

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 431

BY: HORNER

AS INTRODUCED

AN ACT RELATING TO PRISONS AND REFORMATORIES;
DIRECTING THE DEPARTMENT OF CORRECTIONS TO
ESTABLISH PILOT SUBSTANCE ABUSE COMMUNITY
CORRECTIONAL TREATMENT CENTERS; PROVIDING SHORT
TITLE; STATING PURPOSE; DIRECTING CENTERS TO BE
OPERATED JOINTLY BY COUNTY AND STATE; AUTHORIZING
FUNDING; REQUIRING DEPARTMENT TO ESTABLISH
CRITERIA, POLICIES AND PROCEDURES; AUTHORIZING
COUNTY AND STATE TO USE EXISTING LAND OR FACILITY;
REQUIRING COUNTY TO OPERATE CENTER; ESTABLISHING
OVERSIGHT COMMITTEE; STATING RESPONSIBILITIES AND
MEMBERSHIP; REQUIRING CERTAIN OPERATION OF SERVICES
IN SECURE FACILITIES; PROVIDING FOR CUSTODY BY
CORRECTIONAL OFFICERS; REQUIRING PAROLEES AND STATE
INMATES UNDER SUPERVISION; REQUIRING COST PLUS FEE
FOR REIMBURSEMENT TO COUNTY; LIMITING COST;
PROVIDING FOR CERTAIN BILLING PROCEDURE; REQUIRING
DEPARTMENT AND OVERSIGHT COMMITTEE TO UPDATE
PROGRAMS; STATING PERIOD FOR SUBMISSION OF
PROPOSALS; SETTING CRITERIA FOR PLAN; REQUIRING THE
DEPARTMENT TO SET STANDARDS AND SECURITY
REQUIREMENTS; PROVIDING FOR EVALUATION OF PROGRAMS
AND COUNTY PARTICIPATION; REQUIRING REPORT TO
LEGISLATURE; DIRECTING DEPARTMENT TO CONTINUE TO

MONITOR CONTRACTS; SPECIFYING PRIMARY OFFENDER
GROUP FOR PROGRAMS; SETTING OFFENDER CRITERIA;
LIMITING MAXIMUM PROGRAM TERM; AUTHORIZING CERTAIN
TRANSFER FROM PROGRAM TO STATE OR COUNTY FACILITY;
LIMITING PLACEMENTS TO INMATES FROM COUNTY;
REQUIRING SELECTION OF LOCAL OFFENDERS; AUTHORIZING
WORK CREDITS; REQUIRING NOTICE TO SHERIFF AND
PAROLE OR PROBATION OFFICIALS; AUTHORIZING CERTAIN
AGENCY OR PERSON TO RECOMMEND PLACEMENT; LIMITING
PROGRAMS TO PARTICIPATING OFFENDERS; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 615 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Substance Abuse Community Correctional Treatment Act".

B. The purpose of the act is to develop a joint state and local center to house substance abusers, increase employability skills, provide counseling and support, and make treatment programs available to intervene and treat substance abuse, to reduce the drug crime problem and the social costs which substance abuse offenders bring upon society, themselves, and their families.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 616 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Department of Corrections is hereby directed to establish pilot Substance Abuse Community Correctional Treatment

Centers and program to be operated locally, and to implement state-of-the-art rehabilitation programs commensurate with public safety considerations.

B. Each Center shall be designed and operated as a joint project by the state and county in which the Center is located and shall maintain not less than fifty percent (50%) of total beds for use by the Department of Corrections. Upon agreement, the county and the Department may negotiate any other mix of state and local space, provided the state's proportional share shall not be less than fifty percent (50%) of the total beds.

C. The Department of Corrections is authorized to provide funds, as appropriated by the Legislature, for the purpose of establishing substance Abuse Community Correctional Treatment Centers. Nothing in this act shall prohibit the county from using county funds to build and operate facilities in conjunction with the provisions of this act. In addition to funding by state or county resources, funding may be sought from the federal government, municipal government or any private nonprofit agency, foundation, firm, company or individual.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 617 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Department of Corrections shall establish criteria, policies and procedures for evaluating applications and submissions of proposals from counties. Preference shall be given to counties that can demonstrate a financial ability and commitment to operate the programs it proposes for a period of at least three (3) years and to make improvements as requested by the Department. Particular consideration shall be given to counties that can demonstrate an ability to provide continuing counseling and programming for offenders completing a program established under this act, once the offender has returned to the community.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 618 of Title 57, unless there is created a duplication in numbering, reads as follows:

Any county may use existing county-owned land or facilities or propose a variety of types and sizes of facilities to be constructed. The county shall be responsible to ensure the site. Nothing in this act shall prohibit the state from making available any state-owned land or facility in conjunction with county efforts to create an appropriate center, provided, the use of such land or facility shall not impede an agency's operations or planned expansion and are commensurate with public safety requirements.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 619 of Title 57, unless there is created a duplication in numbering, reads as follows:

The county shall assume full responsibility for administration and operation of the Substance Abuse Community Correctional Treatment Centers and programs consistent with criteria set forth by the Department of Corrections. This shall include maintenance and compliance with all codes, regulations and health standards. The county shall select a local governmental department to operate the facility in accordance with the standards and oversight provided by this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 620 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The county commissioners shall set up a program oversight committee, under rules and guidelines formulated by the Department of Corrections, which shall include representatives from the following groups:

1. Parole officials;
2. Probation officials;
3. Sheriff's department officials;

4. County alcohol and drug abuse officials;
5. Program contractors;
6. Local judiciary personnel;
7. Social welfare agency personnel; and
8. Local labor and employment representatives.

