

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 2187

By: Hickman, Hoskin and Sherrer  
of the House

6 and

7 Griffin of the Senate

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to corrections; amending 57 O.S.  
11 2011, Sections 510.9, as amended by Section 1,  
12 Chapter 146, O.S.L. 2013, and 510.10 (57 O.S. Supp.  
13 2014, Section 510.9), which relate to electronic  
14 monitoring of inmates; authorizing Pardon and Parole  
15 Board to use electronic monitoring devices for  
16 parolees; modifying inclusions; and providing an  
17 effective date.

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

19 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, as  
20 amended by Section 1, Chapter 146, O.S.L. 2013 (57 O.S. Supp. 2014,  
21 Section 510.9), is amended to read as follows:

22 Section 510.9. A. There is hereby created the Electronic  
23 Monitoring Program for inmates in the custody of the Department of  
24 Corrections who are sentenced for a nonviolent offense as defined by  
Section 571 of this title. The Department is authorized to use an

1 electronic monitoring global positioning device to satisfy its  
2 custody duties and responsibilities.

3 B. After an inmate has been processed and received through a  
4 Department Assessment and Reception Center, has been incarcerated  
5 for a minimum of ninety (90) days, and has met the criteria  
6 established in subsection C of Section 521 of this title, the  
7 Director of the Department of Corrections may assign the inmate, if  
8 eligible, to the Electronic Monitoring Program. Nothing shall  
9 prohibit the Director from assigning an inmate to the Electronic  
10 Monitoring Program while assigned to the accredited halfway house or  
11 transitional living facility. The following inmates, youthful  
12 offenders, and juveniles shall not be eligible for assignment to the  
13 program:

14 1. Any inmate serving a sentence of more than five (5) years  
15 who has eleven (11) months or more left on the sentence or any  
16 inmate serving a sentence of five (5) years or less whose initial  
17 custody assessment requires placement above the minimum security  
18 level;

19 2. Inmates convicted of a violent offense within the previous  
20 ten (10) years pursuant to Section 571 of this title;

21 3. Inmates convicted of any violation of the provisions of the  
22 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63  
23 of the Oklahoma Statutes;

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- 1       4. Inmates denied parole within the previous twelve (12) months  
2 pursuant to Section 332.7 of this title;
- 3       5. Inmates convicted pursuant to Section 11-902 of Title 47 of  
4 the Oklahoma Statutes who are not receptive to substance abuse  
5 treatment and follow-up treatment;
- 6       6. Inmates removed from the Electronic Monitoring Program or  
7 any other alternative to incarceration authorized by law for  
8 violation of any rule or condition of the program and reassigned to  
9 imprisonment in a correctional facility;
- 10      7. Inmates deemed by the Department to be a security risk or  
11 threat to the public;
- 12      8. Inmates requiring educational, medical or other services or  
13 programs not available in a community setting as determined by the  
14 Department;
- 15      9. Inmates convicted of any violation of subsection C of  
16 Section 644 of Title 21 of the Oklahoma Statutes or who have an  
17 active protection order that was issued under the Protection from  
18 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the  
19 Oklahoma Statutes;
- 20      10. Inmates who have outstanding felony warrants or detainers  
21 from another jurisdiction;
- 22      11. Inmates convicted of a sex offense who, upon release from  
23 incarceration, would be required by law to register pursuant to the  
24 Sex Offender Registration Act;

1 12. Inmates convicted of racketeering activity as defined in  
2 Section 1402 of Title 22 of the Oklahoma Statutes;

3 13. Inmates convicted pursuant to subsection F of Section 2-401  
4 of Title 63 of the Oklahoma Statutes;

5 14. Inmates convicted pursuant to Section 650 of Title 21 of  
6 the Oklahoma Statutes;

7 15. Inmates who have escaped from a penal or correctional  
8 institution within the previous ten (10) years; or

9 16. Inmates who currently have active misconduct actions on  
10 file with the Department of Corrections.

11 C. Every eligible inmate assigned to the Electronic Monitoring  
12 Program shall remain in such program until one of the following  
13 conditions has been met:

14 1. The inmate discharges the term of the sentence;

15 2. The inmate is removed from the Electronic Monitoring Program  
16 for violation of any rule or condition of the program and reassigned  
17 to imprisonment in a correctional facility; or

18 3. The inmate is paroled by the Governor pursuant to Section  
19 332.7 of this title.

20 D. After an inmate has been assigned to the Electronic  
21 Monitoring Program, denial of parole pursuant to Section 332.7 of  
22 this title, shall not be cause for removal from the program,  
23 provided the inmate has not violated the rules or conditions of the  
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1 program. The inmate may remain assigned to the program, if  
2 otherwise eligible, until the completion of the sentence.

