

SHORT TITLE: Prisons; setting square footage requirement for prison facilities; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 609

By: Douglass

AS INTRODUCED

An Act relating to prisons; setting square footage requirement for prison facilities; requiring the Department of Corrections to provide certain square footage for inmates; requiring the Board to establish legal capacity for each prison facility; authorizing temporary capacity; directing the use of certain terms for reporting population; defining terms; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 100 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, the Department of Corrections shall provide not less than seventy (70) square feet per inmate in correctional facilities operated by this state.

B. The State Board of Corrections shall establish the legal capacity for each state correctional institution operated by the Department of Corrections. The Department of Corrections is not authorized to exceed the legal capacity of any facility for any period longer than six (6) consecutive months, except for emergency housing of inmates due to fire, riot, or other disaster. The Department of Corrections shall refer to the legal capacity of a

facility when reporting the population of that facility. Temporary capacity may be used when reporting capacity of a facility and shall only reflect space that is in short-term use.

C. For purposes of this section:

1. "Legal capacity" means the total inmate occupancy capacity of a facility when utilizing the minimal square footage requirements authorized by this section and considering the current design elements of the facility;

2. "Temporary capacity" means space in use above the legal capacity which does not meet the square footage requirements or space that is not designed as living quarters that has been converted on a short-term basis for the accommodation of new arrivals to a facility; and

3. "Short-term basis" means a period of time not exceeding six (6) consecutive months.

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.

46-1-0148

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