STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 657 By: Rabon

AS INTRODUCED

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 332.1, which relates to personnel employed by the Pardon and Parole Board; transferring probation-parole officers and other personnel to the Pardon and Parole Board, subject to certain conditions; transferring duties, powers, records and property; providing for promulgation of rules; amending 57 O.S. 2001, Section 512, which relates to supervision of inmates paroled from state penal institutions; transferring jurisdiction to the Pardon and Parole Board; amending 57 O.S. 2001, Section 515, which relates to probation-parole officers; modifying exception; amending 57 O.S. 2001, Sections 516 and 517, as amended by Sections 2 and 3, Chapter 211, O.S.L. 2002 (57 O.S. 2002, Sections 516 and 517), which relate to parole and probation violators; transferring jurisdiction to the Pardon and Parole Board; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 332.1, is amended to read as follows:

Section 332.1 A. The Pardon and Parole Board created by Article VI, Section 10~~,~~ of the Oklahoma Constitution is authorized to employ professional investigators and such clerical and administrative personnel as may be required to carry out the duties and responsibilities under the provisions of this act.

B. Effective July 1, 2003, responsibility for monitoring probation and parole shall be transferred from the Department of Corrections to the Pardon and Parole Board. All probation-parole officers and support staff shall be transferred to the Pardon and Parole Board. Any such personnel shall be subject to the following provisions:

1. Classified personnel shall remain subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act. The transfer of such employees shall be made pursuant to Section 530:10-11-74 of the Oklahoma Administrative Code;

2. Unclassified employees shall remain in the unclassified service and shall serve at the pleasure of the Pardon and Parole Board. Nothing in this section shall prohibit unclassified employees from making application and competing for positions in the classified service; and

3. All personnel who are transferred to the Pardon and Parole Board shall retain sick and annual leave, time earned and any retirement and longevity benefits which have accrued. The salaries of personnel who are transferred shall not be reduced as a direct result of the transfer. The transfer of personnel shall be coordinated with the Office of Personnel Management.

C. All duties, powers, records and property of the Probation and Parole Division of the Department of Corrections shall be transferred to the Pardon and Parole Board.

D. The Pardon and Parole Board shall promulgate rules for the implementation of this section.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 512, is amended to read as follows:

Section 512. Any inmate in a state penal institution who has been granted a parole shall be released from the institution upon the following conditions:

1. That ~~he~~ the inmate comply with specified requirements of the ~~Division of Community Services of the Department of Corrections~~ Pardon and Parole Board under the active supervision of a Probation and Parole Officer. Such active supervision shall be for a period not to exceed three (3) years, except as provided in paragraph 2 of this section.

2. That ~~he~~ the inmate be actively supervised by a Probation and Parole Officer for an extended period not to exceed the expiration of the maximum term or terms for which ~~he~~ the inmate was sentenced if convicted of a sex offense or upon the determination by the ~~Division of Community Services~~ Pardon and Parole Board that the best interests of the public and the parolee will be served by such an extended period of supervision.

Provided, for the purposes of this section, the term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

The Probation and Parole Officer, upon information sufficient to give ~~him~~ the officer reasonable grounds to believe that the parolee has violated the terms of and conditions of ~~his~~ parole, shall notify the ~~Deputy Director of the Division of Community Services~~ Pardon and Parole Board in accordance with Section 516 of ~~Title 57 of the Oklahoma Statutes~~ this title.

SECTION 3. AMENDATORY 57 O.S. 2001, Section 515, is amended to read as follows:

Section 515. A. Except as provided in subsection B of this section, all probation-parole officers shall be deemed peace officers and shall possess the powers granted by law to peace officers. Probation-parole officers shall meet all of the training and qualifications for peace officers required by Section 3311 of Title 70 of the Oklahoma Statutes. Qualifications for probation-parole officers shall be good character and, except for those probation-parole officers employed prior to May 4, 1974, a bachelor's degree from an accredited college or university including at least twenty-four (24) credit hours in any combination of psychology, sociology, social work, criminology, education, criminal justice administration, penology or police science. Provided, that any employee of the ~~Department~~ Pardon and Parole Board, formerly classified and who worked as a probation-parole officer for at least

one (1) year, who was later promoted to an administrative or supervisory position within the Department of Corrections or the Pardon and Parole Board and who has been employed continuously by the Department or the Board may be reappointed to the position of probation-parole officer without having to meet the currently established qualifications in this ~~act~~ section.

B. Persons employed as probation-parole officers on or before July 1, 1988, shall not be qualified and certified as peace officers until completion of the requirements of Section 3311 of Title 70 of the Oklahoma Statutes. Said officers shall complete the requirements prior to January 1, 1990.

SECTION 4. AMENDATORY 57 O.S. 2001, Section 516, as amended by Section 2, Chapter 211, O.S.L. 2002 (57 O.S. Supp. 2002, Section 516), is amended to read as follows:

Section 516. A. Except as provided in subsection B of this section, the probation and parole officer shall, upon information sufficient to give the officer reasonable grounds to believe that the parolee has violated the terms of and conditions of parole, notify the ~~Department of Corrections~~ Pardon and Parole Board. If it is determined that the facts justify revocation action, the ~~Department~~ Board shall issue a warrant for the arrest of the parolee and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. The parolee shall, after arrest, be immediately incarcerated in the nearest county jail, intermediate sanctions facility, or a Department of Corrections facility to await action by the Governor as to whether the parole will be revoked. Parole time shall cease to run after the issuance of a warrant for arrest by the ~~Department of Corrections~~ Pardon and Parole Board, and earned credits shall not be accrued during any period of time when the parolee is incarcerated pending revocation action by the Governor.

B. Any parolee determined to have violated any terms or conditions of parole by the supervising parole officer may be given the option, at the discretion of the ~~Department of Corrections~~ Pardon and Parole Board, to be placed in an intermediate sanctions facility for disciplinary sanction and programmatic services in lieu of revocation or when revocation action by the Governor is deemed unnecessary for the nature of the violation. Any parolee for whom a warrant for arrest issues as provided in subsection A of this section may, at the discretion of the ~~Department~~ Board or the Governor, be placed in an intermediate sanctions facility pending or following any action by the Governor as to revocation of parole or required additional conditions to remain on parole. A parolee may be received and processed into the custody of the Department of Corrections on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

SECTION 5. AMENDATORY 57 O.S. 2001, Section 517, as amended by Section 3, Chapter 211, O.S.L. 2002 (57 O.S. Supp. 2002, Section 517), is amended to read as follows:

Section 517. A. Except as provided in subsection B of this section, the Probation and Parole Officer shall, upon information sufficient to give the officer reasonable grounds to believe that a probationer has violated the terms or conditions of the sentence of probation, notify the ~~Department~~ Pardon and Parole Board. If it is determined that the facts justify revocation action, the ~~Department~~ Board shall issue a warrant for the arrest of the probationer and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. A probationer shall, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanctions facility to await action by the court as to whether the probation will be revoked.

B. Any probationer determined to have violated any terms or conditions of probation by the supervising probation officer may, upon approval of the ~~Department of Corrections~~ Pardon and Parole Board, be placed by the court in an intermediate sanctions facility for disciplinary sanction and programmatic services in lieu of revocation when revocation is deemed unnecessary for the nature of the violation. Any probationer for whom a warrant for arrest issues as provided in subsection A of this section may, at the discretion of the court, be placed in an intermediate sanctions facility pending or following any action by the court as to revocation of probation or required additional conditions to remain on probation. A probationer may be processed by the Department of Corrections on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

SECTION 6. This act shall become effective July 1, 2003.

SECTION 7. 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.

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