

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1635

By: Steidley

AS INTRODUCED

An Act relating to prisons and reformatories;  
amending 57 O.S. 1991, Section 510.3, as amended by  
Section 3, Chapter 276, O.S.L. 1993 (57 O.S. Supp.  
1996, Section 510.3), which relates to inmates  
completing vocational-technical training, Section  
4, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1996,  
Section 510.8), which relates to priority for  
placement of eligible inmates in education  
programs, 57 O.S. 1991, Section 513.2, as amended  
by Section 6, Chapter 276, O.S.L. 1993 (57 O.S.  
Supp. 1996, Section 513.2), which relates to  
notification of completion of sentence or discharge  
of inmate from custody, Section 14, Chapter 276,  
O.S.L. 1993 (57 O.S. Supp. 1996, Section 612),  
which relates assignment of persons convicted of  
violating certain statute; removing references to  
early release programs; amending 57 O.S. 1991,  
Section 571, as amended by Section 10, Chapter 276,  
O.S.L. 1993 (57 O.S. Supp. 1996, Section 571),  
which relates to definitions for the Oklahoma  
Prison Overcrowding Emergency Powers Act;  
eliminating certain definitions relating to said  
act; providing scope of certain definition;  
repealing 57 O.S. 1991, Sections 365, as amended by

Section 7, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1996, Section 365), which relates to the Preparole Conditional Supervision Program, 510.2, as amended by Section 2, Chapter 276, O.S.L. 1993 and 510.4, as amended by Section 4, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 510.2 and 510.4), which relate to house arrest, Sections 5 and 15, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 510.9 and 510.10), which relate to electronic monitoring, Sections 570, 572, 573, 574, 574.1, as amended by Section 11, Chapter 276, O.S.L. 1993, 575 and 576 (57 O.S. Supp. 1996, Section 574.1), which relate to the Oklahoma Prison Overcrowding Emergency Powers Act, and Sections 4 and 5, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 610 and 611), which relate to the Prison Population Management Act of 1993; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 510.3, as amended by Section 3, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 510.3), is amended to read as follows:

Section 510.3 The Department of Corrections shall implement procedures to ensure that eligible inmates who complete vocational-technical training shall be transferred to a community treatment center, ~~to the house arrest program, Section 510.2 of this title, or to other alternatives to incarceration authorized by law.~~ Those

inmates shall have priority for such placement over other inmates who have not completed such programs.

SECTION 2. AMENDATORY Section 4, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1996, Section 510.8), is amended to read as follows:

Section 510.8 A. The Department of Corrections shall implement procedures to ensure that priority for placement of eligible inmates in education programs be given to inmates closest to their projected release dates.

B. Any incarcerated inmate that refuses to participate in recommended education programs shall be ineligible for earned credits as provided in Section 138.1 of ~~Title 57 of the Oklahoma Statutes~~ this title and shall jeopardize his or her eligibility for parole ~~or participation in the Preparole Conditional Supervision Program.~~

C. Any eligible inmate who has not achieved the educational proficiency level established in Section ~~3~~ 510.7 of this ~~act~~ title, prior to the date of eligibility for parole ~~or preparole conditional supervision~~, shall be required by the Pardon and Parole Board to participate in education programs approved by the Board to achieve such proficiency level or, at the discretion of the Board, to obtain a general education diploma as a condition of parole ~~or preparole conditional supervision~~. If education programs are not available in the community where the inmate resides, or if the Board finds that such educational requirements would be a financial hardship on the inmate or that said inmate is not physically able to participate, the Board may waive the educational requirement set out herein.

SECTION 3. AMENDATORY 57 O.S. 1991, Section 513.2, as amended by Section 6, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 513.2), is amended to read as follows:

Section 513.2 The Department of Corrections shall notify the district attorney or requesting law enforcement agency of the

sentencing county whenever an inmate completes his sentence or is otherwise discharged from the custody of the Department, except those discharged under the procedures and supervision of the Pardon and Parole Board. The notification shall be on a monthly basis and shall be made within ten (10) days following the month reported upon. ~~The notification shall include the names of those inmates released under the provisions of the Oklahoma Prison Overcrowding Emergency Powers Act, Section 570 et seq. of this title.~~ For the purposes of this section, "sentencing county" shall mean the county from which the inmate received the last sentence served prior to release but shall not refer to any sentences received which include inmate status as an element of the offense. Should the inmate be released from concurrent sentences then each sentencing county district attorney shall receive the notification. The district attorney shall disseminate the information provided herein to any and all law enforcement agencies deemed appropriate by the district attorney and to any victim of the crime for which the inmate was convicted. Notification shall be made to a victim by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The district attorney shall not give the address of the inmate to any victim of the crime for which the inmate was convicted. The notifications required herein shall commence within ten (10) days following the first full month subsequent to the effective date of this ~~act~~ section.

