

SHORT TITLE: Prison; requiring certain payments to Oklahoma Crime
Victims Centre; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1151

By: Henry

AS INTRODUCED

An Act relating to prisons; amending 57 O.S. 1991, Section 549, as last amended by Section 4, Chapter 266, O.S.L. 1995 (57 O.S. Supp. 1995, Section 549), which relates to inmate trust funds; modifying gender and language; requiring certain monthly payments to the Oklahoma Crime Victims Centre in Shawnee; specifying percentage of account; requiring monthly payments to the Crime Victims Compensation Fund; changing authority for charging costs of incarceration; requiring costs of incarceration be calculated; providing credit for payments; requiring annual report on costs of incarceration; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 549, as last amended by Section 4, Chapter 266, O.S.L. 1995 (57 O.S. Supp. 1995, 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 or her 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 or her 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 or her discharge or upon assignment to ~~a prerelease~~ an alternative community 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. 1. The State Board of Corrections shall cause to be placed in ~~an~~ a trust account income from the inmate's employment and any other income or benefits accruing to or payable to and for the benefit of ~~said~~ the inmate, including any workers' compensation or Social Security benefits.

~~1.~~ From this account the ~~State Board~~ Department of Corrections may charge ~~any~~ the inmate ~~employed in private prison industries or any other inmate~~ for the costs of his or her incarceration not to exceed fifty percent (50%) of any deposits made to ~~said~~ such account by the inmate.

2. The Department of Corrections shall pay monthly 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~~ an inmate employed in a private prison industries program, ~~said amount to be paid from the amount deducted for cost of incarceration.~~

3. The Department of Corrections shall pay monthly to the Oklahoma Crime Victims Centre fifteen percent (15%) of one-half (1/2) of any gross wages earned by an inmate employed in a private prison industries program or work release program.

4. Withdrawals and deposits shall be made according to the provisions of this section and any other rules and regulations established by the Board of Corrections.

C. The Department of Corrections ~~may assess~~ shall calculate costs of incarceration against all inmates beginning on ~~the effective date of this act~~ September 1, 1992. 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 and credited to the inmate's obligation for costs. The Department shall report annually on costs of incarceration incurred and costs collected.

SECTION 2. This act shall become effective November 1, 1996.

45-2-2214

NP