral services shall be subject to the availability
11 of funds;

12 19. To conduct continual planning and research and periodically
13 evaluate the effectiveness of the various correctional programs
14 instituted by the Department; manage the designing, building, and
15 maintaining of all the capital improvements of the Department;
16 establish and maintain current and efficient business, bookkeeping,
17 and accounting practices and procedures for the operations of all
18 institutions and facilities, and for the Department's fiscal
19 affairs; conduct initial orientation and continuing in-service
20 training for the Department employees; provide public information
21 services; inspect and examine the condition and management of state
22 penal and correctional institutions; investigate complaints
23 concerning the management of prisons or alleged mistreatment of
24

1 inmates thereof; and hear and investigate complaints as to
2 misfeasance or nonfeasance of employees of the Department;

3 20. To authorize any division of the Department to sell
4 advertising in any Department-approved publication, media production
5 or other informational material produced by the Department;
6 provided, that such advertising shall be approved by the Director or
7 designee prior to acceptance for publication. The sale of
8 advertising and negotiation of rates for the advertising shall not
9 be subject to The Oklahoma Central Purchasing Act or the
10 Administrative Procedures Act. The Department shall promulgate
11 rules establishing criteria for accepting or using advertisements as
12 authorized in this paragraph;

13 21. To issue subpoenas to assist or further investigations into
14 allegations of crimes committed in public or private prisons within
15 the State of Oklahoma. Subpoenas issued by the Director shall be
16 enforced by the District Court in Oklahoma County, Oklahoma;

17 22. To authorize award of the badge of an employee who dies
18 while employed by the Department to the spouse or next of kin of the
19 deceased employee;

20 23. To establish, in conjunction with the Information Services
21 Division of the Office of Management and Enterprise Services, an
22 emergency alert notification system for the public, capable of
23 distributing notifications of facility emergencies or prisoner
24

1 escapes for all facilities and each facility of the Department of
2 Corrections; ~~and~~

3 24. To declare an emergency when, due to shortage of staff,
4 correctional officers at a facility are required to work more than
5 two double shifts in a seven-day period. As used in this paragraph,
6 "double shift" means two eight-hour shifts in a twenty-four-hour
7 period; and

8 25. To sell, subject to the approval of the State Board of
9 Corrections, any real property which, in the opinion of the
10 Director, is no longer serviceable, useful or necessary for
11 operations of the Department of Corrections. The real property
12 shall be sold for cash to the highest and best bidder after notice
13 by publication in a newspaper published in the county where the real
14 property is situated in two (2) consecutive weekly issues of the
15 newspaper. Proceeds from the sale of any real property shall be
16 deposited in the Department of Corrections Revolving Fund provided
17 for in Section 557 of this title. On or before January 1 of each
18 year, the Director shall provide a report to the Speaker of the
19 House of Representatives and the President Pro Tempore of the Senate
20 of any and all real property sold by the Department for the previous
21 year. In addition, the report shall provide a brief description of
22 the real property sold, the address of the real property, whether
23 the real property included any structures, the reason for selling
24 the real property, and the amount of proceeds derived from the sale

1 of said real property. As used in this paragraph, "real property"
2 means land, and whatever is erected, growing upon or affixed to the
3 land.

4 B. When an employee of the Department of Corrections has been
5 charged with a violation of the rules of the Department or with a
6 felony pursuant to the provisions of a state or federal statute, the
7 Director may, in the Director's discretion, suspend the charged
8 employee, in accordance with the Oklahoma Personnel Act and/or the
9 Merit System of Personnel Administration Rules, pending the hearing
10 and final determination of the charges. Notice of suspension shall
11 be given by the Director, in accordance with the provisions of the
12 Oklahoma Personnel Act. If after completion of the investigation of
13 the charges, it is determined that such charges are without merit or
14 are not sustained before the Oklahoma Merit Protection Commission or
15 in a court of law, the employee shall be reinstated and shall be
16 entitled to receive all lost pay and benefits.

17 This subsection shall in no way deprive an employee of the right
18 of appeal according to the Oklahoma Personnel Act.

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23

24 56-1EX-50090 GRS 09/24/17