

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 14

                                  By: Bergstrom of the Senate

  and

  Humphrey of the House

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10           An Act relating to prisons and reformatories;  
11           amending 57 O.S. 2011, Section 510, as last amended  
12           by Section 1, Chapter 279, O.S.L. 2018 (57 O.S. Supp.  
13           2020, Section 510), which relates to powers of the  
14           Director of the Department of Corrections;  
15           authorizing Director to allow certain employees to  
16           maintain correctional peace officer status; and  
17           providing an effective date.

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

19           SECTION 1.           AMENDATORY           57 O.S. 2011, Section 510, as last  
20           amended by Section 1, Chapter 279, O.S.L. 2018 (57 O.S. Supp. 2020,  
21           Section 510), is amended to read as follows:

22           Section 510.   A.   The Director of the Department of Corrections  
23           shall have the following specific powers and duties relating to the  
24           penal institutions:

          1.   To appoint, subject to the approval of the State Board of  
          Corrections, a warden for each penal institution;

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

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

10           b. possession of a minimum of thirty (30) semester hours  
11 from an accredited college or university, or  
12 possession of a high school diploma acquired from an  
13 accredited high school or GED equivalent testing  
14 program,

15           c. satisfactory completion of minimum testing or  
16 professional evaluation through the Merit System of  
17 Personnel Administration to determine the fitness of  
18 the individual to serve in the position. All written  
19 evaluations shall be submitted to the Department of  
20 Corrections, and

21           d. satisfactory completion of a physical in keeping with  
22 the conditions of the job description on an annual  
23 basis and along the guidelines as established by the  
24 Department of Corrections;

1           3. The Director shall designate as correctional peace officers,  
2 correctional officers who are employed in job classifications of  
3 correctional security officer, correctional security manager,  
4 correctional chief of security and chief of security upon  
5 satisfactory completion of a basic course of instruction for  
6 correctional officers, as provided for in paragraph 4 of this  
7 subsection. The peace officer authority of employees designated as  
8 correctional peace officers shall be limited to: maintaining  
9 custody of prisoners; preventing attempted escapes; pursuing,  
10 recapturing and incarcerating escapees and parole or probation  
11 violators and arresting such escapees, parole or probation  
12 violators; serving warrants; carrying firearms; preventing  
13 contraband from entering any penal institutions; arresting  
14 individuals who commit crimes at any penal institution; and  
15 performing any duties specifically required for the job  
16 descriptions. Such powers and duties of correctional peace officers  
17 may be exercised for the purpose of maintaining custody, security,  
18 and control of any prisoner being transported inside and outside  
19 this state as authorized by the Uniform Criminal Extradition Act and  
20 the Interstate Corrections Compact. The Director may implement  
21 policies that place additional limitations on the authority of  
22 correctional peace officers. The Director shall issue an  
23 identification card to each correctional peace officer that  
24 identifies the person as a correctional peace officer and grants the

1 person the authority to carry a firearm and make arrests pursuant to  
2 this paragraph. Should a correctional peace officer terminate  
3 employment for any reason, fail to remain qualified as a  
4 correctional peace officer or for reasons stated in policies of the  
5 Department, the correctional peace officer shall return the  
6 identification card to the supervisor of the correctional peace  
7 officer immediately;

8 4. To develop and implement, upon approval of the State Board  
9 of Corrections, a basic course of instruction for correctional  
10 officers that consists of a training academy that provides not less  
11 than two hundred (200) hours of core curriculum instruction and a  
12 firearms training program that provides not less than twenty (20)  
13 hours of instruction. The basic course of instruction shall be  
14 subject to the following:

- 15 a. the minimum qualifying score that must be shot to pass  
16 the firearms training program shall be equal to the  
17 minimum qualifying score required by the Council on  
18 Law Enforcement Education and Training for peace  
19 officers, and
- 20 b. the Director may waive any number of hours or courses  
21 required to complete the basic course of instruction  
22 for any person who, in the opinion of the Director,  
23 has received sufficient training or experience that  
24 such hours of instruction would be unduly burdensome

