SHORT TITLE: Prisons; requiring certain duo-diagnosis and treatment; authorizing the Department of Corrections to enter into Intergovernmental Cooperative Agreements; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 299 By: Stipe

AS INTRODUCED

An Act relating to prisons; amending 57 O.S. 1991, Sections 332.8, as amended by Section 6, Chapter 136, O.S.L. 1992, 530 and 530.1 (57 O.S. Supp. 1992, Section 332.8), which relate to Pardon and Parole Board, receiving new prisoners, and assessment and reception; authorizing Pardon and Parole Board to make certain placement of inmate; requiring certain placement on certain date; requiring certain reports; providing for certain assessments by Lexington Assessment and Reception Center; specifying dates for certain assessments; modifying language; directing duo-diagnosis treatment for inmates; defining terms; authorizing the Department of Corrections to enter into Intergovernmental Cooperative Agreements; specifying conditions of contracts; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 332.8, as amended by Section 6, Chapter 136, O.S.L. 1992 (57 O.S. Supp. 1992, Section 332.8), is amended to read as follows:

Section 332.8 A. No recommendations to the Governor for parole shall be made in relation to any inmate in a penal institution in

the State of Oklahoma unless the Pardon and Parole Board considers the victim impact statement if presented to the court at the time of sentencing and, in every appropriate case, as a condition of parole, monetary restitution of economic loss as defined by Section 991f of Title 22 of the Oklahoma Statutes, incurred by a victim of the crime for which the inmate was imprisoned. In every case, the Pardon and Parole Board shall first consider the number of previous felony convictions and the type of criminal violations leading to any such felony convictions, and then shall consider either suitable employment or a suitable residence as a condition for release on parole. The probation and parole officer shall render every reasonable assistance to any person making application for parole, in helping to obtain suitable employment or a suitable residence.

B. Effective September 1, 1993, the Pardon and Parole Board is authorized, in its discretion, to direct any inmate to participate in, as a condition of parole, one or more of the following:

1. Out-patient duo-diagnosis treatment, as defined by subsection E of Section 530.1 of this title, for a period not exceeding three (3) years;

2. Technology-based education not exceeding two (2) years or until achieving a high school equivalent education, whichever occurs first; or

3. Technology-based job skills training for not less than twelve (12) months.

C. Effective September 1, 1994, the Pardon and Parole Board shall, as a condition of pardon or parole, direct every inmate diagnosed or assessed as having a substance abuse history in the five (5) years prior to conviction or any inmate who is evaluated as having less than a high school equivalent education to participate in one or more of the following:

1. In-patient duo-diagnosis treatment, as defined by subsection E of Section 530.1 of this title, and not exceeding twenty-four (24)

months of supervised after care offered by a Department of Corrections' facility;

2. Technology-based education not exceeding two (2) years offered by a Department of Corrections' facility or until achieving a high school equivalent education, whichever occurs first; or

3. Technology-based job skills training for not less than twelve (12) months offered by a Department of Corrections' facility.

D. The Pardon and Parole Board and the Department of Corrections shall each report biannually to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives on the results, costs, and the number of inmates utilizing these programs.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 530, is amended to read as follows:

Section 530. A. It is the intent of the State Legislature that all new prisoners to be incarcerated in a state institution or facility will be processed through the Lexington Assessment and Reception Center. The Center shall administer physical and psychological examinations, inventory vocational skills, and assess educational and training needs. The Center shall determine initial security and custody classifications, plan for immediate or possible future assignment to an institution or community treatment center, provide orientation and instruction with respect to rules and procedures for prisoners, and perform other such activities deemed necessary by the Department of Corrections.

B. Effective September 1, 1993, the Department of Corrections shall require the Lexington Assessment and Reception Center to include in the initial assessment and evaluation of each inmate entering into custody of the Department the following:

1. Psychiatric history;

2. History of social behavior and patterns;

3. Literacy proficiency and capabilities;

4. Technical job skills proficiency; and

5. Actual educational proficiency.

SECTION 3. AMENDATORY 57 O.S. 1991, Section 530.1, is amended to read as follows:

Section 530.1 A. The Department of Corrections, by the rules and regulations of that Department, shall have the following duties which shall be performed as part of the assessment and reception process of the Department of Corrections, upon reception of each inmate:

1. To administer, or cause to be administered, physical and psychological examination of all inmates;

2. To assess the psychiatric history, and history of social behavior and patterns;

3. To inventory the vocational skills, including technical job skills proficiency of all inmates;

~~3.~~ 4. To assess the educational and training needs of all inmates, including literacy proficiency and capabilities and actual educational proficiency;

~~4.~~ 5. To determine initial security and custody classifications;

~~5.~~ 6. To determine and recommend for placement in an alcohol treatment facility, as hereinafter provided for, any inmate convicted of alcohol-related offenses or otherwise in need of alcohol treatment;

~~6.~~ 7. To determine and recommend for placement in the Department of Corrections Special Care Unit at the State Penitentiary at McAlester any inmate who is in need of acute psychiatric care;

~~7.~~ 8. To plan for immediate assignments to institutions, community treatment centers, alcohol treatment centers or other facilities, public or private, designated by the Department;

~~8.~~ 9. To recommend possible future assignments to institutions, community treatment centers, alcohol treatment centers or other facilities designated by the Department; and

~~9.~~ 10. To provide orientation and instruction with respect to rules and procedures for prisoners.

B. An alcohol treatment center in which an inmate is placed shall provide services and standards of treatment as provided by the Department of Mental Health and Substance Abuse Services under its rules and regulations for alcoholism treatment. Upon placement of a prisoner in a center for alcoholism treatment, the Department of Corrections shall enter into a third party contract with such center for the custodial and professional services rendered to any prisoner, such contract may include requirements imposed by law on the Department of Corrections or reimbursement for such services, if necessary.

C. The Department of Corrections shall adopt rules and regulations governing the implementation of this act ~~within sixty (60) days from the effective date of this act~~ by September 1, 1993.

D. Effective September 1, 1994, in addition to any other assessments by the Lexington Assessment and Reception Center, the Department of Corrections shall require the evaluation and assessment of not less than thirty-five percent (35%) of the medium security level inmates and sixty-five percent (65%) of the minimum security level inmates in the custody of the Department or entering the custody of the Department on or after September 1, 1994, as follows:

1. Duo-diagnosis;

2. Technology-based education; and

3. Technology-based job skills.

The Department shall require and provide duo-diagnosis treatment for each inmate evaluated or assessed as having a substance abuse and psychiatric or psychological condition.

E. For purposes of this title:

1. "Duo-diagnosis" means a diagnosis of chemical dependency which co-exists with a diagnosis of a psychiatric or psychological disorder; and

2. "Duo-diagnosis treatment" means a plan of treatment which simultaneously treats chemical dependency and psychiatric or psychological disorders.

F. The Department of Corrections is directed to enter into Intergovernmental Cooperative Agreements with no less than three (3) counties or other political subdivisions of the state to provide duo-diagnosis services, technology-based educational services and technology-based job skills services pursuant to the provisions of this act. The Department of Corrections shall approve the design of any facilities constructed or improved pursuant to any Intergovernmental Cooperative Agreement. The Department may enter into a third-party contract with such facility for the custodial and professional services rendered to any prisoner; such contract may include requirements imposed on the Department of Corrections or reimbursement for such services, if necessary. The Department is authorized to pay the actual cost of personnel delivering such services, and the operational costs of the facility. No county or other political subdivision of the state shall have supervision, custody or control of prisoners in a contracted facility, except under the terms of the contract.

SECTION 4. 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.

44-1-0088 NP