

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 356

BY: SHURDEN

AS INTRODUCED

AN ACT RELATING TO PRISONS AND REFORMATORIES;

AMENDING 57 O.S. 1981, SECTION 57, AS AMENDED BY SECTION 1, CHAPTER 307, O.S.L. 1990 (57 O.S. SUPP. 1990, SECTION 57), WHICH RELATES TO DOUBLE CELLING IN JAILS; AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO ROTATE SCHEDULES OF INMATES AT CERTAIN INSTITUTIONS; ESTABLISHING THE WARM BUNK PROGRAM; LIMITING CELL CONFINEMENT; LIMITING NUMBER OF INMATES TO USE A CELL; DIRECTING PROGRAMS OPERATE ON A TWENTY-FOUR-HOUR SCHEDULE; LIMITING CONSTRUCTION OF ACT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 57 O.S. 1981, Section 57, as amended by Section 1, Chapter 307, O.S.L. 1990 (57 O.S. Supp. 1990, Section 57), is amended to read as follows:

Section 57. A. In the jails in this state, there shall be provided sufficient and convenient apartments for confining prisoners not criminal, separate from felons and other criminals, and also for confining persons of different sexes, separate and apart from each other.

B. In the jails in this state, there shall be a system of classifying prisoners, based upon the severity of the charges, past criminal history and other relevant factors.

C. In the jails in this state, it shall be unlawful to double cell prisoners except those similarly classified pursuant to subsection B of this section, unless an emergency situation exists wherein there is no other cell space available.

D. All funds used by the Department of Corrections to contract with private contractors for the building of prisons and pre-release centers will be subject to appropriations by the Legislature.

E. Nothing in this section shall authorize contracts with private contractors for construction of prison facilities, unless authorized by the Legislature.

F. The Department of Corrections may establish a special program at any minimum security level institution to rotate the schedules of any inmates in double-cell arrangement. Such program shall provide that one or both inmates of a double-cell occupancy arrangement shall be relieved of cell confinement and shall participate in work, recreational and educational activities during the times the other occupants of the cell are confined. The program shall be known as the "Warm Bunk Program" and shall provide a maximum of eight (8) hours per inmate in the cell for sleeping purposes only. Under double-cell arrangement a maximum of four inmates shall be allowed to use the existing cell space within a twenty-four-hour period, provided however, that a maximum of two inmates shall be allowed to use the same cell space at the same time for a maximum of eight (8) hours uninterrupted for sleeping purposes. Any correctional institution involved in this program shall operate its activities and work programs on a twenty-four-hour basis and provide all the necessary services to inmates participating in the program. Nothing in this subsection shall direct the Department of Corrections to take any action which would

be in violation of any federal law or court order relating to prison overcrowding.

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

43-1-275

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