

ENROLLED SENATE
BILL NO. 688

By: Price of the Senate

and

Covey and Pettigrew of the
House

An Act relating to prisons; amending 57 O.S. 2001, Section 563.1, which relates to location of prisons; modifying language; stating exceptions to distance limitation from elementary and secondary schools for certain facilities; providing exception for certain juvenile facility established prior to certain date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 57 O.S. 2001, 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:

1. Shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, ~~and the location of such facility is~~

2. 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 The provision of this paragraph shall not apply to:

- a. any private medium secure juvenile facility which was established and housed juveniles prior to July 1, 1999,
- b. any 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 which was used as a prison facility prior to the establishment of a public or private elementary or secondary school within the one-mile radius of the prison facility as long as the prison facility remains in continuous use as a prison. Provided further, the provisions of this section shall not apply to,

c. any prison or juvenile facility established within the prohibited distance from a private elementary or secondary school prior to May 20, 1994, or within the prohibited distance from a public elementary or secondary school prior to July 1, 1987. ~~The provisions of this section shall not apply to,~~

d. any other juvenile facility facilities. ~~The distance indicated in this section shall be measured from the nearest property line of the school to the nearest property line of the prison facility. Provided, that the provisions of this subsection shall not apply to,~~
or

e. a correctional facility not operated by the Department of Corrections that is granted permission to operate within the areas restricted by this subsection by a majority vote of the following entities:

~~1. The~~

(1) the district board of education of each school district with an affected school, ~~and~~

~~2. The~~

(2) the equivalent governing body of each affected private school.

B. The distance indicated in this section shall be measured from the nearest property line of the school to the nearest property line of the prison facility.

C. 1. Prior to the establishment of any prison facility which is not operated by the Department of Corrections, a private prison contractor shall obtain written authorization to establish the facility from the governing body of any municipality in which ~~such a~~ the facility is to be located, or if the facility is not to be located within the incorporated limits of a municipality, from the board of county commissioners of the county in which the facility is to be located. ~~Said~~

2. The authorization shall be submitted to the Board of Corrections before any contract between the Department of Corrections and the private prison contractor is awarded.

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

SECTION 2. 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 19th day of May, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2003.

Presiding Officer of the House
of Representatives