

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1177

By: Vaughn

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 1991, Section 566, which relates
to actions against Department of Corrections;
authorizing imposition of attorney fees in certain
actions; prescribing standard for determination by
courts; authorizing modification of sentence
imposed upon persons convicted of offenses;
authorizing additional period of incarceration;
authorizing additional amount of fines; and
providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 566, is
amended to read as follows:

Section 566. A. An action initiated against the Department of
Corrections by an inmate in the custody of the Department may be:

1. Dismissed without prejudice, by the court on its own motion
or on a motion of the defendant, if all administrative remedies
available to the defendant have not been exhausted; or

2. Dismissed with prejudice, by the court on a motion of the
defendant, if the court is satisfied that the action is frivolous or
malicious.

B. If the court to which a case is assigned determines, upon motion or sua sponte, that an action brought by a person in the custody of the Department of Corrections as plaintiff against the Department as defendant had no reasonable basis, was brought in bad faith, was frivolous or was not based upon a good faith argument for the extension, modification or reversal of existing law then the following sanctions may be imposed against the plaintiff:

1. Award of attorney fees incurred by the Department of Corrections to be imposed in addition to any fine which the plaintiff was required to pay as part of the sentence for which the plaintiff is held in the custody of the Department;

2. Modification of the sentence of incarceration pursuant to which the plaintiff is held in the custody of the Department which may, at the discretion of the court, include additional periods of incarceration not to exceed one (1) year for each instance in which an action or proceeding is brought against the Department in violation of the standard prescribed by this subsection; and

3. Modification of the fine imposed by the sentence for which the plaintiff is held in the custody of the Department in an amount not to exceed One Thousand Dollars (\$1,000.00) for each instance in which an action or proceeding is brought against the Department in violation of the standard prescribed by this subsection.

SECTION 2. This act shall become effective November 1, 1995.

45-1-5175

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