STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

3RD CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2109

By: Kirby and Pettigrew of the House

and

Wilkerson of the Senate

3RD CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories; creating the Oklahoma Integrated Justice Information Systems Steering Committee; providing for membership; establishing attendance and meeting requirements; providing for appointment of Chair; providing for travel reimbursement; providing for duties; requiring certain report; providing for administrative support; amending 57 O.S. 2001, Section 510.9, as amended by Section 1 of Enrolled Senate Bill No. 816 of the 2nd Session of the 49th Oklahoma Legislature, which relates to the Electronic Monitoring Program; modifying eligibility requirements; authorizing assignment to Electronic Monitoring Program while residing at halfway house or transitional living facility; 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 508.2c of Title 57, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Integrated Justice Information Systems (OIJIS) Steering Committee which shall serve as an advisory board to the Oklahoma Legislature regarding issues pertinent to the strategic planning, development, funding, implementation, and operations of the justice information systems of the state.

B. The Committee shall be composed of the following members, except as otherwise provided by this section:

1. Two senators appointed by the President Pro Tempore of the Senate;

2. Two representatives appointed by the Speaker of the House of Representatives;

3. The Commissioner of Public Safety or a designee;

4. A judge appointed by the Chief Justice of the Oklahoma Supreme Court or a designee;

5. The Executive Coordinator of the District Attorneys Council or a designee;

6. The Director of the Oklahoma State Bureau of Investigation or a designee;

7. The Director of the Department of Corrections or a designee;

8. The Executive Director of the Office of Juvenile Affairs or a designee;

9. The Executive Director of the Oklahoma Association of Chiefs of Police or a designee;

10. The Executive Director of the Oklahoma Sheriffs' Association or a designee;

11. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a designee;

12. The Director of the Oklahoma Indigent Defense System or a designee; and

13. The Director of the Oklahoma Criminal Justice Resource Center or a designee.

C. Each committee member shall be required to attend the meetings of the committee. While designees are allowed, the member shall identify the designee in writing to the Chair of the committee prior to any meeting. The committee will meet twice a year and at any other time as the Chair may call a meeting, upon such notice and in such manner as may be fixed by the rules of the committee.

Failure to attend two consecutive meetings by a designee shall automatically result in the removal of the designee from the committee and the individual making the designation shall select a new designee.

D. The committee shall be chaired by one of the appointed members from the Senate, selected by the President Pro Tempore of the Senate, in the odd-numbered years and one of the appointed members of the House of Representatives, selected by the Speaker of the House of Representatives, in the even-numbered years. A majority of the members shall constitute a quorum for purposes of transacting business. Committee members shall not be compensated but shall be reimbursed their actual and necessary travel expenses as provided in the State Travel Reimbursement Act for members who are not members of the Legislature, and as provided in Section 456 of Title 74 of the Oklahoma Statutes for legislative members.

E. The duties of the committee shall be to:

1. Serve as the Executive Committee for oversight of the strategic planning, development, funding, implementation, and operations of the justice information systems of the state;

2. Review and discuss issues pertaining to justice information systems;

3. Make recommendations of issues relating to justice information systems to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, and the Secretary of the Safety and Security Cabinet;

4. Establish policy for the OIJIS Steering Committee;

5. Create an Operational Subcommittee for the OIJIS Steering Committee derived from the member agencies; and

6. Tasks for the Operational Subcommittee are:

a. to meet monthly or more frequently as needed,

b. to elect a Chair and Vice-chair of the Operational Subcommittee from their membership, each of whom will

serve a two-year period with the Vice-chair assuming the duties automatically of the Chair upon completion of the two-year period of the Chair, or earlier in the case of the early loss of the Chair,

c. to review current justice information systems,

d. to create, annually update, and implement a strategic plan for improving the accuracy, completeness, and timeliness of criminal history information within the state,

e. to create, annually update, and implement a statewide plan for the integration of the justice information systems of the state, and

f. to assist as requested, review, and make recommendations on grant applications relative to justice information systems.

F. The committee is hereby authorized to enlist the aid of any agency of state government for assistance or for information to enable the committee to perform the duties charged in this section.

G. The committee shall make a written report each year to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, and the Secretary of the Safety and Security Cabinet on any findings or recommendations concerning needed legislation, the potential impact, including fiscal estimates, of existing or proposed legislation, and the impact of agency policies which affect the justice information systems.

H. The Oklahoma Criminal Justice Resource Center shall provide the administrative support in scheduling of meetings, providing records of the meetings, publication of reports, and any other support as required of and approved by the committee.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 510.9, as amended by Section 1 of Enrolled Senate Bill No. 816 of the 2nd

Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 510.9 A. There is hereby created the Electronic Monitoring Program for inmates in the custody of the Department of Corrections who are sentenced for a nonviolent offense as defined by Section 571 of this title. The Department is authorized to use an electronic monitoring global positioning device to satisfy its custody duties and responsibilities.

