

SB 1522

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**THE STATE SENATE**  
**Monday, February 28, 2000**

**Senate Bill No. 1522**

SENATE BILL NO. 1522 - By: PRICE of the Senate and LANGMACHER of the House.

An Act relating to prisons; amending 57 O.S. 1991, Section 563.1, as last amended by Section 1, Chapter 394, O.S.L. 1999 (57 O.S. Supp. 1999, Section 563.1), which relates to private prison location; clarifying language; providing exception for juvenile facility; defining term; 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 563.1, as last amended by Section 1, Chapter 394, O.S.L. 1999 (57 O.S. Supp. 1999, 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 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~~ prison facility after such facility has been in use as a prison facility, this shall not be a bar to the continued use of the facility as a prison so long as it remains in continuous use as a prison. Provided further, the

1 provisions of this section shall not apply to any prison facility  
2 established within the prohibited distance from a private elementary  
3 or secondary school prior to May 20, 1994 or within the prohibited  
4 distance from a public elementary or secondary school prior to July  
5 1, 1987. ~~Provided further, the~~ The provisions of this section shall  
6 not apply to any ~~prison~~ juvenile facility ~~established within the~~  
7 ~~prohibited distance which prior to July 1, 1999, was operated as a~~  
8 ~~medium security residential facility for juveniles.~~ The distance  
9 indicated in this section shall be measured from the nearest  
10 property line of the school to the nearest property line of the  
11 prison facility. Provided, that the provisions of this subsection  
12 shall not apply to a correctional facility not operated by the  
13 Department of Corrections that is granted permission to operate  
14 within the areas restricted by this subsection by a majority vote of  
15 the following entities:

16 1. The district board of education of each school district with  
17 an affected school; and

18 2. The equivalent governing body of each affected private  
19 school.

20 Prior to the establishment of any prison facility which is not  
21 operated by the Department of Corrections, a private prison  
22 contractor shall obtain written authorization to establish the  
23 facility from the governing body of any municipality in which such a

1 facility is to be located, or if the facility is not to be located  
2 within the incorporated limits of a municipality, from the board of  
3 county commissioners of the county in which the facility is to be  
4 located. Said authorization shall be submitted to the Board of  
5 Corrections before any contract between the Department of  
6 Corrections and the private prison contractor is awarded.

7 B. "Prison or prison facility" means any facility operated by a  
8 private prison contractor as such term is defined in Section 502 of  
9 this title.

10 SECTION 2. This act shall become effective July 1, 2000.

11 SECTION 3. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-00 - DO  
16 PASS.