SECTION 4. AMENDATORY 57 O.S. 1991, Section 571, as amended by Section 10, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 571), is amended to read as follows:

Section 571. As used in ~~this act~~:

~~1. "Capacity" means the actual available bedspace as certified by the State Board of Corrections subject to applicable federal and state laws and the rules and regulations promulgated under such laws;~~

~~2. "Department" means the Department of Corrections of the State of Oklahoma;~~

~~3. "Director" means the Director of the Department of Corrections;~~

~~4. "Emergency time credit" means time reduction of sentence allowed when ninety-five percent (95%) of capacity is exceeded pursuant to this act; and~~

~~5. "Nonviolent the Oklahoma Statutes, unless otherwise provided, "nonviolent offense" means any felony offense except the following, or any attempts to commit or conspiracy or solicitation to commit the following crimes:~~

~~a. 1. Assault, battery, or assault and battery with a dangerous weapon;~~

~~b. 2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law;~~

~~c. 3. Poisoning with intent to kill;~~

~~d. 4. Shooting with intent to kill;~~

~~e. 5. Assault with intent to kill;~~

~~f. 6. Assault with intent to commit a felony;~~

~~g. 7. Assaults while masked or disguised;~~

~~h. 8. Murder in the first degree;~~

~~i. 9. Murder in the second degree;~~

~~j. 10. Manslaughter in the first degree;~~

~~k. 11. Manslaughter in the second degree;~~

~~l. 12. Kidnapping;~~

~~m. 13. Burglary in the first degree;~~

~~n. 14. Burglary with explosives;~~

~~o. 15. Kidnapping for extortion;~~

~~p. 16. Maiming;~~

~~q. 17. Robbery;~~

~~r. 18. Robbery in the first degree;~~

~~s. 19. Robbery in the second degree;~~

- ~~t.~~ 20. Armed robbery;
- ~~u.~~ 21. Robbery by two (2) or more persons;
- ~~v.~~ 22. Robbery with dangerous weapon or imitation firearm;
- ~~w.~~ 23. Child beating;
- ~~x.~~ 24. Wiring any equipment, vehicle or structure with explosives;
- ~~y.~~ 25. Forcible sodomy;
- ~~z.~~ 26. Rape in the first degree;
- ~~aa.~~ 27. Rape in the second degree;
- ~~bb.~~ 28. Rape by instrumentation;
- ~~cc.~~ 29. Lewd or indecent proposition or lewd or indecent act with a child;
- ~~dd.~~ 30. Use of a firearm or offensive weapon to commit or attempt to commit a felony;
- ~~ee.~~ 31. Pointing firearms;
- ~~ff.~~ 32. Rioting;
- ~~gg.~~ 33. Inciting to riot;
- ~~hh.~~ 34. Arson in the first degree;
- ~~ii.~~ 35. Injuring or burning public buildings;
- ~~jj.~~ 36. Sabotage;
- ~~kk.~~ 37. Criminal syndicalism;
- ~~ll.~~ 38. Extortion;
- ~~mm.~~ 39. Obtaining signature by extortion;
- ~~nn.~~ 40. Seizure of a bus, discharging firearm or hurling missile at bus; or
- ~~oo.~~ 41. Mistreatment of a mental patient.

SECTION 5. AMENDATORY Section 14, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 612), is amended to read as follows:

Section 612. A. Any person convicted of violating the provisions of Section 11-902 of Title 47 of the Oklahoma Statutes and sentenced to the custody of the Department of Corrections shall

be processed through the Lexington Assessment and Reception Center, classified and assigned as follows:

1. To the Department of Mental Health and Substance Abuse Services for substance abuse treatment, if the person is evaluated to be receptive to treatment and not deemed by the Department of Corrections to be a security risk. The inmate may be required to reimburse the Department of Mental Health and Substance Abuse Services for all or part of the actual cost incurred for treatment of the inmate while the inmate is assigned to the Department of Mental Health and Substance Abuse Services. The Department of Corrections shall determine whether the inmate has the ability to pay for all or part of the cost of treatment. While assigned to a Department of Mental Health and Substance Abuse Services treatment program the inmate shall comply with the rules and regulations as agreed upon by the Department of Mental Health and Substance Abuse Services and the Department of Corrections. Any infraction of said rules may result in the inmate's reassignment to a correctional facility of the Department of Corrections. Upon successful completion of the treatment program the inmate shall be properly reassigned by the Department of Corrections for the completion of the sentence imposed by the court. Prior to discharge from the treatment facility, the treatment facility shall forward to the Department of Corrections a report and discharge summary including arrangements and recommendations for further disposition and follow-up treatment; or

~~2. To the Electronic Monitoring Program pursuant to Section 5 of this act, with participation in a substance abuse treatment program and follow-up treatment, when the person is evaluated to be receptive to treatment and not deemed by the Department of Corrections to be a security risk;~~

~~3. To another alternative to incarceration authorized by law;~~  
~~or~~

4. To a correctional facility when:

- a. the person is evaluated not to be receptive to treatment,
- b. the person is evaluated to be a security risk, or
- c. the person requires educational, medical or other services or programs not available in the community setting as determined by the Department, ~~or~~
- d. ~~alternatives to incarceration are not available or are otherwise inappropriate as determined by the Department.~~

B. As used in this section: 1. ~~"Substance, "substance~~ abuse treatment program" means a residential or outpatient program certified by the Department of Mental Health and Substance Abuse Services and selected by the Department of Corrections to provide substance abuse treatment for the inmate; ~~and~~

2. ~~"Electronic monitoring" means monitoring of the inmate within a specified location or locations in a community setting by means of an electronic bracelet or other device approved by the Department of Corrections with active supervision by correctional officers or other employees of the Department of Corrections.~~

SECTION 6. REPEALER 57 O.S. 1991, Sections 365, as amended by Section 7, Chapter 125, O.S.L. 1993, 510.2, as amended by Section 2, Chapter 276, O.S.L. 1993 and 510.4, as amended by Section 4, Chapter 276, O.S.L. 1993, Sections 5 and 15, Chapter 276, O.S.L. 1993 and 57 O.S. 1991, Sections 570, 572, 573, 574, 574.1, as amended by Section 11, Chapter 276, O.S.L. 1993, 575 and 576 and Sections 4 and 5, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 365, 510.2, 510.4, 510.9, 510.10, 574.1, 610 and 611), are hereby repealed.

SECTION 7. This act shall become effective November 1, 1997.

46-1-5865 SD