1 or duplicative; however, completion of the firearms  
2 training program shall not be waived;

3 5. To develop and implement annual in-service training for  
4 correctional officers that consists of at least forty (40) hours of  
5 continued corrections education and annual recertification of  
6 firearms proficiency. The minimum qualifying score that must be  
7 shot to requalify for recertification of firearms proficiency shall  
8 be equal to the minimum qualifying score required by the Council on  
9 Law Enforcement Education and Training for the requalification of  
10 peace officers;

11 6. To require any person employed as a correctional security  
12 officer, correctional security manager, correctional chief of  
13 security and chief of security to remain qualified as a correctional  
14 peace officer. Any correctional peace officer who is unable to  
15 remain qualified as a correctional peace officer may be offered an  
16 available position within the Department in the same or lesser pay  
17 grade for which the employee is eligible, or the employee may be  
18 terminated. When an employee who is commissioned as a correctional  
19 peace officer by the Department voluntarily moves into a position  
20 which does not require correctional peace officer status, the  
21 Director may allow the employee to maintain his or her correctional  
22 peace officer status;

23 7. To authorize other employees of the Department to carry  
24 firearms anywhere in the state to use for self-defense pursuant to

1 and consistent with policies developed by the Department upon  
2 satisfactory completion of the firearms training program provided  
3 for in paragraph 4 of this subsection. The Director shall issue an  
4 identification card to each authorized employee that grants the  
5 employee the authority to carry a firearm pursuant to the provisions  
6 of this paragraph. Should an authorized employee terminate  
7 employment for any reason, fail to remain qualified to carry a  
8 firearm, or for reasons stated in the policies of the Department,  
9 the authorized employee shall immediately return the identification  
10 card to the supervisor of the employee and shall no longer be  
11 authorized to carry firearms under the authority of this paragraph;

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

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

8 9. To assign residences at each penal institution to penal  
9 institutional personnel and their families;

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

12 11. To regulate the operation of canteens for prisoners;

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

19 13. To transfer prisoners from one penal institution to  
20 another;

21 14. 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 15. To maintain courses of training and instruction for  
4 employees of the Department;

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

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

9 18. 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 19. 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 penal  
22 institutions who are to be, or who might be, considered for parole  
23 or other clemency; assist prisoners who are to be, or who might be,  
24 considered for parole or discharge in obtaining suitable employment



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

15       20. 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       21. 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 22. 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 23. 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 penal 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  
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1 inmates thereof; and hear and investigate complaints as to  
2 misfeasance or nonfeasance of employees of the Department;

3 24. 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 25. 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 26. 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 27. 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  
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1 escapes for all facilities and each facility of the Department of  
2 Corrections;

3 28. 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 29. To enter into contracts with media or film production  
9 companies to allow the Department to authorize a media or film  
10 production company to shoot commercial films at penal institutions  
11 and other property under the control of the Department. Any funds  
12 received pursuant to said contracts shall be deposited into the  
13 Department of Corrections Revolving Fund.

14 B. When an employee of the Department of Corrections has been  
15 charged with a violation of the rules of the Department or with a  
16 felony pursuant to the provisions of a state or federal statute, the  
17 Director may, in the Director's discretion, suspend the charged  
18 employee, in accordance with the Oklahoma Personnel Act and/or the  
19 Merit System of Personnel Administration Rules, pending the hearing  
20 and final determination of the charges. Notice of suspension shall  
21 be given by the Director, in accordance with the provisions of the  
22 Oklahoma Personnel Act. If after completion of the investigation of  
23 the charges, it is determined that such charges are without merit or  
24 are not sustained before the Oklahoma Merit Protection Commission or

1 in a court of law, the employee shall be reinstated and shall be  
2 entitled to receive all lost pay and benefits.

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

5 SECTION 2. This act shall become effective November 1, 2021.

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7 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
8 dated 03/25/2021 - DO PASS.

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