

SHORT TITLE: Prisons; authorizing State Board of Corrections to appoint and fix a salary for the Director of Probation and Parole; creating a separate Probation and Parole Division within the Department of Corrections; codification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1074

By: Leftwich

AS INTRODUCED

An Act relating to prisons; amending 57 O.S. 1991, Sections 504 and 557, as last amended by Section 5, Chapter 10, O.S.L. 1993 (57 O.S. Supp. 1993, Section 557), which relate to State Board of Corrections and Department of Corrections Revolving Fund; authorizing the Board to appoint and fix a salary for the Director of Probation and Parole; requiring a separate account for Probation and Parole; creating a separate Probation and Parole Division within the Department of Corrections; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 504, is amended to read as follows:

Section 504. ~~(a)~~ A. The State Board of Corrections shall elect from its members a chairman, vice-chairman and a secretary. It shall adopt rules and regulations for its government and may adopt an official seal for the Department. Members shall be reimbursed for travel expenses, as provided in the State Travel Reimbursement Act while attending meetings of the Board or while performing other official duties.

~~(b)~~ B. The Board shall have the following powers and duties:

~~(1)~~ 1. To establish policies for the operation of the Department;

~~(2)~~ 2. To establish and maintain such institutions as are necessary or convenient for the operation of programs for the education, training, vocational education and rehabilitation of prisoners under the jurisdiction of the Department;

~~(3)~~ 3. To lease, from time to time, without restriction as to terms, any property which said Board shall determine advisable to more fully carry into effect the operation of prison industries;

~~(4)~~ 4. To acquire, construct, extend, improve, maintain and operate any and all facilities of all kinds which in the judgment of the Board shall be necessary or convenient to foster the prison industries program;

~~(5)~~ 5. To require the Director of the Department of Corrections or the Director of the Probation and Parole Division and any other personnel of the Department, when deemed necessary by the Board, to give bond for the faithful performance of their duties;

~~(6)~~ 6. To appoint and fix the salary of the Director of the Department of Corrections and the Director of the Probation and Parole Division;

~~(7)~~ 7. To enter into contracts with private prison contractors; and

~~(8)~~ 8. To provide training to employees of private prison contractors and other governmental entities on a fee basis.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 557, as last amended by Section 5, Chapter 10, O.S.L. 1993 (57 O.S. Supp. 1993, Section 557), is amended to read as follows:

Section 557. A. There is hereby created in the State Treasury a revolving fund for the Department of Corrections to be known as the Department of Corrections Revolving Fund. This revolving fund shall consist of monies received by each institution of the Department as reimbursements for noninmate individual food

consumption; reimbursements from other state agencies and entities of government; receipts from sale of excess by-products, excess property, and salvage items; receipts from other ancillary services of the institution, not otherwise provided by law; receipts from the fees provided for in Sections 982 and 991d of Title 22 of the Oklahoma Statutes; monitoring fees for electronically monitored home detention; receipts from the fees provided for in Section 153 of Title 28 of the Oklahoma Statutes for convictions for driving under the influence of alcohol or other intoxicating substance; monies received for providing primary health care and outpatient services to prisoners in county jails; receipts by the Department for institutional care from wages earned by inmates while participating in the work release program; funds for prison rodeos and other special events; and any other receipts accruing to the credit of the Department of Corrections which are not directed by law to be deposited in another fund. Expenditures from said fund shall be for the general operating expenses of the Department of Corrections.

B. The Department of Corrections Revolving Fund shall also consist of those monies that are transferred to it by the Department of Corrections from the Industries Revolving Fund of the Department of Corrections for purposes as provided for in Section 541 of this title and expenditures shall be in accordance therewith. On July 1, 1983, any cash remaining in the Department of Corrections Industries Subsidiary Revolving Fund in excess of allotment balances or encumbrances for the fiscal year ending June 30, 1983, shall be transferred to the Department of Corrections Revolving Fund and on November 15, 1983, all cash remaining in the Department of Corrections Industries Subsidiary Revolving Fund shall be transferred to the Department of Corrections Revolving Fund.

C. The fund created by subsection A of this section shall be a continuing fund, under the control of the administrative authority of the Department of Corrections, and not subject to fiscal year

limitations. Expenditures shall be made pursuant to the laws of the state and the statutes relating to the Department of Corrections and its institutions, and without legislative appropriation. Warrants for expenditures from said revolving fund shall be based on claims signed by an authorized employee or employees of the Department of Corrections and approved for payment by the Director of State Finance.

D. Within the Department of Corrections Revolving Fund created in subsection A of this section, there shall be established an account for the Probation and Parole Division created pursuant to Section 3 of this act. The State Treasurer is hereby directed to develop a system for tracking the expenditures and receipts for the Probation and Parole Division within said account. Said account shall be administered by the Director of the Probation and Parole Division for operation of said division.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 508.1a of Title 57, unless there is created a duplication in numbering, reads as follows:

There is hereby created within the Department of Corrections a Probation and Parole Division. The Director of this division shall be appointed by the State Board of Corrections pursuant to Section 504 of Title 57 of the Oklahoma Statutes, and shall be responsible to the Board for said division. In addition, the Director of the Probation and Parole Division shall cooperate and assist the Department of Corrections in accomplishing the goals and objectives of said Department. The Director of the Probation and Parole Division shall employ or contract with persons as needed and shall set the salaries of such persons.

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

SECTION 5. 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.

44-2-1719

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