

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2346

By: Satterfield and Roach of
the House

and

Long (Lewis) and Shurden
of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories; amending 57 O.S. 1991, Sections 563, as last amended by Section 1, Chapter 203, O.S.L. 1993, and 563.1 (57 O.S. Supp. 1993, Section 563), which relate to certain private and public correctional facilities; prohibiting location of such correctional facilities within a certain distance of schools; prohibiting location of certain treatment facilities, transitional living centers and halfway houses within a certain distance of schools; providing exceptions; specifying measurement criteria; 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. 1991, Section 563, as last amended by Section 1, Chapter 203, O.S.L. 1993 (57 O.S. Supp. 1993, Section 563), is amended to read as follows:

Section 563. A. Before any correctional facility other than an inmate work center as authorized in subsection B of this section or an inmate drug offender work camp as authorized in subsection C of this section, whether within the Department of Corrections or within any other state agency, may be created or any construction performed which may significantly increase, extend or expand the present facility, such creation or construction shall be approved by the Legislature. Correctional facilities owned or operated by private prison contractors shall not be deemed to be within the Department of Corrections or other state agency.

B. The Department of Corrections is hereby authorized to establish inmate work centers, not to exceed one hundred (100) inmates, in locations where a need for labor to conduct public work projects is determined. The Department shall select the inmate work center locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

C. The Department of Corrections is hereby authorized to establish inmate drug offender work camps, not to exceed three hundred inmates, in locations determined by the Department of Corrections. The Department shall select the inmate drug offender work camp locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

D. No state, county or municipal correctional facility including any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed shall be located within one thousand (1,000) feet of any public or private elementary or secondary school nor within two thousand five hundred (2,500) feet of any state training school. The provisions of this subsection shall not apply to any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed established prior to September 1, 1994.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 563.1, is amended to read as follows:

Section 563.1 The location of any prison facility which is not operated by the Department of Corrections, a county, or a city shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such facility

is specifically prohibited within one (1) mile of any public or private elementary or secondary school. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any such facility after such facility has been in use as a prison facility, this shall not be a bar to the continued use of the facility as a prison so long as it remains in continuous use as a prison. Provided further, the provisions of this section shall not apply to any prison facility established within the prohibited distance from a private elementary or secondary school prior to September 1, 1994, or within the prohibited distance from a public elementary or secondary school prior to July 1, 1987. The distance indicated in this section shall be measured from the nearest property line of the school to the nearest property line of the prison facility.

Prior to the establishment of any prison facility which is not operated by the Department of Corrections, a private prison contractor shall obtain written authorization to establish the facility from the governing body of any municipality in which such a facility is to be located, or if the facility is not to be located within the incorporated limits of a municipality, from the board of county commissioners of the county in which the facility is to be located. Said authorization shall be submitted to the Board of Corrections before any contract between the Department of Corrections and the private prison contractor is awarded.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-417.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

For the location of any treatment facility, transitional living center or halfway house as defined in Section 3-403 of Title 43A of the Oklahoma Statutes which is operated pursuant to a license issued by the State Commissioner of Health for alcohol and drug abuse prevention, training, treatment and rehabilitation, the state, a county, or a municipality shall be subject to the nondiscriminatory zoning ordinances of the municipality in which located, and the location of such facility is specifically

prohibited within one thousand (1,000) feet of any public or private elementary or secondary school. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any such facility after such facility has been in use as a treatment facility, transitional living center or halfway house, this shall not be a bar to the continued use of the facility as designated so long as it remains in continuous use as designated. The distance indicated in this section shall be measured from the nearest property line of the school to the nearest property line of the treatment facility, transitional living center or halfway house. The provisions of this section shall not apply to any treatment facility, transitional living center or halfway house established prior to September 1, 1994.

SECTION 4. This act shall become effective September 1, 1994.

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