

ENROLLED SENATE  
BILL NO. 456

By: Douglass and Dickerson of  
the Senate

and

Phillips and Breckinridge  
of the House

An Act relating to prisons; amending 57 O.S. 1991, Sections 332.2, as amended by Section 5, Chapter 136, O.S.L. 1992 and 549, as amended by Section 5, Chapter 319, O.S.L. 1992 (57 O.S. Supp. 1992, Sections 332.2 and 549), which relate to the Pardon and Parole Board and administration of inmate trust funds; requiring the Department of Corrections and the Pardon and Parole Board to keep victim information confidential; authorizing the State Board of Corrections to invest certain money and pay interest to the Victims Compensation Fund; prohibiting inmate right, use and control of certain interest earned; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 332.2, as amended by Section 5, Chapter 136, O.S.L. 1992 (57 O.S. Supp. 1992, Section 332.2), is amended to read as follows:

Section 332.2 A. The Pardon and Parole Board, which shall meet only on the call of the Chairman, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said recommendation being advisory to the Governor and not binding thereon.

B. The Pardon and Parole Board shall provide a copy of their regular docket to each district attorney in this state at least twenty (20) days before such docket is considered by the board, or in the case of a supplemental, addendum or special docket, at least ten (10) days before such docket is considered by the board, and shall notify the district attorney of any recommendations for commutations or paroles no later than twenty (20) days after the docket is considered by the board.

C. The Pardon and Parole Board shall notify the victim or victim's representative in writing at least twenty (20) days before an inmate is considered by the board provided the board has received a request from the victim or victim's representative for notice. The board shall provide the victim or victim's representative with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the board regarding

the inmate or the crime. If requested by the victim or victim's representative, the board shall allow the victim or victim's representative to testify at the parole hearing of the inmate for at least five (5) minutes.

D. The Pardon and Parole Board shall notify the victim or victim's representative in writing of the board's decision no later than twenty (20) days after the inmate is considered by the board.

E. Any notice required to be provided to the victim or the victim's representative shall be mailed to the last-known address of the victim or victim's representative. It is the responsibility of the victim or victim's representative to provide the Pardon and Parole Board a current mailing address. The district attorney's victim-witness coordinator shall assist the victim or victim's representative with supplying their address to the board if they wish to be notified.

F. For purposes of this section, "victim" shall mean a person who has suffered direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of criminally injurious conduct, and "victim's representative" shall mean a person who is a member of the victim's immediate family.

G. All meetings of the Pardon and Parole Board shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes; provided that the board shall have the authority to limit the number of persons attending in support of, or in opposition to, any inmate being considered for parole and shall have the authority to exclude persons from attendance in accordance with prison security regulations and the capacity of the meeting room. Persons excluded from attending the meeting under this provision shall be informed of their right to be informed of the board's vote in accordance with Section 312 of Title 25 of the Oklahoma Statutes. Provided further, nothing in this section shall be construed to prevent any member of the press or any public official from attending any meeting of the Pardon and Parole Board, except as provided by the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

H. All victim information maintained by the Department of Corrections and the Pardon and Parole Board shall be confidential and shall not be released.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 549, as amended by Section 5, Chapter 319, O.S.L. 1992 (57 O.S. Supp. 1992, Section 549), is amended to read as follows:

Section 549. A. The State Board of Corrections shall have the following powers and duties with respect to the operation of prison industries and administration of inmate trust funds:

1. The power to make leases or other contracts consistent with the operation of prison industries, and to set aside land or facilities for the use of such industry;

2. The power to establish conditions for expenditures by the Department of Corrections from the Industries Revolving Fund;

3. The power to negotiate wages and working conditions on behalf of prisoners employed in prison industries;

4. The power to collect wages on behalf of the prisoner, to apportion inmate wages in accordance with the law; and the duty to preserve those wages reserved for the prisoner in an account for his benefit, and to establish procedures by which the prisoner can draw funds from this account under the conditions and limitations and for the purposes allowed by law; ~~and~~

5. The duty to establish the percentages of such wages which shall be available for apportionment to inmate savings; to the

inmate for his personal use; to the lawful dependents of the inmate, if any; to the victim of the inmate's crime; for payment of creditors; for payment of costs and expenses for criminal actions against such inmate; and to the Department of Corrections for costs of incarceration. Provided, that not less than twenty percent (20%) of such wages shall be placed in an account, payable to the prisoner upon his discharge or upon assignment to a prerelease program. Funds from this account may be used by the inmate for fees or costs in filing a civil action as defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes or for federal action as defined in Section 1911 et seq. of Title 28 of the United States Code, 28 U.S.C., Section 1911 et seq.; and

6. The power to invest the twenty percent (20%) mandatory savings of each inmate in an interest-bearing account with the interest accruing and payable to the Crime Victims Compensation Fund, as provided in Section 142.17 of Title 21 of the Oklahoma Statutes. The interest from each inmate's savings account shall be payable to the Crime Victims Compensation Fund, at such intervals as may be determined by the Board, in addition to any other payments to such fund required by the inmate's sentence or otherwise by law. An inmate shall not have the right, use or control of any interest derived from any funds placed in a mandatory savings account.

B. The State Board of Corrections shall cause to be placed in an account income from the inmate's employment and any other income or benefits accruing to or payable to and for the benefit of said inmate, including any workers' compensation or Social Security benefits.

1. From this account the State Board of Corrections may charge any inmate employed in private prison industries or any other inmate for costs of incarceration not to exceed fifty percent (50%) of any deposits made to said account.

2. The Department of Corrections shall pay into the Crime Victims Compensation Revolving Fund, Section 142.17 of Title 21 of the Oklahoma Statutes, an amount equal to five percent (5%) of the gross wages earned by inmates employed in a private prison industries program, said amount to be paid from the amount deducted for cost of incarceration.

3. Withdrawals and deposits shall be made according to rules and regulations established by the Board of Corrections.

C. The Department of Corrections may assess costs of incarceration against all inmates beginning on the effective date of this act. Such costs shall be a debt of the inmate owed to the Department of Corrections and may be collected as provided by law for collection of any other civil debt. In addition to the provisions of this section authorizing expenditure of inmate trust funds for costs of incarceration, any monies received for costs of incarceration shall be deposited in the Department of Corrections Revolving Fund.

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.

Passed the Senate the 4th day of March, 1993.

Passed the House of Representatives the 25th day of March, 1993.

Speaker of the House of  
Representatives