

ENROLLED SENATE  
BILL NO. 388

BY: WILKERSON of the SENATE

and

WILLIAMS of the HOUSE

AN ACT RELATING TO PRISONS AND REFORMATORIES;  
AMENDING 57 O.S. 1981, SECTION 549, AS LAST  
AMENDED BY SECTION 1, CHAPTER 180, O.S.L. 1990  
(57 O.S. SUPP. 1990, SECTION 549), WHICH RELATES  
TO ADMINISTRATION OF INMATE TRUST FUNDS;  
DELETING LANGUAGE; AUTHORIZING USE OF CERTAIN  
FUNDS FOR STATE OR FEDERAL CIVIL ACTIONS; AND  
PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 57 O.S. 1981, Section 549, as last amended by Section 1, Chapter 180, O.S.L. 1990 (57 O.S. Supp. 1990, 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; 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. Money from said account may be used for any fees or court costs as defined in Section 151 of Title 28 of the Oklahoma Statutes incurred by an inmate in filing any civil action.~~

~~4.~~ Withdrawals and deposits shall be made according to rules and regulations established by the Board of Corrections.

SECTION 2. This act shall become effective September 1, 1991.

Passed the Senate the 7th day of March, 1991.

President of the Senate

Passed the House of Representatives the 17th day of April, 1991.

Speaker of the House of Representatives