

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1767

By: Caldwell

AS INTRODUCED

An Act relating to prisons and reformatories;  
amending 57 O.S. 1991, Section 138, which relates  
to earned credits; modifying classification  
procedure; modifying procedure for awarding earned  
credits, in certain circumstances; clarifying  
language pertaining to assigned tasks to include  
education; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 138, is  
amended to read as follows:

Section 138. A. Except as otherwise provided by law, every  
inmate of a state correctional institution shall have their term of  
imprisonment reduced monthly, based upon the class level to which  
they are assigned. Earned credits may be subtracted from the total  
credits accumulated by an inmate, upon recommendation of the  
institution's disciplinary committee, following due process, and  
upon approval of the warden or superintendent. Each earned credit  
is equivalent to one (1) day of incarceration. Lost credits may be  
restored by the warden or superintendent upon approval of the  
classification committee. If a maximum and minimum term of  
imprisonment is imposed, the provisions of this subsection shall

apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority.

B. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one (1) of four (4) class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department, including but not limited to, the criteria for awarding credits required by this subsection.

C. Effective September 1, 1993, each inmate, upon being placed in the custody of the Department of Correction, shall be evaluated to determine whether or not the inmate is functionally literate. The method of evaluation shall be determined by the Department of Corrections. Any inmate who is found to be functionally illiterate shall be offered educational programs to become functionally literate. If the inmate refuses assignment to an educational program, the inmate shall remain in class level 1, until such time as the inmate accepts an educational assignment. Any inmate who accepts an educational assignment shall be eligible to be placed in any class level in which the inmate would otherwise be placed, however the credits earned by any such inmate shall not be credited

to the inmate until satisfactory completion of the educational program.

D. 1. Class levels shall be as follows:

- a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, new prisoners being processed through the Lexington Assessment and Reception Center, inmates on escape status, inmates refusing job, education, or program assignments, inmates removed from job, education, or program assignments due to misconduct or nonperformance, or inmates subject to disciplinary action.
- b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.
- c. Class level 3 shall include an inmate who has been incarcerated at least four (4) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.
- d. Class level 4 shall include an inmate who has been incarcerated at least ten (10) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. Class level corresponding credits are as follows:

- Class 1 - 0 Credits per month;
- Class 2 - 22 Credits per month;
- Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

Each inmate shall receive the above specified monthly credits for the class to which he is assigned.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

- a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level;
- b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level;
- c. cooperative behavior toward facility staff and other inmates;
- d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

- a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.
- b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.
- c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.
- d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.

e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

~~D.~~ E. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three (3) members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

~~E.~~ F. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate classified by the Department of Corrections as being physically or mentally disabled for work or placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from his term of imprisonment at the state correctional institution.

~~F.~~ G. Additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent

General Education Diploma ..... 90 credits;

Certification of Completion of

Vocational Training ..... 80 credits;

Successful completion of

Alcohol/Chemical Abuse

Treatment Program of not less than

four (4) months continuous participation ... 70 credits;

Successful completion of other

Educational Accomplishments

or other programs not

specified in this subsection ..... 10 - 30 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits. No inmate shall receive more than ninety (90) achievement credits per calendar year.

~~G.~~ H. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. Sent to the administrative office of the Department of Corrections on a quarterly basis;
2. Provided to the inmate.

~~H.~~ I. As of the effective date of this act, all inmates currently under the custody of the Department of Corrections shall receive their assignments and all credits from that date forward shall be calculated pursuant to this act.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5196

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