

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1336

By: Rozell

AS INTRODUCED

An Act relating to prisons; amending 57 O.S. 2001, Sections 502, 516, 517 and 521, which relate to definitions, parole and probation violators and classification and prerelease services; deleting definition; modifying definition; defining term; authorizing use of intermediate sanctions facilities; allowing the Department of Corrections discretion to use certain facility for probation or parole violators or certain other purposes; modifying inmate reintegration services and times; requiring annual report of certain compliance; directing distribution; expressing legislative intent; providing method to determine certain inmate housing cost; 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. 2001, Section 502, is amended to read as follows:

Section 502. As used in this title, unless the context otherwise requires:

~~(a)~~ 1. "Board" means the State Board of Corrections;

~~(b)~~ 2. "Department" means the Department of Corrections of this state;

~~(c)~~ 3. "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Ouachita Correctional Center located at Hodgen, Oklahoma; the Mabel

Bassett Correctional Center located at Oklahoma City, Oklahoma; the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the Northeast Oklahoma Correctional Center located at Vinita, Oklahoma; the Oklahoma City, Clara Waters and Kate Barnard Community Corrections Centers located at Oklahoma City, Oklahoma; the Tulsa Community Corrections Center located at Tulsa, Oklahoma; the Community Corrections Centers located at Lawton, Enid, and Muskogee; the Charles E. "Bill" Johnson Correctional Center, located east of Alva, Oklahoma; and other facilities under the jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;

~~(d)~~ 4. "Director" means the Director of the Department of Corrections;

~~(e)~~ 5. "Halfway house" means a private facility for the placement of inmates in a community setting for the purpose of reintegrating into the community inmates who are nearing their release dates. The term shall not include private prisons.

~~(f)~~ ~~"House arrest" means a program whereby persons committed to the Department of Corrections are authorized to be away from a correctional facility and are placed by the Department in a community for the purpose of reintegration of the person into society, pursuant to the provisions of Section 510.2 of this title;~~

6. "Intermediate sanctions facility" means a private facility which pursuant to contract with the Department of Corrections provides for the housing and programmatic services of offenders such as probation or parole violators or community sentenced offenders placed in the facility for disciplinary sanctions, work release

offenders, offenders who need intensive programmatic services, or offenders who have demonstrated positive adjustment while in an institutional setting who need additional programmatic services to enhance their reentry into society upon release from a prison term, including offenders with a violent criminal history or substance addiction or mental health issues; and

~~(g)~~ 7. "Private prison contractor" means: ~~(1)~~

- a. a nongovernmental entity or public trust which, pursuant to a contract with the Department of Corrections, operates an institution within the Department other than a halfway house or intermediate sanctions facility, or provides for the housing, care, and control of inmates and performs other functions related to ~~said~~ these responsibilities within a minimum or medium security level facility not owned by the Department but operated by the contractor~~r~~ or ~~(2)~~
- b. a nongovernmental entity or public trust which, pursuant to a contract with the United States or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States or another state, and performs other functions related to ~~said~~ these responsibilities other than a halfway house or intermediate sanctions facility within a facility owned or operated by the contractor.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 516, is amended to read as follows:

Section 516. ~~The~~ A. Except as provided in subsection B of this section, the probation and parole officer shall, upon information sufficient to give ~~him~~ the officer reasonable grounds to believe that the parolee has violated the terms of and conditions of ~~his~~ parole, notify the Department of Corrections. If it is determined

that the facts justify ~~such~~ revocation action, the Department shall issue a warrant for the arrest of ~~any such~~ the parolee and ~~any such~~ the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. ~~Any such~~ The parolee shall, after arrest, be immediately incarcerated in the nearest county jail, intermediate sanctions facility, or a Department of Corrections facility to await action ~~of~~ by the Governor as to ~~revocation of his~~ whether the parole will be revoked. Parole time shall cease to run after the issuance of a warrant for arrest by the Department of Corrections, and earned credits shall not be accrued during ~~the~~ any period of time ~~that~~ when the parolee is incarcerated pending revocation action by the Governor.

