

ENROLLED SENATE
BILL NO. 1867

By: Corn of the Senate

and

Armes of the House

An Act relating to corrections; amending 21 O.S. 2001, Section 443, as amended by Section 1, Chapter 74, O.S.L. 2005 (21 O.S. Supp. 2005, Section 443), which relates to escape from custody; expanding scope of prohibited act; amending 57 O.S. 2001, Section 502, as last amended by Section 44, Chapter 3, O.S.L. 2003 (57 O.S. Supp. 2005, Section 502), which relates to the Oklahoma Corrections Act of 1967; modifying certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 443, as amended by Section 1, Chapter 74, O.S.L. 2005 (21 O.S. Supp. 2005, Section 443), is amended to read as follows:

Section 443. A. Any person having been imprisoned in a county or city jail or detained in a juvenile detention facility awaiting charges on a felony offense or prisoner awaiting trial or having been sentenced on a felony charge to the custody of the Department of Corrections or any other prisoner having been lawfully detained who escapes from a juvenile detention facility while actually confined therein or escapes from a county or city jail, either while actually confined therein, while permitted to be at large as a trusty, or while awaiting transportation to a Department of Corrections facility for execution of sentence, shall be guilty of a felony punishable by imprisonment of not less than one (1) year nor more than seven (7) years.

B. Any person who is an inmate in the custody of the Department of Corrections who escapes from said custody, either while actually confined in a correctional facility, while assigned to an alternative to incarceration authorized by law, while assigned to the Preparole Conditional Supervision Program as authorized by Section 365 of Title 57 of the Oklahoma Statutes or while permitted to be at large as a trusty, shall be guilty of a felony punishable by imprisonment of not less than two (2) years nor more than seven (7) years.

C. For the purposes of this section, an inmate assigned to an alternative to incarceration authorized by law or to the Preparole Conditional Supervision Program shall be considered to have escaped

if the inmate cannot be located within a twenty-four hour period or if he or she fails to report to a correctional facility or institution, as directed. This includes any person escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from their body.

D. For the purposes of this section, if the individual who escapes has felony convictions for offenses other than the offense for which ~~he~~ the person was serving imprisonment at the time of ~~his~~ the escape, those previous felony convictions may be used for enhancement of punishment pursuant to the provisions of Section 434 of this ~~act~~ title. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which ~~he~~ the person was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 502, as last amended by Section 44, Chapter 3, O.S.L. 2003 (57 O.S. Supp. 2005, Section 502), is amended to read as follows:

Section 502. As used in this title, unless the context otherwise requires:

1. "Board" means the State Board of Corrections;
2. "Department" means the Department of Corrections of this state;
3. "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Jim E. Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel Bassett Correctional Center located at Oklahoma City, Oklahoma; the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the Northeast Oklahoma Correctional Center located at Vinita, Oklahoma; the Clara Waters and Kate Barnard Community Corrections Centers located at Oklahoma City, Oklahoma; the Community Corrections Centers located at Lawton, Enid, and Muskogee; the Charles E. "Bill" Johnson Correctional Center, located east of Alva, Oklahoma; and other facilities under the jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;
4. "Director" means the Director of the Department of Corrections;

5. "Halfway house" means a private facility for the placement of inmates in a community setting for the purpose of reintegrating into the community inmates who are nearing their release dates. The term shall not include private prisons;

6. "Intermediate sanctions facility" means a community corrections center operated by the Department of Corrections or a private facility or public trust operating pursuant to contract with the Department of Corrections which provides for the housing and programmatic services of offenders such as probation or parole violators or community sentenced offenders placed in the facility for disciplinary sanctions, work release offenders, offenders who need intensive programmatic services, or offenders who have demonstrated positive adjustment while in an institutional setting who need additional programmatic services to enhance their reentry into society upon release from a prison term; and

7. "Private prison contractor" means:

- a. a nongovernmental entity or public trust which, pursuant to a contract with the Department of Corrections, operates an institution within the Department other than a halfway house or intermediate sanctions facility, or provides for the housing, care, and control of inmates and performs other functions related to these responsibilities within a minimum ~~or~~, medium, or maximum security level facility not owned by the Department but operated by the contractor, or
- b. a nongovernmental entity or public trust which, pursuant to a contract with the United States or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States or another state, and performs other functions related to these responsibilities other than a halfway house or intermediate sanctions facility within a facility owned or operated by the contractor.

SECTION 3. This act shall become effective November 1, 2006.

Passed the Senate the 8th day of May, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the 10th day of April, 2006.

Presiding Officer of the House
of Representatives