STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1253 By: Bonny of thr House

and

Capps of the Senate

COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories; amending 57 O.S. 1991, Section 222, as last amended by Section 504, Chapter 133, O.S.L. 1997 (57 Supp. 1998, Section 222), which relates to use of convict labor on private property; authorizing such use in certain circumstances; 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 222, as last amended by Section 504, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 222), is amended to read as follows:

Section 222. A. It shall be unlawful to use prisoners assigned to said public works project on any property other than public property, except that inmate labor may be used on private property for a public purpose <u>or if an inmate volunteers to perform such labor. The Department of Corrections shall not assign an inmate to a project that is not for a public purpose unless:</u>

<u>1. The inmate freely volunteers to perform the service without compensation;</u>

<u>2. The service to be performed is for a private, nonprofit entity;</u>

<u>3. The private entity pays all costs associated with the project; and</u>

<u>4. Use of inmate labor does not compete with any private business activity in the county</u>.

B. As used in this section "public purpose" means a purpose affecting the inhabitants of the state or political subdivision utilizing the inmate labor, as a group, and not merely as individuals. The work performed shall be essentially public and for the general good of the inhabitants of the state or political subdivision, and may include eradication of graffiti on private buildings. For purposes of this section:

1. "Graffiti" shall include but not be limited to any inscription, slogan or drawing, crudely scratched, drawn, printed, painted or scribbled on a wall or other surface visible to the public and which is likely to endanger the health or safety of the public. Provided, however, that this definition shall never be construed to include any sign or advertising device lawfully erected or installed by the owner of property or his lessee or authorized agent;

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

C. The purpose of the work performed <u>for a public purpose</u> shall be to aid the federal government, a state agency or a political subdivision, utilizing the inmate labor in the exercise of a governmental function. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony.

SECTION 2. This act shall become effective July 1, 1999.

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.

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