

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 467

By: Douglass of the Senate

and

Worthen of the House

COMMITTEE SUBSTITUTE

An Act relating to prisons; amending 57 O.S. 1991, Section 510.4, which relates to alternatives to incarceration; modifying administrative responsibilities of the Department of Corrections; authorizing the Department of Corrections to establish an electronically monitored home detention program; specifying eligible inmates; providing for notice to certain persons; requiring certain evaluation and reception; directing the Department to establish rules, regulations and procedures; specifying punishment for certain violations; providing for inmate to pay certain fee; defining term; construing act; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 510.4, is amended to read as follows:

Section 510.4 It shall be the responsibility of the Department of Corrections to administer the house arrest program, the electronically monitored home detention program, or any other alternatives to incarceration, and the employees of the Department of Corrections shall have the direct responsibility for oversight and supervision of inmates involved in such programs.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 510.5 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Department of Corrections may implement an electronically monitored home detention program for persons in the

custody of the Department, who meet one or more of the following guidelines:

1. Only inmates who are incarcerated for a nonviolent offense as defined in Section 571 of Title 57 of the Oklahoma Statutes, and who have no prior conviction for a violent offense, excluding inmates who are incarcerated for violations of the Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63 of the Oklahoma Statutes;

2. Only inmates who have no history of substance abuse or who are receptive to substance abuse treatment and follow-up treatment; and

3. Only inmates who are not deemed a security risk or threat to the public as assessed by the Department of Corrections, shall be eligible to participate in the electronically monitored home detention program.

B. All inmates placed on the electronically monitored home detention program shall first be processed and received through the Lexington Assessment and Reception Center.

C. Prior to the placement of an inmate on the electronically monitored home detention program, the Department shall provide written notification to the sheriff and district attorney of the county in which any person is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the person's placement on electronically monitored home detention within the county or incorporated city or town.

D. The Department of Corrections shall evaluate the inmate who shall not be deemed a security risk or threat to the public, and in the case of an inmate with a history of substance abuse, the Department shall determine whether the inmate is receptive to substance abuse treatment and follow-up treatment during the period of electronically monitored home detention. The Department shall establish rules, regulations and procedures for placing an inmate on electronically monitored home detention. Any violation or infraction of said rules by an inmate may result in the

inmate's reassignment to a correctional facility of the Department of Corrections by administrative decision.

E. The inmate shall be required to pay the Department of Corrections for all or part of the monitoring fee. The monitoring fee shall be established by the Department.

F. For purposes of this section, "electronically monitored home detention" means incarceration of the person within a specified location or locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location.

G. Nothing in this section shall be construed to amend the use of electronically monitored home detention for those persons convicted under Section 11-902 of Title 47 of the Oklahoma Statutes or sentenced by the court under the provisions of subparagraph e of paragraph 5 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6856

AJM