

SB 1486

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THE STATE SENATE
Tuesday, February 24, 2004

Senate Bill No. 1486

As Amended

SENATE BILL NO. 1486 - By: PRUITT of the Senate and MORGAN (Fred) of the House.

[prisons - re-entry program - Department of Corrections - certain prohibitions - effective date - codification - 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 re-entry program is hereby authorized to be created within the Department of Corrections for offenders who need structured release prior to completion of the sentence. The re-entry 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 re-entry 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

1 program shall provide a continuum of services to meet the needs of
2 offenders assigned or required to complete the program. The program
3 duration shall not be less than twelve (12) months nor more than
4 twenty-four (24) months.

5 C. The Department shall initially select a minimum and medium
6 security level facility capable of serving male and female offenders
7 assigned or required to complete the program; provided male and
8 female offenders shall not be housed in the same facility. Nothing
9 in this act shall require all offenders to be assigned to a re-entry
10 program prior to release without supervision.

11 D. Any offender assigned or required to complete a re-entry
12 program who subsequently fails or refuses or is incapable of
13 completing the re-entry program shall be removed from the program,
14 after notice of a programmatic failure, and returned to and placed
15 in a higher security level facility according to the rules
16 established for the program.

17 E. All services available in the re-entry program shall be
18 selected after open bid and the Department shall give equal
19 consideration to faith-based and secular providers in all service
20 provider categories. Offenders assigned to the re-entry program
21 shall have the option of selecting whether to follow a faith-based
22 or secular continuum of services upon assignment to the program.

1 F. All service providers contracting for the re-entry program
2 shall be required to meet specific performance standards and
3 evaluations and are required to measure recidivism for all offenders
4 placed for services with that provider according to the rules of the
5 Department.

6 G. The Department shall consider offenders with long term
7 incarceration, violent offenses, repeat offenders with multiple
8 incarcerations, offenders ineligible for parole who will time out
9 without supervision, offenders with parole stipulations, offenders
10 having life without parole sentences commuted to life sentences who
11 are stipulated for parole, offenders having consecutive sentences
12 longer than the calculation for a life sentence for purposes of
13 determining parole eligibility, and others, at the discretion of the
14 Department, who would benefit from a structured re-entry program
15 before release from custody into the community.

16 H. The Governor and the Pardon and Parole Board shall work
17 together with the Department of Corrections to understand the
18 capabilities of the re-entry program and shall have the authority to
19 stipulate that an offender is paroled upon completion of the program
20 without further hearing, recommendation or approval. The Department
21 shall establish specific rules to govern parole stipulations unless
22 otherwise provided by law.

1 I. When an offender is assigned or required to complete a re-
2 entry program pursuant to this act, all earned credits that are
3 credited to the offender at the time of admission to the re-entry
4 program shall be preserved and maintained for the offender during
5 participation in the program. No earned credits accruing prior to
6 admission to the re-entry program shall be removed, suspended,
7 revoked or withdrawn for any programmatic infraction occurring in
8 the re-entry program. Earned credits accruing to the offender
9 during participation in the re-entry program may be suspended if the
10 offender commits infractions in the re-entry program. The
11 Department of Corrections shall by rule provide for the suspension
12 and restoration of earned credits accruing to the offender while
13 participating in the re-entry program. When an offender is in
14 compliance with the rules and conditions of the re-entry program,
15 earned credits shall accrue regularly to the offender. If an
16 offender is removed from the re-entry program, as provided in
17 subsection D of this section, only those earned credits suspended
18 during participation in the re-entry program may be removed,
19 withdrawn or revoked when an offender is returned to a higher
20 security level for programmatic failure.

21 J. No offender shall be placed in the re-entry program until
22 the offender is within twelve (12) to twenty-four (24) months of
23 release from the custody of the Department or is granted, by

1 stipulation or otherwise, a parole release upon completion of the
2 re-entry program. Nothing in this act shall operate to reduce the
3 length of a sentence to incarceration, except when the offender is
4 granted parole by stipulation or upon completion of the re-entry
5 program.

6 **K.** The Department shall establish rules and procedures to
7 implement the provisions of this act.

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-04 - DO
14 PASS, As Amended and Coauthored.