

SB 688

THE STATE SENATE
Monday, February 24, 2003

Senate Bill No. 688
As Amended

SENATE BILL NO. 688 - By: PRICE of the Senate and COVEY of the House.

[prisons - location of private prisons - exception - 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 or juvenile facility which is not operated by the Department of Corrections, a county, or a city shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such facility is specifically prohibited within one (1) mile of any public or private elementary or secondary school, except when such facility was established prior to July 1, 1999. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any prison or juvenile facility after such facility has been in use as a prison or juvenile facility, this shall not be a bar to the continued use of the facility ~~as a prison~~ so long as it remains in continuous use as either a prison or juvenile facility, or both. ~~Provided further,~~

1 ~~the provisions of this section shall not apply to any prison or~~
2 ~~juvenile facility established within the prohibited distance from a~~
3 ~~private elementary or secondary school prior to May 20, 1994, or~~
4 ~~within the prohibited distance from a public elementary or secondary~~
5 ~~school prior to July 1, 1987. **The provisions of this section shall**~~
6 ~~**not apply to any juvenile facility.**~~ The distance indicated in this
7 section shall be measured from the nearest property line of the
8 school to the nearest property line of the prison facility.

9 Provided, that the provisions of this subsection shall not apply to
10 a correctional facility not operated by the Department of
11 Corrections that is granted permission to operate within the areas
12 restricted by this subsection by a majority vote of the following
13 entities:

- 14 1. The district board of education of each school district with
15 an affected school; and
- 16 2. The equivalent governing body of each affected private
17 school.

18 Prior to the establishment of any prison facility which is not
19 operated by the Department of Corrections, a private prison
20 contractor shall obtain written authorization to establish the
21 facility from the governing body of any municipality in which such a
22 facility is to be located, or if the facility is not to be located
23 within the incorporated limits of a municipality, from the board of

1 county commissioners of the county in which the facility is to be
2 located. Said authorization shall be submitted to the Board of
3 Corrections before any contract between the Department of
4 Corrections and the private prison contractor is awarded.

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

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-19-03 - DO
13 PASS, As Amended and Coauthored.