

1 **SENATE FLOOR VERSION**

2 March 31, 2016

3 ENGROSSED HOUSE
4 BILL NO. 2801

By: Park of the House

5 and

6 Brecheen of the Senate

7
8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2011, Section 510, as last amended
10 by Section 1, Chapter 384, O.S.L. 2014 (57 O.S. Supp.
11 2015, Section 510), which relates to the Oklahoma
12 Corrections Act of 1967; modifying qualifications for
13 correctional officers; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510, as last
17 amended by Section 1, Chapter 384, O.S.L. 2014 (57 O.S. Supp. 2015,
18 Section 510), is amended to read as follows:

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

22 1. To appoint, subject to the approval of the State Board of
23 Corrections, a warden for each penal institution, who shall qualify
24 for the position by character, knowledge, skill, ability, training,
and successful administrative experience in the correctional field;

1 and if the person is not the incumbent warden or superintendent of a
2 penal institution, the person shall have a bachelor's degree from an
3 accredited college or university and six (6) years of professional
4 level work experience in corrections;

5 2. To fix the duties of the wardens and superintendents and to
6 appoint and fix the duties and compensation of such other personnel
7 for each institution as may be necessary for the proper operation
8 thereof. However, correctional officers hired after November 1,
9 1995, shall be subject to the following qualifications:

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

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

23 c. be of good moral character,
24

- 1 d. before going on duty alone, satisfactory completion of
2 an adequate training program for correctional
3 officers, as prescribed and approved by the State
4 Board of Corrections; provided, however, correctional
5 officers reinstated within three (3) years of
6 separating from the Department shall not be required
7 to repeat preservice training. The Director or
8 designee may, however, require the correctional
9 officers to attend updated training to ensure
10 compliance with agency training standards,
11 e. satisfactory completion of minimum testing or
12 professional evaluation through the Merit System of
13 Personnel Administration to determine the fitness of
14 the individual to serve in the position. All written
15 evaluations shall be submitted to the Department of
16 Corrections, and
17 f. satisfactory completion of a physical in keeping with
18 the conditions of the job description on an annual
19 basis and along the guidelines as established by the
20 Department of Corrections;

21 3. To designate as peace officers qualified personnel in any
22 Department of Corrections job classifications. The Director shall
23 designate as peace officers correctional officers who are employed
24 in positions requiring said designation. The peace officer

1 authority of employees designated as peace officers shall be limited
2 to: maintaining custody of prisoners; preventing attempted escapes;
3 pursuing, recapturing and incarcerating escapees and parole or
4 probation violators and arresting such escapees, parole or probation
5 violators, serving warrants, and performing any duties specifically
6 required for the job descriptions. Such powers and duties of peace
7 officers may be exercised for the purpose of maintaining custody,
8 security, and control of any prisoner being transported outside this
9 state as authorized by the Uniform Criminal Extradition Act. To
10 become qualified for designation as peace officers, employees shall
11 meet the training and screening requirements conducted by the
12 Department and certified by the Council on Law Enforcement Education
13 and Training within twelve (12) months of employment or, in the case
14 of employees designated as peace officers on or before July 1, 1997,
15 by July 1, 1998, and shall not be subject to Section 3311 of Title
16 70 of the Oklahoma Statutes;

17 4. To maintain such industries, factories, plants, shops,
18 farms, and other enterprises and operations, hereinafter referred to
19 as prison industries, at each institution as the State Board of
20 Corrections deems necessary or appropriate to employ the prisoners
21 or teach skills, or to sustain the institution; and as provided for
22 by policies established by the State Board of Corrections, to allow
23 compensation for the work of the prisoners, and to provide for
24 apportionment of inmate wages, the amounts thus allowed to be kept

1 in accounts by the Board for the prisoners and given to the inmates
2 upon discharge from the institution, or upon an order paid to their
3 families or dependents or used for the personal needs of the
4 prisoners. Any industry that employs prisoners shall be deemed a
5 "State Prison Industry" if the prisoners are paid from state funds
6 including the proceeds of goods sold as authorized by Section 123f
7 of Title 74 of the Oklahoma Statutes. Any industry in which wages
8 of prisoners are paid by a nongovernmental person, group, or
9 corporation, except those industries employing prisoners in work-
10 release centers under the authority of the Department of Corrections
11 shall be deemed a "Private Prison Industry";

12 5. To assign residences at each institution to institutional
13 personnel and their families;

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

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

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

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

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1 10. To establish procedures that ensure inmates are educated
2 and provided with the opportunity to execute advance directives for
3 health care in compliance with Section 3101.2 of Title 63 of the
4 Oklahoma Statutes. The procedures shall ensure that any inmate
5 executing an advanced directive for health care is competent and
6 executes the directive with informed consent;

7 11. To maintain courses of training and instruction for
8 employees at each institution;

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

10 13. To provide for the periodic audit, at least once annually,
11 of all funds and accounts of each institution and the funds of each
12 prisoner;

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

23 15. To provide clerical services for, and keep and preserve the
24 files and records of, the Pardon and Parole Board; make

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

19 16. To establish an employee tuition assistance program and
20 promulgate rules in accordance with the Administrative Procedures
21 Act for the operation of the program. The rules shall include, but
22 not be limited to, program purposes, eligibility requirements, use
23 of tuition assistance, service commitment to the Department,
24 reimbursement of tuition assistance funds for failure to complete

1 course work or service commitment, amounts of tuition assistance and
2 limitations, and record keeping;

3 17. To establish an employee recruitment and referral incentive
4 program and promulgate rules in accordance with the Administrative
5 Procedures Act for the operation of the program. The rules shall
6 include, but not be limited to, program purposes, pay incentives for
7 employees, eligibility requirements, payment conditions and amounts,
8 payment methods, and record keeping;

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

16 19. To conduct continual planning and research and periodically
17 evaluate the effectiveness of the various correctional programs
18 instituted by the Department; manage the designing, building, and
19 maintaining of all the capital improvements of the Department;
20 establish and maintain current and efficient business, bookkeeping,
21 and accounting practices and procedures for the operations of all
22 institutions and facilities, and for the Department's fiscal
23 affairs; conduct initial orientation and continuing in-service
24 training for the Department employees; provide public information

1 services; inspect and examine the condition and management of state
2 penal and correctional institutions; investigate complaints
3 concerning the management of prisons or alleged mistreatment of
4 inmates thereof; and hear and investigate complaints as to
5 misfeasance or nonfeasance of employees of the Department;

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

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

20 22. To authorize award of the badge of an employee who dies
21 while employed by the Department to the spouse or next of kin of the
22 deceased employee; and

23 23. To establish, in conjunction with the Information Services
24 Division of the Office of Management and Enterprise Services, an

1 emergency alert notification system for the public, capable of
2 distributing notifications of facility emergencies or prisoner
3 escapes for all facilities and each facility of the Department of
4 Corrections.

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

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

20 SECTION 2. This act shall become effective November 1, 2016.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
22 March 31, 2016 - DO PASS
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