

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2458

By: Maddox (Jim)

AS INTRODUCED

An Act directing the Secretary of State to refer to the people for their approval or rejection a proposed Act relating to prisons and reformatories; providing for the establishment and maintenance of a correctional institution by the Department of Corrections; stating purpose; stating capacity; providing for location; providing for an assessment and reception center; defining term; amending 57 O.S. 1991, Section 530, as amended by Section 8, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1993, Section 530), which relates to the Lexington Assessment and Reception Center; providing for additional center; establishing additional sales tax and stating purposes therefor; establishing additional use tax and stating purposes therefor; providing for codification; providing a ballot title; directing filing; and ordering a special election.

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

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided for by law, Sections 2 through 5 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 509.6 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Department of Corrections shall establish and maintain an institution in western Oklahoma to house inmates classified as medium or higher security risk. In addition to medium and higher security risk inmates, the Department of Corrections may house inmates on trusty status at the institution if needed for operation and maintenance of the institution. The institution shall have a capacity to house one thousand (1,000) inmates. The institution shall be located on a site west of State Highway 277.

B. The institution shall contain an assessment and reception center.

C. As used in this section, security level restrictions shall refer to the security levels applicable to inmates in institutions within the Department of Corrections, as determined by policy of the Department of Corrections.

SECTION 3. AMENDATORY 57 O.S. 1991, Section 530, as amended by Section 8, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1993, Section 530), is amended to read as follows:

Section 530. It is the intent of the State Legislature that all new prisoners sentenced to the custody of the Department of Corrections will be processed through the Lexington Assessment and Reception Center or the assessment and reception center established pursuant to Section 2 of this act. The ~~Center~~ centers shall administer physical and psychological examinations, inventory vocational skills, and assess educational and training needs. The

~~Center~~ centers shall determine initial security and custody classifications, plan for immediate or possible future assignment to an institution, community treatment center or other alternative to incarceration authorized by law, provide orientation and instruction with respect to rules and procedures for prisoners, and perform other such activities deemed necessary by the Department of Corrections.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1354.7 of Title 68, unless there is created a duplication in numbering, reads as follows:

In addition to the tax levied by Sections 1354, 1354.2 and 1354.3 of Title 68 of the Oklahoma Statutes, there is hereby levied upon all sales, not otherwise exempted by the Oklahoma Sales Tax Code, an excise tax of twenty-five one-thousandths of one percent (.025%) of the gross receipts or gross proceeds of each sale of an item that is subject to the tax levied by Sections 1354, 1354.2 and 1354.3 of Title 68 of the Oklahoma Statutes. The proceeds from the tax levied by this section shall be expended only for the construction and operating expenses of the correctional institution provided for in Section 2 of this act. If the proceeds of the tax levied by this section exceed the amount necessary for construction and operation of the institution, the additional revenue shall be subject to appropriation by the Legislature for other correctional purposes and for juvenile delinquency facilities and programs.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1402.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

In addition to the tax levied by Section 1402 of Title 68 of the Oklahoma Statutes, there is hereby levied and there shall be paid by every person storing, using, or otherwise consuming within this state, tangible personal property purchased or brought into this state, an excise tax of twenty-five one-thousandths of one percent

(.025%) on each item that is subject to the tax levied by Section 1402 of Title 68 of the Oklahoma Statutes. The proceeds from the tax levied by this section shall be expended for the construction and operating expenses of the correctional institution provided for in Section 2 of this act. If the proceeds of the tax levied by this section exceed the amount necessary for construction and operation of the institution, the additional revenue shall be subject to appropriation by the Legislature for other correctional purposes and for juvenile delinquency facilities and programs.

SECTION 6. The Ballot Title for the proposed act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure enacts a new law that would create a new prison. The prison would house 1,000 inmates. The prison would house medium security inmates and maximum security inmates. The prison would have a reception and assessment center. This center would decide security and custody levels for inmates. This measure levies an extra sales tax to pay for the prison. The sales tax would be .025 percent. This is in addition to current sales tax. The extra tax would pay for building the prison. After the prison is built, the extra tax would be used to pay to operate the prison. If the extra tax brings in more than is needed to operate the prison, the extra money would be used for other adult and juvenile corrections programs.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE ACT

 / NO, AGAINST THE ACT

SECTION 7. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 6

hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 8. A special election is hereby ordered to be held throughout the State of Oklahoma on a date to be set by the Governor, at which time the proposed statutes, as set forth in Sections 2 through 5 of this act, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

44-2-7523

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