

SB 809

THE STATE SENATE  
Tuesday, February 25, 2003

Senate Bill No. 809  
As Amended

SENATE BILL NO. 809 - By: WILKERSON of the Senate and KIRBY of the House.

[ corrections - electronic monitoring - removing restriction - effective date - emergency ]

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 510.9, 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. ~~No inmate shall be placed on this program after April 22, 1997~~ The Department is authorized to use electronic monitoring to satisfy its custody duties and responsibilities.

B. ~~All eligible inmates assigned to the Electronic Monitoring Program shall first be~~ After an inmate has been processed and received through the Lexington Assessment and Reception Center, ~~The,~~ the Director of the Department of Corrections ~~shall exercise his discretion in selecting~~ may assign the inmate, if eligible inmates for assignment, to the Electronic Monitoring Program.

1 ~~provided, however, the.~~ The following inmates shall not be eligible  
2 for assignment to the program:

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

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

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

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

13 ~~5.~~ Inmates removed from the Electronic Monitoring Program or  
14 any other alternative to incarceration authorized by law for  
15 violation of any rule, ~~regulation~~ or condition of the program and  
16 reassigned to imprisonment in a correctional facility;

17 ~~6.~~ 4. Inmates deemed by the Department to be a security risk or  
18 threat to the public; or

19 ~~7.~~ 5. Inmates requiring educational, medical or other services  
20 or programs not available in a community setting as determined by  
21 the Department.

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

4 1. The inmate discharges the term of the sentence;

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

8 3. The inmate is paroled by the Governor pursuant to Section  
9 332.7 of this title.

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

17 E. The Electronic Monitoring Program shall require active  
18 supervision of the inmate in a community setting by a correctional  
19 officer or other employee of the Department of Corrections with  
20 monitoring by an electronic bracelet, global positioning device, or  
21 other device approved by the Department under such rules,  
22 ~~regulations~~ and conditions as may be established by the Department.  
23 If an inmate violates any rule, ~~regulation~~ or condition of the

1 program, the Department may take necessary disciplinary action  
2 consistent with the rules established pursuant to this section,  
3 including reassignment to a higher level of security or removing the  
4 inmate from the program with reassignment to imprisonment in a  
5 correctional facility. Any inmate who escapes from the Electronic  
6 Monitoring Program shall be subject to the provisions of Section 443  
7 of Title 21 of the Oklahoma Statutes.

8 F. Upon an inmate assigned to the Electronic Monitoring Program  
9 becoming eligible for parole consideration, pursuant to Section  
10 332.7 of this title, the Department of Corrections shall deliver the  
11 inmate, in person, to a correctional facility for interview,  
12 together with any Department records necessary for the Pardon and  
13 Parole Board's investigation. ~~Inmates assigned to the Electronic  
14 Monitoring Program shall not be allowed to waive consideration or  
15 recommendation for parole.~~

16 G. Prior to placement of any eligible inmate assigned to the  
17 Electronic Monitoring Program being placed in a community setting,  
18 the Department of Corrections shall deliver a written notification  
19 to the sheriff and district attorney of the county<sup>7</sup> and the chief  
20 law enforcement officer of any incorporated city or town in which  
21 the inmate is to be monitored and supervised under the program. The  
22 district attorney shall disseminate such information to victims of

1 the crime for which the inmate is serving sentence, if any, when the  
2 victims are known to live in the same city, town or county.

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

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

17 SECTION 2. AMENDATORY 57 O.S. 2001, Section 510.10, is  
18 amended to read as follows:

19 Section 510.10 A. The Department of Corrections is hereby  
20 authorized to use electronic monitoring devices for any inmate  
21 sentenced for a crime ~~committed prior to July 1, 1998, and approved~~  
22 ~~for placement under the provisions of the Specialized Parole Program~~

1 or for any person granted parole, or as disciplinary sanction as  
2 authorized by law.

3 B. The electronic monitoring of an inmate pursuant to this  
4 section shall be in addition to active supervision required by law.

5 C. As used in this section, "electronic monitoring" means  
6 monitoring of an inmate within a specified location or locations by  
7 means of an electronic bracelet, global positioning device, or other  
8 device approved by the Department of Corrections with active  
9 supervision by correctional officers or other employees of the  
10 Department of Corrections.

11 D. The Department shall promulgate and adopt rules, ~~regulations~~  
12 and procedures necessary to implement the provisions of this  
13 section.

14 SECTION 3. This act shall become effective July 1, 2003.

15 SECTION 4. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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