ENROLLED SENATE
BILL NO. 1486

By: Pruitt of the Senate

and

Morgan (Fred) of the House

An Act relating to prisons; authorizing reentry program; making certain offenders ineligible for reentry program; stating required components for reentry program; requiring Department of Corrections to designate certain facilities for reentry program; providing for placement of certain offenders in higher level facility upon certain conditions; authorizing earned credits to be withheld for certain inmates; requiring reentry program services to be selected after open bid; requiring Department of Corrections to solicit faith-based and secular providers; requiring certain offenders to choose service providers; requiring certain providers to meet certain standards and measure recidivism of certain offenders; describing offenders eligible for reentry program; authorizing parole stipulation upon completion of reentry program; requiring adoption of rules and procedures; requiring annual report; providing for codification; providing an effective date; 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 115 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. A reentry program is hereby authorized to be created within the Department of Corrections by January 1, 2005, for offenders who need structured release prior to completion of the sentence. The reentry program shall be designed to provide structure and control as offenders near release to the community without supervision. No offender otherwise eligible for any community placement, halfway house, work release program, or minimum security placement shall be eligible for this program. The program shall not receive state appropriations and shall be fully funded by federal or private funds.

B. The reentry program shall begin in a county or counties selected by the Department and may expand or change to other locations within the state at the discretion of the Department. The program shall provide a continuum of services to meet the needs of

offenders assigned or required to complete the program. The program duration shall be eighteen (18) months composed of twelve (12) months at minimum security level and six (6) months at community placement prior to release. The inmate is required to complete twelve (12) months at minimum security level prior to completing the six (6) months at community placement. The Department is authorized to use monitoring and supervision in all levels of security as necessary to ensure structure, control and compliance.

C. The Department shall designate at least one medium, minimum and community security level facility capable of serving male and female offenders assigned or required to complete the program. Male and female offenders shall not be housed in the same facility. Each of the designated facilities shall be solely devoted to the program. Nothing in this act shall require all offenders to be assigned to a reentry program prior to release without supervision.

D. Any offender assigned or required to complete a reentry program who subsequently fails, refuses or is noncompliant in the reentry program shall be removed from the program, after notice of a program failure, and placed in a higher security level facility according to the rules established for the program. Earned credits may be withheld for those inmates who fail to satisfactorily complete the program as provided by rule.

E. All services available in the reentry program shall be selected after open bid and the Department shall actively solicit faith-based and secular providers in all service provider categories. Offenders assigned to the reentry program shall choose a provider of services for each service category.

F. All service providers contracting for the reentry program shall be required to meet outcome-based standards and evaluations and are required to measure recidivism for all offenders placed for services with that provider according to the rules of the Department.

G. The Department shall consider offenders with long-term incarceration, violent offenses, repeat offenders with multiple incarcerations, offenders ineligible for parole who will be released without supervision, offenders with parole stipulations and offenders having consecutive sentences longer than the calculation of a life sentence for purposes of determing parole eligibility.

H. The Governor and the Pardon and Parole Board shall work together with the Department of Corrections within the capabilities of the reentry program and shall have the authority to stipulate that an offender shall be paroled, conditioned upon completion of the program, without further hearing recommendation or approval.

I. No offender shall be placed in the reentry program until the offender is within eighteen (18) months of release from the custody of the Department or is granted, by stipulation or otherwise, a parole release upon completion of the reentry program. Nothing in this act shall operate to reduce the length of a sentence to incarceration, except completion of the reentry program.

J. The Department shall establish rules and procedures to implement the provisions of this act. An annual report shall be generated at the completion of each calendar year. This report shall reflect the evaluation of the program based on the outcomes designated by the Department. Copies of said report shall be forwarded to the Governor, the Chair of the Sentencing Commission, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Legislature.

SECTION 2. This act shall become effective July 1, 2004.

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.

Passed the Senate the 27th day of May, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the 28th day of May, 2004.

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Presiding Officer of the House
of Representatives