

ENROLLED HOUSE
BILL NO. 1762

By: Hamilton and Steidley of
the House

and

Haney and Hobson of the
Senate

An Act relating to prisons and reformatories; amending 57 O.S. 1991, Sections 502, as last amended by Section 1, Chapter 277, O.S.L. 1994, 509, as amended by Section 2, Chapter 277, O.S.L. 1994, 513.1, as amended by Section 3, Chapter 277, O.S.L. 1994 (57 O.S. Supp. 1994, Sections 502, 509 and 513.1), which relate to the Oklahoma Corrections Act of 1967; designating the Charles E. "Bill" Johnson Correctional Center and specifying location; creating petty cash fund for the Center; amending 57 O.S. 1991, Section 549, as last amended by Section 2, Chapter 29, O.S.L. 1993 (57 O.S. Supp. 1994, Section 549), which relates to powers and duties of the State Board of Corrections; authorizing use of certain inmate account for payment of certain fees or costs; amending Section 3, Chapter 276, O.S.L. 1994, as amended by Section 5 of Enrolled Senate Bill No. 173 of the 1st Session of the 45th Oklahoma Legislature; modifying budgetary limitations for the Department of Corrections; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 502, as last amended by Section 1, Chapter 277, O.S.L. 1994 (57 O.S. Supp. 1994, Section 502), is amended to read as follows:

Section 502. As used in this title, unless the context otherwise requires:

- (a) "Board" means the State Board of Corrections;
- (b) "Department" means the Department of Corrections of this state;
- (c) "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Ouachita Correctional Center located at Hodgen, Oklahoma; the Mabel Bassett Correctional Center located at Oklahoma City, Oklahoma; the

R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the Northeast Oklahoma Correctional Center located at Vinita, Oklahoma; the Oklahoma City, Clara Waters and Kate Barnard Community Corrections Centers located at Oklahoma City, Oklahoma; the Tulsa Community Corrections Center located at Tulsa, Oklahoma; the Community Corrections Centers located at Lawton, Enid, and Muskogee and McAlester; the Charles E. "Bill" Johnson Correctional Center, located east of Alva, Oklahoma; and other facilities under the jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;

(d) "Director" means the Director of the Department of Corrections;

(e) "Halfway house" means a private facility for the placement of inmates in a community setting for the purpose of reintegrating into the community inmates who are nearing their release dates. The term shall not include private prisons.

(f) "House arrest" means a program whereby persons committed to the Department of Corrections are authorized to be away from a correctional facility and are placed by the Department in a community for the purpose of reintegration of the person into society, pursuant to the provisions of Section 510.2 of this title; and

(g) "Private prison contractor" means:

(1) a nongovernmental entity or public trust which, pursuant to a contract with the Department of Corrections, operates an institution within the Department, or provides for the housing, care, and control of inmates and performs other functions related to said responsibilities within a minimum or medium security level facility not owned by the Department but operated by the contractor; or

(2) a nongovernmental entity or public trust which, pursuant to a contract with the United States or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States or another state, and performs other functions related to said responsibilities within a facility owned or operated by the contractor.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 509, as amended by Section 2, Chapter 277, O.S.L. 1994 (57 O.S. Supp. 1994, Section 509), is amended to read as follows:

Section 509. The Oklahoma State Penitentiary shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Oklahoma State Reformatory shall be located at Granite in Greer County, State of Oklahoma; and the Lexington Assessment and Reception Center shall be located at Lexington in Cleveland County, State of Oklahoma; and the Jackie Brannon Correctional Center shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Joseph Harp Correctional Center shall be located at Lexington in Cleveland County, State of Oklahoma; and the Howard C. McLeod Correctional Center shall be located at Farris in Atoka County, State of Oklahoma; and the Mack H. Alford Correctional Center shall be located at Stringtown in Atoka County, State of Oklahoma; and the Ouachita Correctional Center shall be located at Hodgen in LeFlore County, State of Oklahoma; and the Mabel Bassett Correctional Center shall be located at Oklahoma City in Oklahoma County, State of Oklahoma; and the R.B. "Dick" Conner Correctional Center shall be