B. Any parolee determined to have violated any terms or conditions of parole by the supervising parole officer may be given the option, at the discretion of the Department of Corrections, to be placed in an intermediate sanctions facility for disciplinary sanction and programmatic services in lieu of revocation or when revocation action by the Governor is deemed unnecessary for the nature of the violation. The length of time in an intermediate sanctions facility shall be for the period necessary to successfully complete the programmatic services identified as necessary for such parolee, but in no event longer than six (6) months more than the time remaining for parole completion. Any parolee for whom a warrant for arrest issues as provided in subsection A of this section may, at the discretion of the Department or the Governor, be placed in an intermediate sanctions facility pending or following any action by the Governor as to revocation of parole or required additional conditions to remain on parole. A parolee may be received and processed into the custody of the Department on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

SECTION 3. AMENDATORY 57 O.S. 2001, Section 517, is amended to read as follows:

Section 517. ~~The~~ A. Except as provided in subsection B of this section, the Probation and Parole Officer shall, upon information sufficient to give ~~him~~ the officer reasonable grounds to believe that a ~~person on probation~~ probationer has violated the terms or conditions of ~~his~~ the sentence of probation, notify the Department. If it is determined that the facts justify ~~such~~ revocation action, the Department shall issue a warrant for the arrest of ~~any such person on probation~~ the probationer and ~~any such~~ the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. ~~Any such person on probation~~ A probationer shall, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanctions facility to await action ~~of~~ by the court as to ~~revocation of his~~ whether the probation will be revoked.

B. Any probationer determined to have violated any terms or conditions of probation by the supervising probation officer may be given the option, at the discretion of the Department of Corrections, to be placed in an intermediate sanctions facility for disciplinary sanction and programmatic services in lieu of revocation or when revocation action by the court is deemed unnecessary for the nature of the violation. The length of time in an intermediate sanctions facility shall be for the period necessary to successfully complete the programmatic services identified as necessary for such probationer, and in no event shall the length of time in an intermediate sanctions facility be more than two (2) months more than the time remaining for probation completion. Any probationer for whom a warrant for arrest issues as provided in subsection A of this section may, at the discretion of the Department or the court, be placed in an intermediate sanctions facility pending or following any action by the court as to

revocation of probation or required additional conditions to remain on probation. A probationer may be processed by the Department on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

SECTION 4. AMENDATORY 57 O.S. 2001, Section 521, is amended to read as follows:

Section 521. A. Whenever a person is convicted of a felony and is sentenced to imprisonment that is not to be served in a county jail, the person shall be committed to the custody of the Department of Corrections and shall be classified and assigned to a correctional facility or program designated by the Department and authorized by law.

B. It is the intent of the Legislature that inmates in the custody of the Department of Corrections, prior to leaving the custody of the Department, be reintegrated into society through the use of work centers, community corrections centers, intermediate sanctions facilities, accredited halfway houses and transitional living centers, subject to the availability of space.

C. All persons who have nonassaultive institutional records and who are convicted of only previous and current nonviolent offenses and have a nonviolent juvenile record and are sentenced to the custody of the Department of Corrections shall be processed, placed and assigned to at least thirty (30) calendar days in a work center ~~or~~, community corrections center or intermediate sanctions facility followed by ~~at least~~ ninety (90) to one hundred eighty (180) calendar days in an accredited halfway house or transitional living facility not less than ~~one hundred twenty (120)~~ two hundred ten (210) calendar days immediately prior to release from the custody of the Department of Corrections. This assignment shall be for the purpose of assisting the person in obtaining gainful employment ~~and~~, locating a suitable post-release residence, and meeting short term programmatic services for reentry into society. For purposes of

this subsection, assistance in obtaining employment ~~and~~, a post-release residence, and short term programmatic services for reentry into society, shall be part of the function of the transitional placement and shall not be construed to require or authorize any financial assistance or expenditure of state funds to any inmate or to any contract provider for additional program services to an individual inmate.

D. The provisions of subsections B and C of this section shall not be applicable to inmates, as determined on an individual basis by the Department of Corrections, who otherwise constitute a substantial and immediate risk to public health and safety or who need immediate or intensive psychiatric or medical services.

E. Nothing in this section shall require a county jail to provide any services that are not currently being provided.

F. The Department shall provide an annual report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor demonstrating compliance with the requirements and intent of subsections B and C of this section. Compliance may be demonstrated by showing the inmates have been properly and promptly classified and assigned for each inmate classification level. Further, the Department must demonstrate the most appropriate and lowest cost housing available was utilized. It is the intent of the Legislature that the Department at all times provide public safety by the appropriate classification and assignment of inmates in the custody of the Department, and that the Department also utilize funds available to it in the most cost effective manner. In determining the cost of housing for inmates in any facility, the Department shall use the cost after deduction of any revenues attributed to the operation of the housing facility.

SECTION 5. This act shall become effective July 1, 2002.

SECTION 6. 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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