

SHORT TITLE: Department of Corrections; rotating bunks; directing shift schedule for inmates; criminalizing failure to comply with shift; prohibiting departure without certain law or order; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 632

By: Shurden

AS INTRODUCED

An Act relating to prisons; amending 57 O.S. 1991, Section 57, as last amended by Section 19, Chapter 1, O.S.L. 1995 (57 O.S. Supp. 1996, Section 57), which relates to double-celling in jails and authority to contract for construction of prisons; requiring the Department of Corrections to implement a performance schedule for certain inmates; making failure or refusal to follow performance schedule a criminal offense and setting penalty; stating required components of certain schedule; stating assignment of bed for sleeping purpose only; providing for certain rotation of use of beds; authorizing certain shift periods; setting minimum and maximum sleep periods; providing limitation on number of inmates per bed; establishing certain duty of the Department of Corrections; prohibiting departure from schedule and stating exceptions; construing provisions; directing promulgation of rules within certain time; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 57, as last amended by Section 19, Chapter 1, O.S.L. 1995 (57 O.S. Supp. 1996, Section 57), is amended to read as follows:

Section 57. A. In the city and county jails in this state, there shall be provided sufficient and convenient ~~apartments~~ compartments for confining prisoners of different sexes and ~~classification~~ classifications separate and apart from each other.

B. In the city and county jails in this state, there shall be a system of classifying prisoners, based upon the severity of the ~~charges~~ offense, past criminal history, and other relevant factors.

C. In the city and county jails in this state, prisoners classified pursuant to subsection B of this section may be confined two per cell or barrack-style, provided the living space meets the square footage requirements set forth in Section 192 of Title 74 of the Oklahoma Statutes.

D. All funds used by the Department of Corrections to contract with private contractors for the building of prisons and pre-release centers ~~will~~ shall be subject to appropriations by the Legislature.

E. Nothing in this section shall authorize contracts with private contractors for construction of prison facilities, unless authorized by the Legislature.

F. The Department of Corrections shall establish a performance schedule for each inmate in state custody at minimum or low-medium security levels. It shall be unlawful for any inmate to fail or refuse to follow his or her performance schedule. Any violator, upon conviction, shall be guilty of insurrection in a penal institute. The penalty for insurrection in a penal institute shall be the loss of all good time credits or one (1) year added to the sentence of imprisonment, in the discretion of the court. The performance schedule shall designate precisely when each inmate is to be sleeping, eating, working, exercising, and participating in other activities, services, or programs. The performance schedule

shall provide for bed assignments for sleeping purposes only and all double-cell and barrack-style units shall be shared with other inmates on a rotating schedule. Performance schedules shall be based upon two or three shifts per twenty-four-hour period and shall allow a sleep period of not less than eight (8) hours nor more than twelve (12) hours per day. Not more than three individual inmates may use the same bed in any twenty-four-hour period and inmates shall not jointly use any bed space at the same time. The Department of Corrections shall have the duty to operate facility services, supervision, and activities on a twenty-four-hour basis to accommodate the schedules of all inmates. The Department of Corrections shall not depart from the performance schedule required by the provisions of this subsection except when obeying a federal court order or as otherwise required by statute. Nothing in this subsection shall be construed as directing the Department of Corrections to take any action which would be in violation of any existing federal law or any federal court order relating to prison overcrowding. The Department of Corrections shall promulgate rules to implement the provisions of this act within sixty (60) days after the effective date of this act.

SECTION 2. This act shall become effective July 1, 1997.

SECTION 3. 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.

46-1-0101

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