located at Hominy in Osage County, State of Oklahoma; and the James Crabtree Correctional Center shall be located at Helena in Alfalfa County, State of Oklahoma; and the Jess Dunn Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the Northeast Oklahoma Correctional Center shall be located at Vinita in Craig County, State of Oklahoma; and the John Lilley Correctional Center shall be located at Boley in Okfuskee County, State of Oklahoma; and the William S. Key Correctional Center shall be located at Fort Supply in Woodward County, State of Oklahoma; and the Dr. Eddie Walter Warrior Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the Oklahoma City, Clara Waters and Kate Barnard Community Corrections Centers shall be located at Oklahoma City in Oklahoma County, State of Oklahoma; and the Tulsa Community Corrections Center shall be located at Tulsa in Tulsa County, State of Oklahoma; and the Muskogee Community Corrections Center shall be located at Muskogee in Muskogee County, State of Oklahoma; and the Lawton Community Corrections Center shall be located at Lawton in Comanche County, State of Oklahoma; and the Enid Community Corrections Center shall be located at Enid in Garfield County, State of Oklahoma; ~~and the McAlester Community Corrections Center shall be located at McAlester in Pittsburg County, State of Oklahoma~~ the Charles E. "Bill" Johnson Correctional Center shall be located east of Alva in Woods County, State of Oklahoma; and said institutions and community corrections centers are hereby established within the Department. Said Department shall be the legal successor of and, except as otherwise provided in the Oklahoma Corrections Act of 1967, Section 501 et seq. of this title, shall have the powers and duties vested by law in the Department of Central Services in all matters relating to penal institutions, heretofore or hereafter established by the Department, which institutions and community corrections centers shall be under the administrative direction and control of the Department.

SECTION 3. AMENDATORY 57 O.S. 1991, Section 513.1, as amended by Section 3, Chapter 277, O.S.L. 1994 (57 O.S. Supp. 1994, Section 513.1), is amended to read as follows:

Section 513.1 The maximum amounts that may be maintained in petty cash funds, established in accordance with the provisions of Section 513 of this title, are as specified below:

Amount	Maximum
Department of Corrections	\$1,000.00
Ouachita Correctional Center (Hodgen)	\$2,000.00
Mack H. Alford Correctional Center	\$2,500.00
Howard C. McLeod Correctional Center (Farris)	\$2,000.00
Lexington Assessment and Reception Center	\$2,500.00
Oklahoma State Penitentiary (McAlester)	\$5,000.00
Oklahoma State Reformatory (Granite)	\$3,000.00
R.B. "Dick" Conner Correctional Center (Hominy)	\$3,000.00
Joe Harp Correctional Center (Lexington)	\$3,000.00
Jess Dunn Correctional Center (Taft)	\$3,500.00
James Crabtree Correctional Center (Helena)	\$2,000.00
Mabel Bassett Correctional Center (Oklahoma City)	\$2,000.00
John Lilley Correctional Center (Boley)	\$2,000.00
Oklahoma City Community Corrections Center	\$2,000.00
Clara Waters Community	

Corrections Center (Oklahoma City)	\$2,000.00
Kate Barnard Community Corrections Center (Oklahoma City)	\$2,000.00
Tulsa Community Corrections Center	\$2,000.00
Muskogee Community Corrections Center	\$2,000.00
Lawton Community Corrections Center	\$2,000.00
Enid Community Corrections Center	\$2,000.00
McAlester Community Corrections Center	\$2,000.00
Jackie Brannon Correctional Center	\$3,000.00
William S. Key Correctional Center (Fort Supply)	\$3,000.00
Dr. Eddie Walter Warrior Correctional Center (Taft)	\$3,000.00
Northeast Oklahoma Correctional Center (Vinita)	\$3,000.00
<u>Charles E. "Bill" Johnson Correctional Center</u>	<u>\$3,000.00</u>

SECTION 4. AMENDATORY 57 O.S. 1991, Section 549, as last amended by Section 2, Chapter 29, O.S.L. 1993 (57 O.S. Supp. 1994, 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;
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 or criminal 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 5. AMENDATORY Section 3, Chapter 276, O.S.L. 1994, as amended by Section 5 of Enrolled Senate Bill No. 173 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Corrections by law shall be set by the Director. The salary of the Director shall not exceed Seventy-two Thousand One Hundred Eighty Dollars (\$72,180.00) per annum, payable monthly for the fiscal year ending June 30, 1995. The Department of Corrections for the fiscal year ending June 30, 1995, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	<u>4,900.0</u>
	<u>4,980.00</u>
Lease-Purchase Agreements	\$1,000,000.00
Total Expenditure for Operations	\$222,323,221.00

\$222,323,494.00

SECTION 6. 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 House of Representatives the 18th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 18th day of May, 1995.

President of the Senate