

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2688

By: Paulk

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 1991, Sections 563, as last
amended by Section 1, Chapter 213, O.S.L. 1994 and
Section 563.1, as amended by Section 2, Chapter
213, O.S.L. 1994 (57 O.S. Supp. 1995, Sections 563
and 563.1), which relate to location of
correctional facilities and private prison
facilities; providing that halfway houses shall not
be established in municipalities unless certain
conditions are met; prohibiting private halfway
houses within certain distance of schools; and
providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 563, as last
amended by Section 1, Chapter 213, O.S.L. 1994 (57 O.S. Supp. 1995,
Section 563), is amended to read as follows:

Section 563. A. Before any correctional facility other than an
inmate work center as authorized in subsection B of this section or
an inmate drug offender work camp as authorized in subsection C of
this section, whether within the Department of Corrections or within

any other state agency, may be created or any construction performed which may significantly increase, extend or expand the present facility, such creation or construction shall be approved by the Legislature. Correctional facilities owned or operated by private prison contractors and private halfway houses shall not be deemed to be within the Department of Corrections or other state agency.

B. The Department of Corrections is hereby authorized to establish inmate work centers, not to exceed one hundred (100) inmates, in locations where a need for labor to conduct public work projects is determined. The Department shall select the inmate work center locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

C. The Department of Corrections is hereby authorized to establish inmate drug offender work camps, not to exceed three hundred inmates, in locations determined by the Department of Corrections. The Department shall select the inmate drug offender work camp locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

D. No state, county or municipal correctional facility including any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed shall be located within one thousand (1,000) feet of any public or private elementary or secondary school nor within two thousand five hundred (2,500) feet of any state training school. The provisions of this subsection shall not apply to any inmate work center, inmate

drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed established prior to ~~the effective date of this act~~ May 20, 1994.

E. No state, county or municipal halfway house for inmates shall be established after November 1, 1996, within the incorporated limits of a municipality, unless:

1. An application to establish the halfway house is presented to the governing board of the municipality by the state, county or municipal entity wishing to establish the halfway house. The application shall include the name of the entity, and the plans and specifications for the proposed halfway house;

2. The applicant published notice of the application in a newspaper of general circulation within the municipality for two (2) consecutive weeks;

3. The municipality holds a public hearing on the application and publishes notice of the meeting in a newspaper of general circulation within the municipality for two (2) consecutive weeks prior to the hearing;

4. There is a protest period, beginning at least three (3) days prior to the date of the public hearing and continuing through the end of the public hearing, for citizens to file protests. Notice of the protest period shall be included in the notice required by paragraph 3 of this subsection; and

5. During the protest period fewer than fifty percent (50%) of the property owners within a one-mile radius of the exterior boundary of the lot or lots on which the halfway house shall be located file protest against the use of the property for a halfway house.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 563.1, as amended by Section 2, Chapter 213, O.S.L. 1994 (57 O.S. Supp. 1995, Section 563.1), is amended to read as follows:

Section 563.1 A. 1. The location of any prison facility which is not operated by the Department of Corrections, a county, or a city shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such facility is specifically prohibited within one (1) mile of any public or private elementary or secondary school. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any such facility after such facility has been in use as a prison facility, this shall not be a bar to the continued use of the facility as a prison so long as it remains in continuous use as a prison. Provided further, the provisions of this ~~section~~ subsection shall not apply to any prison facility established within the prohibited distance from a private elementary or secondary school prior to ~~the effective date of this act~~ May 20, 1994, or within the prohibited distance from a public elementary or secondary school prior to July 1, 1987. The distance indicated in this ~~section~~ subsection shall be measured from the nearest property line of the school to the nearest property line of the prison facility.

2. Prior to the establishment of any prison facility which is not operated by the Department of Corrections, a private prison contractor shall obtain written authorization to establish the facility from the governing body of any municipality in which such a facility is to be located, or if the facility is not to be located within the incorporated limits of a municipality, from the board of county commissioners of the county in which the facility is to be located. Said authorization shall be submitted to the Board of Corrections before any contract between the Department of Corrections and the private prison contractor is awarded.

B. 1. The location of any private halfway house shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such facility is

specifically prohibited within one (1) mile of any public or private elementary or secondary school. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any such facility after such facility has been in use as a halfway house, this shall not be a bar to the continued use of the facility as a halfway house so long as it remains in continuous use as a halfway house. Provided further, the provisions of this subsection shall not apply to any halfway house established within the prohibited distance from a private elementary or secondary school prior to November 1, 1996. The distance indicated in this subsection shall be measured from the nearest property line of the school to the nearest property line of the halfway house.

2. No private halfway house for inmates shall be established after November 1, 1996, within the incorporated limits of a municipality, unless:

- a. an application to establish the halfway house is presented to the governing board of the municipality by the person or business entity wishing to establish the halfway house. The application shall include the name of any owner of the halfway house, the name of a person who shall serve as agent for the halfway house for service of process, and the plans and specifications for the proposed halfway house,
- b. the applicant published notice of the application in a newspaper of general circulation within the municipality for two (2) consecutive weeks,
- c. the municipality holds a public hearing on the application and publishes notice of the meeting in a newspaper of general circulation within the municipality for two (2) consecutive weeks prior to the hearing,

- d. there is a protest period, beginning at least three (3) days prior to the date of the public hearing and continuing through the end of the public hearing, for citizens to file protests. Notice of the protest period shall be included in the notice required by subparagraph c of this paragraph, and
- e. during the protest period fewer than fifty percent (50%) of the property owners within a one-mile radius of the exterior boundary of the lot or lots on which the halfway house shall be located file protest against the use of the property for a halfway house.

SECTION 3. This act shall become effective November 1, 1996.

45-2-9012

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