

1 **SENATE FLOOR VERSION**

2 April 8, 2015

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2187

By: Hickman, Hoskin and Sherrer
of the House

6 and

7 Griffin of the Senate

8
9 **[corrections - electronic monitoring of inmates -
10 effective date]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 Section 510.9. A. There is hereby created the Electronic
17 Monitoring Program for inmates in the custody of the Department of
18 Corrections who are sentenced for a nonviolent offense as defined by
19 Section 571 of this title. The Department is authorized to use an
20 electronic monitoring global positioning device to satisfy its
21 custody duties and responsibilities.

22 B. After an inmate has been processed and received through a
23 Department Assessment and Reception Center, has been incarcerated
24 for a minimum of ninety (90) days, and has met the criteria

1 established in subsection C of Section 521 of this title, the
2 Director of the Department of Corrections may assign the inmate, if
3 eligible, to the Electronic Monitoring Program. Nothing shall
4 prohibit the Director from assigning an inmate to the Electronic
5 Monitoring Program while assigned to the accredited halfway house or
6 transitional living facility. The following inmates, youthful
7 offenders, and juveniles shall not be eligible for assignment to the
8 program:

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

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

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

19 4. Inmates denied parole within the previous twelve (12) months
20 pursuant to Section 332.7 of this title;

21 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
22 the Oklahoma Statutes who are not receptive to substance abuse
23 treatment and follow-up treatment;

24

1 6. Inmates removed from the Electronic Monitoring Program or
2 any other alternative to incarceration authorized by law for
3 violation of any rule or condition of the program and reassigned to
4 imprisonment in a correctional facility;

5 7. Inmates deemed by the Department to be a security risk or
6 threat to the public;

7 8. Inmates requiring educational, medical or other services or
8 programs not available in a community setting as determined by the
9 Department;

10 9. Inmates convicted of any violation of subsection C of
11 Section 644 of Title 21 of the Oklahoma Statutes or who have an
12 active protection order that was issued under the Protection from
13 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
14 Oklahoma Statutes;

15 10. Inmates who have outstanding felony warrants or detainers
16 from another jurisdiction;

17 11. Inmates convicted of a sex offense who, upon release from
18 incarceration, would be required by law to register pursuant to the
19 Sex Offender Registration Act;

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

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

24

1 14. Inmates convicted pursuant to Section 650 of Title 21 of
2 the Oklahoma Statutes;

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

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

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

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

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

14 3. The inmate is paroled by the Governor pursuant to Section
15 332.7 of this title.

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

22 E. The Electronic Monitoring Program shall require active
23 supervision of the inmate in a community setting by a correctional
24 officer or other employee of the Department of Corrections with

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

11 F. Upon an inmate assigned to the Electronic Monitoring Program
12 becoming eligible for parole consideration, pursuant to Section
13 332.7 of this title, the Department of Corrections shall deliver the
14 inmate, in person, to a correctional facility for interview,
15 together with any Department records necessary for the Pardon and
16 Parole Board's investigation. Inmates assigned to the Electronic
17 Monitoring Program shall not be allowed to waive consideration or
18 recommendation for parole.

19 G. Prior to placement of any eligible inmate assigned to the
20 Electronic Monitoring Program being placed in a community setting,
21 the Department of Corrections shall deliver a written notification
22 to the sheriff and district attorney of the county, and the chief
23 law enforcement officer of any incorporated city or town in which
24 the inmate is to be monitored and supervised under the program. The

1 district attorney shall disseminate such information to victims of
2 the crime for which the inmate is serving sentence, if any, when the
3 victims are known to live in the same city, town or county.

4 H. An inmate assigned to the Electronic Monitoring Program may
5 be required to pay the Department of Corrections for all or part of
6 any monitoring equipment or fee, substance abuse treatment program
7 or follow-up treatment expense, supervision cost, or other costs
8 while assigned to the program. The Department shall determine
9 whether the inmate has the ability to pay all or part of such fee or
10 costs.

11 I. The Department of Corrections shall promulgate and adopt
12 rules and procedures necessary to implement the Electronic
13 Monitoring Program, including but not limited to methods of
14 monitoring and supervision, disciplinary action, reassignment to
15 higher and lower security levels, removal from the program, and
16 costs of monitoring and supervision to be paid by the inmate, if
17 any.

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

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

3 Section 510.10 A. The Department of Corrections ~~is~~ and the
4 Pardon and Parole Board are hereby authorized to use electronic
5 monitoring devices for any inmate sentenced for a crime ~~or for~~, any
6 person granted parole, or as disciplinary sanction as authorized by
7 law.

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

17 C. From and after the effective date of this act, any person in
18 the custody of the Department of Corrections who is assigned to a
19 community corrections center, community work center, or halfway
20 house, and who has any current or previous convictions for a crime
21 which would require the person to register as a sex offender
22 pursuant to the Oklahoma Sex Offenders Registration Act, shall be
23 assigned to a global position monitoring system for the duration of
24 the registration period. Any offender paroled who is subject to the

1 provisions of the Oklahoma Sex Offenders Registration Act shall be
2 assigned to global position monitoring.

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

11 E. The Department of Corrections and the Pardon and Parole
12 Board shall promulgate and adopt rules and procedures necessary to
13 implement the provisions of this section.

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

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
16 April 8, 2015 - DO PASS AS AMENDED
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