

SHORT TITLE: Prisons; location of private prison facilities;  
emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 463

By: Price

AS INTRODUCED

An Act relating to prisons; amending 57 O.S. 1991, Section 563.1, as amended by Section 2, Chapter 213, O.S.L. 1994 (57 O.S. Supp. 1994, Section 563.1), which relates to location of private prison facilities; modifying language and reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 563.1, as amended by Section 2, Chapter 213, O.S.L. 1994 (57 O.S. Supp. 1994, Section 563.1), is amended to read as follows:

Section 563.1 A. 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~~ the private prison 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~~ private prison facility after ~~such~~ the facility has been in use as a prison facility, the provisions of this section shall not ~~be a bar to~~ the continued use of the facility as a prison ~~so long as~~; provided, it remains in continuous use as a prison. Provided further, the provisions of this section 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 shall be measured from the nearest property line of the school to the nearest property line of the prison facility.

B. 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~~ The authorization required in this subsection shall be submitted to the Board of Corrections before any contract between the Department of Corrections and the private prison contractor ~~is~~ may be awarded.

SECTION 2. 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.

45-1-0584

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