

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 671

BY: WEEDN of the SENATE

and

WILLIAMS of the HOUSE

(PROSECUTION COSTS - INMATES - AMENDING 22 O.S.,

SECTION 1277 - CRIMINAL PROSECUTIONS -

EFFECTIVE DATE)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"(PROSECUTION COSTS OF OFFENSES COMMITTED BY

INMATES - AMENDING 22 O.S. 1991, SECTION 1277 -

57 O.S. 1991, SECTION 549 - PRISONER FUNDS -

CODIFICATION -

EFFECTIVE DATE)

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1277, is amended to read as follows:

Section 1277. ~~From and after the passage and approval of this act, the~~ A. The cost and expenses of criminal prosecutions conducted in any county where a penal institution, community ~~treatment~~ correction center or state training school is located in this state ~~for~~ shall be paid by the State of Oklahoma when the prosecution involves:

1. A violation of any criminal law committed by any prisoner housed in any penal institution, community ~~treatment~~ correction center or state training school of this state; or

2. A crime committed in furtherance of an escape, flight or concealment as a fugitive from any penal institution, community correction center or state training school of this state.

B. The cost provided for in subsection A of this section shall be payable whether the prisoner is confined therein, permitted to be at large as a trusty or otherwise, except those. Provided, however, the provisions of this section shall not apply to costs for crimes committed by prisoners classified as inmates in the House Arrest Program as defined by Section 502 of Title 57 of the Oklahoma Statutes, or in the furtherance of an escape, flight, or concealment as a fugitive from any penal institution, community treatment center or state training school and the assigned to the Pre-Parole Conditional Supervision Program as defined in Section 365 of Title 57 of the Oklahoma Statutes or incarcerated in any correctional facility which is not operated by or under contract with the Oklahoma Department of Corrections.

C. The cost of any habeas corpus proceedings instituted by any prisoner of any penal institution, community treatment correction center or state training school which is operated by or under contract with this state shall also be charged to paid by the State of Oklahoma and shall be paid for out of any funds provided for the support and maintenance of the institution of which the person committing such crime, or instituting such habeas corpus proceedings, is a prisoner.

D. The costs of this section shall be paid by the appropriate state agency upon the filing of a verified and itemized claim therefor by the district attorney conducting such prosecution, or the court clerk of such county in the cases of habeas corpus proceedings from the court clerk of the county where the proceedings were held.

~~Provided that the costs and expenses~~ E. The cost of any such criminal prosecution, regardless of whether the case be tried,

~~dismissed, or otherwise disposed of, shall include the expense and charge of removing, delivering, and keeping the prisoner, the per diem allowance and mileage and expense including meals and lodging of the jury trying the case and the per diem allowance and mileage of the whole panel of jurors in attendance during the trial, stenographer's fees, and the per diem, fees and mileage of sheriff, court and jury bailiffs during the time said case is on trial, witness fees and mileage where the same are required by law to be paid by the county, and such other expenses as are incident to the trial, as well as the fee of any attorney appointed by the court under authority of Sections 464 and 1271 of this title, to defend in such a criminal prosecution. It is further provided that the warden or superintendent of such institution shall certify to the district attorney filing such case, in each such case, that there is sufficient funds on hand for payment of costs and expenses as above set forth, prior to final disposition thereof shall be payable only upon rendering of a judgment of guilty or not guilty. Costs for the purpose of this section shall be a fee of Five Hundred Dollars (\$500.00) for each prisoner prosecuted regardless of the number of charges or counts filed against the prisoner. The fee shall be paid to the district court fund of the county where the action arose. Except as otherwise specified by law, there shall be no other costs or fees paid by the state to the county, except for the fee provided for in this section.~~

SECTION 2. AMENDATORY 57 O.S. 1991, Section 549, is amended to read as follows:

Section 549. A. The State Board of Corrections shall have the following powers and duties with respect to the operation of prison industries and administration of inmate trust funds:

1. The power to make leases or other contracts consistent with the operation of prison industries, and to set aside land or facilities for the use of such industry;

2. The power to establish conditions for expenditures by the Department of Corrections from the Industries Revolving Fund;

3. The power to negotiate wages and working conditions on behalf of prisoners employed in prison industries;

4. The power to collect wages on behalf of the prisoner, to apportion inmate wages in accordance with the law; and the duty to preserve those wages reserved for the prisoner in an account for his benefit, and to establish procedures by which the prisoner can draw funds from this account under the conditions and limitations and for the purposes allowed by law; and

5. The duty to establish the percentages of such wages which shall be available for apportionment to inmate savings; to the inmate for his personal use; to the lawful dependents of the inmate, if any; to the victim of the inmate's crime; for payment of creditors; for payment of court costs incurred for the criminal offense of such inmate; and to the Department of Corrections for costs of incarceration. Provided, that not less than twenty percent (20%) of such wages shall be placed in an account, payable to the prisoner upon his discharge or upon assignment to a prerelease program. Funds from this account may be used by the inmate for fees or costs in filing a civil action as defined in Sections 151 et seq. of Title 28 of the Oklahoma Statutes or for federal action as defined in Sections 1911 et seq. of Title 28 of the United States Code.

B. The State Board of Corrections shall cause to be placed in an account income from the inmate's employment and any other income or benefits accruing to or payable to and for the benefit of said inmate, including any ~~workers' compensation or~~ Social Security benefits.

1. From this account the State Board of Corrections may charge any inmate employed in private prison industries or any other inmate, except for those inmates employed in state prison

industries, for costs of incarceration not to exceed fifty percent (50%) of any deposits made to said account.

2. The Department of Corrections shall pay into the Crime Victims Compensation Revolving Fund, Section 142.17 of Title 21 of the Oklahoma Statutes, an amount equal to five percent (5%) of the gross wages earned by inmates employed in a private prison industries program, said amount to be paid from the amount deducted for cost of incarceration.

3. Withdrawals and deposits shall be made according to rules and regulations established by the Board of Corrections.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 548.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

Any workers' compensation benefit awarded to an inmate prior to the incarceration of the inmate in a facility operated by the Oklahoma Department of Corrections or in a facility under contract with the Oklahoma Department of Corrections shall be suspended by the Workers' Compensation Court upon notice provided to the Administrator of the Workers' Compensation Court by the Director of the Oklahoma Department of Corrections that the person awarded such benefit is incarcerated as an inmate in such facility. The benefit shall resume after the Administrator of the Workers' Compensation Court is notified by the Director of the Oklahoma Department of Corrections that such inmate is no longer incarcerated in a facility operated by or under contract with the Oklahoma Department of Corrections. No interest shall accrue from the workers' compensation benefit to the inmate during the suspension of such payments.

SECTION 4. This act shall become effective September 1, 1992."

Passed the House of Representatives the 22nd day of April, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate