

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 565

By: Hobson

COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories; creating the Prison Population Management Act of 1993; providing short title; requiring certain notice to Governor and Attorney General; requiring certain action by Attorney General and Governor; requiring prisoners to complete certain criteria; requiring Pardon and Parole Board to recommend prisoners for release; authorizing denial of release upon certain conditions; requiring notice when population reaches certain percentage; directing Department to promulgate certain rules and regulations; making certain notice requirement apply; providing for codification; and declaring an emergency.

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 590 of Title 57, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Prison Population Management Act of 1993".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 591 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Any time the population of the prison system exceeds ninety-seven and one-half percent (97.5%) of the Department of Corrections' authorized capacity, as determined by the Board of Corrections, the Director shall notify the Governor and the Attorney General, in writing, to declare that a state of emergency exists. Within fifteen (15) days of such notification, the Attorney General shall certify, in writing, to the Governor the existence of the population emergency. Upon certification by the Attorney General, the Governor shall declare a state of emergency

and direct the Pardon and Parole Board to recommend for release qualified prisoners under the provisions of this act.

B. Upon declaration of a state of emergency pursuant to this act, the Director shall prepare a list of prisoners serving sentences for nonviolent offenses, as defined by Section 571 of Title 57 of the Oklahoma Statutes. The prisoner's names shall be placed on the next available docket of the Pardon and Parole Board for consideration for release under intensive preparole supervision by the Department, provided each prisoner is within twenty-four (24) months of a scheduled preparole consideration date, as defined in paragraph 2 of subsection A of Section 365 of Title 57 of the Oklahoma Statutes, and has completed at least one of the following:

1. General Education Diploma (GED);
2. Adult literacy program;
3. Residential substance abuse program;
4. Participation for at least one hundred eighty (180) days on a prisoner public works project;
5. Having maintained a class level four (4), as established pursuant to Section 138 of Title 57 of the Oklahoma Statutes, for two (2) consecutive years;
6. Vocational technical education; or
7. Other education or rehabilitation as determined by the Department.

C. The Pardon and Parole Board shall recommend persons from the list of prisoners serving sentences for nonviolent offenses submitted by the Director for immediate release to intensive preparole supervision. Prisoners having the least sentence to serve until their projected release date shall be considered first for release to intensive preparole supervision. The Pardon and Parole Board may deny recommendation to any eligible prisoner under the provisions of this act for any of the following reasons:

1. Threats by a prisoner resulting in an institutional misconduct, as determined by the Department, and provided to the Pardon and Parole Board by any victim, law enforcement officer, or by the Department; or

2. Prisoners having Class A misconduct, as determined by the Department, for any violent act, any felony conviction for a violent act, or any escape conviction within the preceding twenty-four (24) months.

D. After receiving recommendations for release of eligible prisoners, the Director of the Department of Corrections may exercise his discretion and release prisoners to appropriate probation and parole districts.

E. When the prison population is decreased to ninety-five percent (95%) of the Department of Corrections' authorized capacity, the Director shall notify the Governor that the state of emergency, is over and no further release of prisoners shall be granted under the provisions of this act.

F. The Department of Corrections shall promulgate and adopt rules and regulations necessary to implement the provisions of this act.

G. The notice requirements in subsection D of Section 365 of Title 57 of the Oklahoma Statutes shall apply to any prisoner released under the provisions of this act.

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.

44-1-0797

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