3 E. The Electronic Monitoring Program shall require active  
4 supervision of the inmate in a community setting by a correctional  
5 officer or other employee of the Department of Corrections with  
6 monitoring by a global positioning device approved by the Department  
7 under such rules and conditions as may be established by the  
8 Department. If an inmate violates any rule or condition of the  
9 program, the Department may take necessary disciplinary action  
10 consistent with the rules established pursuant to this section,  
11 including reassignment to a higher level of security or removing the  
12 inmate from the program with reassignment to imprisonment in a  
13 correctional facility. Any inmate who escapes from the Electronic  
14 Monitoring Program shall be subject to the provisions of Section 443  
15 of Title 21 of the Oklahoma Statutes.

16 F. Upon an inmate assigned to the Electronic Monitoring Program  
17 becoming eligible for parole consideration, pursuant to Section  
18 332.7 of this title, the Department of Corrections shall deliver the  
19 inmate, in person, to a correctional facility for interview,  
20 together with any Department records necessary for the Pardon and  
21 Parole Board's investigation. Inmates assigned to the Electronic  
22 Monitoring Program shall not be allowed to waive consideration or  
23 recommendation for parole.

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1 G. Prior to placement of any eligible inmate assigned to the  
2 Electronic Monitoring Program being placed in a community setting,  
3 the Department of Corrections shall deliver a written notification  
4 to the sheriff and district attorney of the county, and the chief  
5 law enforcement officer of any incorporated city or town in which  
6 the inmate is to be monitored and supervised under the program. The  
7 district attorney shall disseminate such information to victims of  
8 the crime for which the inmate is serving sentence, if any, when the  
9 victims are known to live in the same city, town or county.

10 H. An inmate assigned to the Electronic Monitoring Program may  
11 be required to pay the Department of Corrections for all or part of  
12 any monitoring equipment or fee, substance abuse treatment program  
13 or follow-up treatment expense, supervision cost, or other costs  
14 while assigned to the program. The Department shall determine  
15 whether the inmate has the ability to pay all or part of such fee or  
16 costs.

17 I. The Department of Corrections shall promulgate and adopt  
18 rules and procedures necessary to implement the Electronic  
19 Monitoring Program, including but not limited to methods of  
20 monitoring and supervision, disciplinary action, reassignment to  
21 higher and lower security levels, removal from the program, and  
22 costs of monitoring and supervision to be paid by the inmate, if  
23 any.

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1 J. An inmate assigned to the Electronic Monitoring Program  
2 shall, within thirty (30) days of being placed in a community  
3 setting, report to the court clerk and the district attorney of the  
4 county from which the judgment and sentence resulting in  
5 incarceration arose to address payment of any fines, costs,  
6 restitution and assessments owed by the inmate, if any.

7 SECTION 2. AMENDATORY 57 O.S. 2011, Section 510.10, is  
8 amended to read as follows:

9 Section 510.10 A. The Department of Corrections ~~is~~ and the  
10 Pardon and Parole Board are hereby authorized to use electronic  
11 monitoring devices for any inmate sentenced for a crime ~~or for~~, any  
12 person granted parole, or as disciplinary sanction as authorized by  
13 law.

14 B. The electronic monitoring of an inmate pursuant to this  
15 section shall be in addition to active supervision required by law.  
16 An inmate assigned to electronic monitoring shall be required to pay  
17 the Department of Corrections or the Pardon and Parole Board for all  
18 or part of any monitoring equipment or fee, supervision cost, or  
19 other costs while assigned to electronic monitoring. The Department  
20 of Corrections or the Pardon and Parole Board shall determine  
21 whether the person has the ability to pay all or part of such costs  
22 or fee.

23 C. From and after the effective date of this act, any person in  
24 the custody of the Department of Corrections who is assigned to a

1 community corrections center, community work center, or halfway  
2 house, and who has any current or previous convictions for a crime  
3 which would require the person to register as a sex offender  
4 pursuant to the Oklahoma Sex Offenders Registration Act, shall be  
5 assigned to a global position monitoring system for the duration of  
6 the registration period. Any offender paroled who is subject to the  
7 provisions of the Oklahoma Sex Offenders Registration Act shall be  
8 assigned to global position monitoring.

9 D. As used in this section, "electronic monitoring" means  
10 monitoring of an inmate within a specified location or locations by  
11 means of a global positioning device approved by the Department of  
12 Corrections or the Pardon and Parole Board with active supervision  
13 by correctional officers ~~or other~~, employees of the Department of  
14 Corrections, or probation and parole officers of the Pardon and  
15 Parole Board. A global position monitoring system must utilize a  
16 backup data storage collection system.

17 E. The Department of Corrections and the Pardon and Parole  
18 Board shall promulgate and adopt rules and procedures necessary to  
19 implement the provisions of this section.

20 SECTION 3. This act shall become effective November 1, 2015.

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