B. After an inmate has been processed and received through the Lexington Assessment and Reception Center ~~and~~, has been incarcerated in a secure facility for a minimum of one hundred eighty (180) days, ~~then assigned to an accredited halfway house or transitional living facility~~ and has met the criteria established in subsection C of Section 521 of this title, the Director of the Department of Corrections may assign the inmate, if eligible, to the Electronic Monitoring Program. Nothing shall prohibit the Director from assigning an inmate to the Electronic Monitoring Program while assigned to the accredited halfway house or transitional living facility. The following inmates, youthful offenders, and juveniles shall not be eligible for assignment to the program:

1. Any inmate who has eleven (11) months or more left on their sentence;

2. Inmates convicted of a violent offense within the previous ten (10) years;

3. Inmates convicted of any violation of the provisions of the Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63 of the Oklahoma Statutes;

4. Inmates denied parole within the previous twelve (12) months pursuant to Section 332.7 of this title;

5. Inmates convicted pursuant to Section 11-902 of Title 47 of the Oklahoma Statutes who are not receptive to substance abuse treatment and follow-up treatment;

6. Inmates removed from the Electronic Monitoring Program or any other alternative to incarceration authorized by law for violation of any rule or condition of the program and reassigned to imprisonment in a correctional facility;

7. Inmates deemed by the Department to be a security risk or threat to the public;

8. Inmates requiring educational, medical or other services or programs not available in a community setting as determined by the Department;

9. Inmates convicted of any violation of subsection C of Section 644 of Title 21 of the Oklahoma Statutes or who have an active protection order that was issued under the Protection from Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the Oklahoma Statutes;

10. Inmates who have outstanding felony warrants or detainers from another jurisdiction;

11. Inmates convicted of a sex offense who, upon release from incarceration, would be required by law to register pursuant to the Sex Offender Registration Act;

12. Inmates convicted of racketeering activity as defined in Section 1402 of Title 22 of the Oklahoma Statutes;

13. Inmates convicted pursuant to subsection F of Section 2-401 of Title 63 of the Oklahoma Statutes;

14. Inmates convicted pursuant to Section 650 of Title 21 of the Oklahoma Statutes;

15. Inmates who have escaped from a penal or correctional institution within the previous ten (10) years; or

16. Inmates who currently have active misconduct actions on file with the Department of Corrections.

C. Every eligible inmate assigned to the Electronic Monitoring Program shall remain in such program until one of the following conditions has been met:

1. The inmate discharges the term of the sentence;

2. The inmate is removed from the Electronic Monitoring Program for violation of any rule or condition of the program and reassigned to imprisonment in a correctional facility; or

3. The inmate is paroled by the Governor pursuant to Section 332.7 of this title.

D. After an inmate has been assigned to the Electronic Monitoring Program, denial of parole pursuant to Section 332.7 of this title, shall not be cause for removal from the program, provided the inmate has not violated the rules or conditions of the program. The inmate may remain assigned to the program, if otherwise eligible, until the completion of the sentence.

E. The Electronic Monitoring Program shall require active supervision of the inmate in a community setting by a correctional officer or other employee of the Department of Corrections with monitoring by a global positioning device approved by the Department under such rules and conditions as may be established by the Department. If an inmate violates any rule or condition of the program, the Department may take necessary disciplinary action consistent with the rules established pursuant to this section, including reassignment to a higher level of security or removing the inmate from the program with reassignment to imprisonment in a correctional facility. Any inmate who escapes from the Electronic Monitoring Program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.

F. Upon an inmate assigned to the Electronic Monitoring Program becoming eligible for parole consideration, pursuant to Section 332.7 of this title, the Department of Corrections shall deliver the inmate, in person, to a correctional facility for interview, together with any Department records necessary for the Pardon and Parole Board's investigation. Inmates assigned to the Electronic

Monitoring Program shall not be allowed to waive consideration or recommendation for parole.

G. Prior to placement of any eligible inmate assigned to the Electronic Monitoring Program being placed in a community setting, the Department of Corrections shall deliver a written notification to the sheriff and district attorney of the county, and the chief law enforcement officer of any incorporated city or town in which the inmate is to be monitored and supervised under the program. The district attorney shall disseminate such information to victims of the crime for which the inmate is serving sentence, if any, when the victims are known to live in the same city, town or county.

H. An inmate assigned to the Electronic Monitoring Program may be required to pay the Department of Corrections for all or part of any monitoring equipment or fee, substance abuse treatment program or follow-up treatment expense, supervision cost, or other costs while assigned to the program. The Department shall determine whether the inmate has the ability to pay all or part of such fee or costs.

I. The Department of Corrections shall promulgate and adopt rules and procedures necessary to implement the Electronic Monitoring Program, including but not limited to methods of monitoring and supervision, disciplinary action, reassignment to higher and lower security levels, removal from the program, and costs of monitoring and supervision to be paid by the inmate, if any.

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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