

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1419

BY: MAXEY

AS INTRODUCED

AN ACT RELATING TO PRISONS AND REFORMATORIES;

AMENDING 57 O.S. 1981, SECTION 502, AS LAST AMENDED BY SECTION 10, CHAPTER 303, O.S.L. 1989 (57 O.S. SUPP. 1990), WHICH RELATES TO DEFINITIONS IN THE OKLAHOMA CORRECTIONS ACT OF 1967; MODIFYING A DEFINITION; PROHIBITING PRIVATE PRISON CONTRACTORS FROM RELEASING CERTAIN INMATES FROM FACILITIES OPERATED BY SUCH CONTRACTORS; PROVIDING EXCEPTIONS; PROVIDING REQUIREMENTS FOR CERTAIN CONTRACTORS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 57 O.S. 1981, Section 502, as last amended by Section 10, Chapter 303, O.S.L. 1989 (57 O.S. Supp. 1990, Section 502), is amended to read as follows:

Section 502. As used in this title, unless the context otherwise requires:

- (a) "Board" means the State Board of Corrections;
- (b) "Department" means the Department of Corrections;

(c) "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Ouachita Correctional Center located at Hodgens, Oklahoma; the Mabel Bassett Correctional Center located at Oklahoma City, Oklahoma; the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the Oklahoma City, Clara Waters and Kate Barnard Community Treatment Centers located at Oklahoma City, Oklahoma; the Tulsa Community Treatment Center located at Tulsa, Oklahoma; the Community Treatment Centers located at Lawton, Enid, Muskogee and McAlester; and other facilities under the jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;

(d) "Director" means the Director of the Department of Corrections;

(e) "House arrest" means a program whereby persons committed to the Department of Corrections are authorized to be away from a correctional facility and are placed by the Department in a community for the purpose of reintegration of the person into society, pursuant to the provisions of Section 510.2 of this title; and

(f) "Private prison contractor" means a nongovernmental entity or public trust which, ~~pursuant to a contract with the Department of Corrections:~~

(1) pursuant to a contract with the Department of Corrections, operates an institution within the Department; or

(2) pursuant to a contract with the Department of Corrections, provides for the housing, care, and control of inmates and performs other functions related to said responsibilities within a minimum security level facility not owned by the Department but operated by the contractor; or

(3) pursuant to a contract with another state, provides for the housing, care, and control of minimum security level inmates of another state, and performs other functions related to said responsibilities within a facility owned and operated by the contractor.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 563.2 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. A private prison contractor housing inmates of another state shall not:

1. accept any inmate who is within six (6) months of release from incarceration; or

2. discharge any such inmate from the facility operated by the contractor.

B. If an inmate is within six (6) months of release from incarceration, is to be released from custody, placed on probation, or paroled by another state, or if the sending state requests the return of the inmate, the private prison contractor shall send the inmate back to that state.

C. A private prison contractor housing inmates of another state shall not allow any such inmate to leave the premises of the facility, except to receive medical care not available at the

facility or to comply with the provisions of subsection B of this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 563.3 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. A private prison contractor which does not have a contract with the Department of Corrections, but which houses inmates of another state shall:

1. Obtain from the Office of the Attorney General approval of the internal and perimeter security of the facility of the contractor. Such approval shall be given only if the Attorney General determines that the security is adequate to protect the public;

2. Show, to the satisfaction of the Attorney General, that adequate food, housing and medical care shall be available for inmates;

3. Furnish to the Office of the Attorney General a bond from a surety company chartered or authorized to do business in this state, cash bond, certificates of deposit, certificates of saving or U.S. Treasury bond, or an assignment of negotiable stocks or bonds, as the Attorney General may deem necessary to secure payment for services rendered by the state or a political subdivision of the state, if an incident occurs which requires intervention by the state or a political subdivision of the state; and

4. Attain accreditation by the American Correctional Association within two (2) years of commencing operation of the facility.

B. The Attorney General shall promulgate and adopt guidelines for the implementation of this section.

SECTION 4. This act shall become effective September 1, 1991.

43-1-5175 SD

