

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2287

By: O'Donnell

4
5
6 AS INTRODUCED

7 An Act relating to risk assessment for offenders;
8 amending 57 O.S. 2011, Sections 530 and 530.1, which
9 relate to the assessment and reception of inmates;
10 providing for administration of risk assessments;
11 directing the Department of Corrections to develop
12 case plan for inmates; prescribing certain time
limits; directing inclusions; directing certain
distribution of reports; allowing certain
consideration by the Pardon and Parole Board;
providing for codification; and providing an
effective date.

13
14
15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 57 O.S. 2011, Section 530, is
18 amended to read as follows:

19 Section 530. It is the intent of the State Legislature that all
20 new prisoners sentenced to the custody of the Department of
21 Corrections will be processed through the Lexington Assessment and
22 Reception Center or at a place determined by the Director of the
23 Department of Corrections. The Department of Corrections shall
24 administer a risk and needs assessment, physical and psychological

1 examinations, inventory vocational skills, and assess educational
2 and training needs. The Department of Corrections shall determine
3 initial security and custody classifications, plan for immediate or
4 possible future assignment to an institution, community treatment
5 center or other alternative to incarceration authorized by law,
6 provide orientation and instruction with respect to rules and
7 procedures for prisoners, and perform other such activities deemed
8 necessary by the Department of Corrections.

9 SECTION 2. AMENDATORY 57 O.S. 2011, Section 530.1, is
10 amended to read as follows:

11 Section 530.1 A. The Department of Corrections, by the rules
12 of that Department, shall have the following duties which shall be
13 performed as part of the assessment and reception process of the
14 Department of Corrections, upon reception of each inmate:

15 1. To administer, or cause to be administered, physical and
16 psychological examination of all inmates, including any requirement
17 to collect biological samples for DNA testing pursuant to Section
18 991a of Title 22 of the Oklahoma Statutes and Section 150.27a of
19 Title 74 of the Oklahoma Statutes, or other provision of law;

20 2. To identify the vocational-technical skills of all inmates.
21 The information shall be noted on and made a part of the record for
22 each inmate;

23
24

1 3. To assess the educational and training needs of all inmates
2 and recommend for placement any inmate with an educational need as
3 established in Section 510.7 of this title;

4 4. To determine from available records and interviews, the
5 place of birth of new inmates. The Department of Corrections shall
6 furnish a list of foreign-born nationals and suspected foreign-born
7 nationals to the Immigration and Naturalization Service on a weekly
8 basis;

9 5. To determine initial security and custody classifications;

10 6. To determine and recommend for placement in an alcohol or
11 substance abuse treatment facility or program, as provided for in
12 this section, any inmate convicted of alcohol related offenses or
13 otherwise in need of alcohol or substance abuse treatment;

14 7. To determine and recommend for placement in the Department
15 of Corrections Special Care Unit at the State Penitentiary at
16 McAlester any inmate who is in need of acute psychiatric care;

17 8. To plan for immediate assignments to institutions, community
18 treatment centers, alcohol or substance abuse treatment centers or
19 programs, alternatives to incarceration authorized by law, or other
20 facilities, public or private, designated by the Department;

21 9. To recommend possible future assignments to institutions,
22 community treatment centers, alcohol or substance abuse treatment
23 centers or programs, alternatives to incarceration authorized by
24 law, or other facilities designated by the Department;

1 10. To provide orientation and instruction with respect to
2 rules and procedures for prisoners; ~~and~~

3 11. To obtain all relevant juvenile court records and relevant
4 Department of Juvenile Justice agency records, if any, pertaining to
5 inmates and make said records a part of the permanent record
6 maintained by the Department of Corrections regarding the inmate.
7 The information contained in those records shall be used to
8 determine security level and placement of inmates; and

9 12. To administer a risk and needs assessment on each inmate
10 and develop an individualized case plan based on the results of the
11 assessment. In order to reduce the likelihood of recidivism, the
12 results of the assessment shall be used as a guide for the
13 rehabilitation of the inmate while in the custody of the Department
14 of Corrections.

15 B. An alcohol or substance abuse treatment center in which an
16 inmate is placed shall provide services and standards of treatment
17 as provided by the Department of Mental Health and Substance Abuse
18 Services under its rules for alcoholism or substance abuse
19 treatment. Upon placement of a prisoner in a center for alcoholism
20 or substance abuse treatment, the Department of Corrections shall
21 enter into a third party contract with such center for the custodial
22 and professional services rendered to any prisoner. Such contract
23 may include requirements imposed by law on the Department of
24 Corrections or reimbursement for such services, if necessary. The

1 Department of Corrections is further authorized to enter into third
2 party contracts for substance abuse treatment programs which are
3 certified by the Department of Mental Health and Substance Abuse
4 Services to provide professional services on an outpatient basis to
5 prisoners in need of substance abuse treatment and follow-up
6 treatment while assigned to alternatives to incarceration.

7 C. The Department of Juvenile Justice shall allow reasonable
8 access to its database for the purpose of obtaining the juvenile
9 records required by subsection A of this section.

10 D. The Department of Corrections shall adopt rules governing
11 the implementation of this section.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 530.5 of Title 57, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Department of Corrections shall develop a case plan for
16 each inmate to guide the rehabilitation of the inmate while in the
17 custody of the Department in order to reduce the likelihood of
18 recidivism.

19 B. Within sixty (60) days of admission, the Department shall
20 complete a case plan for each inmate which shall include:

21 1. Programming and treatment requirements based on the results
22 of a validated risk and needs assessment administered pursuant to
23 Section 530.1 of Title 57 of the Oklahoma Statutes;

24

1 2. Programming or treatment requirements mandated by the
2 sentencing order; and

3 3. Requirements in accordance with the rules and policies of
4 the Department.

5 C. The Department shall ensure that the case plan is achievable
6 prior to the inmate's parole eligibility date calculated under
7 subsection A of Section 332.7 of Title 57 of the Oklahoma Statutes,
8 if applicable.

9 D. The Department shall provide each inmate with a written copy
10 of the case plan and the inmate's caseworker shall explain the
11 conditions set forth in the case plan.

12 1. Within sixty (60) days of admission, the caseworker shall
13 notify the inmate of the inmate's parole eligibility date;

14 2. At the time a parole-eligible inmate receives the case plan,
15 the Department shall send the case plan to the Pardon and Parole
16 Board for approval.

17 E. For any parole eligible inmate, the Department shall
18 electronically submit a progress report on each parole-eligible
19 inmate's case plan to the Parole Board. The Board may meet to
20 review an inmate's case plan and may provide written input to the
21 caseworker on the inmate's progress toward completion of the case
22 plan.

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 4. This act shall become effective November 1, 2017.

56-1-5747 GRS 01/18/17