B. Responsibilities of the program oversight committee shall include, but not be limited to, regular reviews of program operations and criteria for offenders being placed into it, discussion and resolution of problems that may arise, costs, and other duties that may be assigned it by the Department of Corrections.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 621 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Counties or the Department of Corrections shall operate all services and programs in secure facilities pursuant to this act, except private nonprofit providers or individual professionals with demonstrated expertise and community experience may also be utilized to provide substance abuse treatment programs. Treatment programs outside secure facilities pursuant to this act may be provided only by county or state staff, by private nonprofit providers, or by individual professionals with demonstrated expertise and experience in providing services to this population of the community.

B. Custody in secure facilities shall be provided by correctional officers who have completed the minimum standards for the training of state correctional officers.

C. Parolees, parole violators, and state inmates shall remain under overall supervision of state parole officers.

D. The Department of Corrections shall contract to reimburse the county for allotted bed space and programming for state offenders based on actual cost plus a reasonable fee, but in no instance shall that amount exceed the average cost of housing an

inmate in a state prison facility, as determined by the Director of the Department of Corrections.

E. A county may bill the state for services provided to state parolees pursuant to this act on a pro rata basis of the cost of providing the programs and services, if requested by the Department.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 622 of Title 57, unless there is created a duplication in numbering, reads as follows:

It shall be the responsibility of the Department of Corrections and the Oversight Committee to keep abreast of improvements in programs of the types established by this act, and to attempt to revise and update programs as state-of-the-art advances develop.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 623 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Requests for proposals shall be ready for submission within six (6) months after the effective date of this act. Counties shall submit proposals within three (3) months after the request for proposals is submitted.

B. In submitting a proposal, a county's plan shall include at least all of the following elements that meet standards established by the Department of Corrections in its request for proposal, and demonstrate that the program submitted will have strong links to the community organizations involved in providing those elements, and that those community organizations have helped in designing the proposal:

1. A rigorous program of substance abuse testing;
2. A drug-free environment;
3. Substance abuse treatment;
4. Employment services;
5. Basic education services;
6. Mental health services and family counseling; and

7. A strong linkage to probation and parole.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 624 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Department of Corrections shall establish minimum standards, including security requirements, for the construction of facilities pursuant to this act. Per bed cost of secure facilities proposed by a county shall not exceed the cost of current similar construction by the Department.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 625 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Department of corrections shall provide evaluation of the progress, activities, and performance of any Substance Abuse Community Correctional Treatment Center, and the participating county's progress established pursuant to this act, and shall report the findings to the Legislature two (2) years after the operational onset of the facility.

B. The Department shall be responsible for the ongoing monitoring of contract compliance for state offenders placed in a Center.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 626 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Primary offender groups to be dealt with in the programs established by this act shall be probation and parole violators who would otherwise be returned to jail or prison.

B. The following standards for selection shall apply:

1. The Director of the Department of Corrections, or his designee, together with parole officials, shall select offenders committed to state prison for placement in not less than fifty percent (50%) of the program beds established by this act. Eligible

offenders shall be parole violators and felons committed to state prison who, after credit reduction for presentence incarceration would otherwise have served an actual term of one (1) year or less in state prison. Offenders selected shall have a demonstrated history of alcohol or controlled substance abuse, or both, but shall not include any of the following:

- a. offenders convicted at any time of a violent felony,
- b. offenders who have lost credits while currently in prison for any offense constituting assault,
- c. offenders currently convicted of burglary of an inhabited dwelling, or
- d. offenders convicted on two or more separate occasions of violations of the Uniform Controlled Dangerous Substances Act and who has served at least one prison term;

2. The maximum period of participation in a Center program shall not exceed the maximum period which the offender could have been incarcerated in county jail or state prison. Upon release from a Center, a state offender shall be subject to the parole provisions as provided by state law. Local offenders shall be subject to all conditions of probation, if probation was imposed at the time of sentencing;

3. The parole of an offender placed in a Center following revocation of parole shall remain revoked during the period of participation in the Center;

4. Individuals eligible for this program who are deemed unfit for participation by either custodial or program staff at any time shall be transferred to a state prison or county facility to which they would otherwise have been incarcerated and shall serve their remaining sentence minus the time served at the Center;

5. Except upon agreement between the county and the Department, placement of state offenders in a Center is limited to parolees on

parole in that county, and new commitments sentenced from that county;

6. The county jail shall select local offenders for placement in up to fifty percent (50%) of the total program beds established by this act. These offenders shall be persons convicted and sentenced to county jail whether or not as a condition of probation, and who have demonstrated history of abuse of alcohol or controlled substances, or both;

7. State inmates participating in these programs shall be eligible for work credit time reductions as applicable to state prisoners committed to state prison;

8. Primary emphasis in this program shall be toward parole violators and persons sentenced to prison or jail for short terms and for whom rehabilitation efforts should be provided; and

9. The Department shall regularly notify the sheriff's department and the probation department of a participating county of offenders placed into the program or released from the program established by this act. The county shall likewise regularly notify local parole officials of persons placed into or released from the program.

C. The sheriff's department, probation and parole officials, and the Department of Corrections shall be permitted to recommend for or against placement of persons into the program, as shall the judiciary of the county.

D. Facilities may not serve as housing or parole or probation offices for offenders not participating in programs set up by this act.

SECTION 13. This act shall become effective September 1, 1991.

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