

CS for SB 1698

THE STATE SENATE
Tuesday, February 28, 2006

Committee Substitute for
Senate Bill No. 1698

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1698 - By: LAWLER and
JOHNSON (Constance) of the Senate and TERRILL of the House.

[corrections - jail - driver license - state identification
card - pilot faith-based programs - codification - effective
dates -
emergency]

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

SECTION 1. AMENDATORY Section 2, Chapter 180, O.S.L.
2005 (19 O.S. Supp. 2005, Section 513.1), is amended to read as
follows:

Section 513.1 Every sheriff shall require appropriate training
for deputies and jailers in accordance with the jail standards
promulgated by the State Department of Health. The sheriff shall
not permit supervision of any prisoner in the custody of the jail by
any person that does not meet the jail standards for training and
supervision of inmates; provided, however, the sheriff or contractor
having charge and custody of the jail shall be authorized to permit
any inmate who is a trustee to perform work or community service
under supervision by a person other than a jailer or person trained
to supervise inmates in the jail environment when deemed appropriate
for the inmate, supervising person, and nature of the work or

1 community service. The sheriff or contractor having charge and
2 custody of the jail shall comply with all minimal supervision
3 standards pursuant to the jail standards promulgated by the State
4 Department of Health, except when otherwise provided by law.
5 Nothing in this section shall be construed to prohibit or restrict
6 the sheriff or contractor having charge and custody of the jail from
7 training or cross-training a person as a backup jailer or for
8 purposes of subsection D of Section 192 of Title 74 of the Oklahoma
9 Statutes, if otherwise qualified for such position.

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

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

15 1. ~~That he~~ The person shall comply with specified requirements
16 of the Division of Community Services of the Department of
17 Corrections under the active supervision of a Probation and Parole
18 Officer. Such active supervision shall be for a period not to
19 exceed three (3) years, except as provided in paragraph 2 of this
20 section. ~~;~~ and

21 2. ~~That he~~ The person shall be actively supervised by a
22 Probation and Parole Officer for an extended period not to exceed
23 the expiration of the maximum term or terms for which ~~he~~ the person

1 was sentenced if convicted of a sex offense or upon the
2 determination by the Division of Community Services that the best
3 interests of the public and the parolee will be served by such an
4 extended period of supervision.

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

8 B. The Probation and Parole Officer, upon sufficient
9 information ~~sufficient~~ to give ~~him~~ reasonable grounds to believe
10 that the parolee has violated the terms of and conditions of his or
11 her parole, shall notify the Deputy Director of the Division of
12 Community Services in accordance with Section 516 of Title 57 of the
13 Oklahoma Statutes.

14 C. On and after the effective date of this act, every parolee
15 shall be given either a valid driver license or a valid state
16 identification card to have in the person's possession upon parole
17 release, if such license or identification was obtained or
18 maintained as provided in Section 4 of this act.

19 SECTION 3. AMENDATORY 57 O.S. 2001, Section 513, is
20 amended to read as follows:

21 Section 513. A. When any prisoner ~~shall be~~ is discharged from
22 the institution, the Warden or superintendent shall furnish ~~him with~~
23 the person proper and necessary clothing, a valid driver license or

1 state identification card, if such was obtained or maintained by the
2 Department of Corrections according to Section 4 of this act, and a
3 railroad or bus ticket to ~~his~~ the person's home community within the
4 State of Oklahoma, if it is not in the county in which the
5 institution is located; and if ~~his~~ the person's home community is
6 outside the State of Oklahoma, the warden or superintendent may
7 furnish the necessary tickets to ~~his~~ the person's home community ~~or,~~
8 the county in which the sentence was imposed, or the community or
9 county in which the person intends to reside within this state; and
10 if ~~he~~ the person does not have Fifty Dollars (\$50.00) to his or her
11 credit, the Warden or superintendent may furnish such sum as will
12 afford ~~him~~ such person Fifty Dollars (\$50.00).

13 B. Funds necessary to provide ~~said~~ clothing, transportation and
14 Fifty Dollars (\$50.00) shall be drawn from a petty cash fund to be
15 established at each institution of the ~~Oklahoma~~ Department of
16 Corrections. ~~Said~~ The Petty Cash Fund shall be governed by the
17 rules ~~and regulations~~ established by the ~~Oklahoma State Budget~~
18 Office of State Finance.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 512.1 of Title 57, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Except as otherwise provided in this section, every inmate
23 received into the Department of Corrections for a term of

1 incarceration who has a valid driver license or state identification
2 card shall be required to maintain such driver license or
3 identification card at the inmate's expense. The Department of
4 Corrections shall implement a process to identify and maintain valid
5 inmate driver licenses and state identification cards during terms
6 of incarceration so that, when an inmate is paroled or released from
7 incarceration, such person has a valid driver license or state
8 identification card in the person's possession. The cost of
9 obtaining, maintaining and renewing any driver license or state
10 identification card shall be deemed an inmate expense and a cost of
11 incarceration and may be deducted from any funds accruing to such
12 inmate's trust account or shall be otherwise payable by the inmate
13 as established by Department policy.

14 B. Except as otherwise provided in this section, any inmate
15 received into the custody of the Department for a term of
16 incarceration who is without a valid driver license or state
17 identification shall be provided services to acquire an Oklahoma
18 state identification card prior to parole or release from
19 incarceration. The Department of Corrections shall deem invalid any
20 driver license subject to any term of suspension or revocation. The
21 Department may deem invalid out-of-state driver licenses and out-of-
22 state identification cards, but nothing in this subsection shall be
23 construed to prohibit the Department from allowing any out-of-state

1 inmate to maintain a valid driver license or valid state
2 identification card from such inmate's home state while incarcerated
3 in this state; provided, all costs of maintaining such licenses or
4 identification card are paid by the inmate, and the inmate is sent
5 to reside in such state upon parole or release from incarceration in
6 this state.

7 C. On and after the effective date of this act, no inmate shall
8 be paroled or released from incarceration without having either a
9 valid driver license or a valid state identification card in their
10 possession.

11 D. Any valid driver license and valid state identification card
12 obtained by an inmate prior to reception into the Department of
13 Corrections or any state identification card obtained while
14 incarcerated in this state shall be appropriately controlled by the
15 Department or another state agency until the inmate is paroled or
16 released from custody. The Department of Corrections and the
17 Department of Public Safety shall develop a cooperative policy for
18 holding, changing addresses and processing an inmate's driver
19 license or state identification card during a term of incarceration
20 and in preparation for parole or release from custody. Whenever the
21 address on any inmate's driver license or identification card has
22 been changed to a state agency for holding purposes during a term of
23 incarceration, such inmate shall be required to process a new

1 address change prior to parole or release from incarceration; and
2 from the date of this address change, the Department and all state
3 agencies shall be relieved from all responsibilities required
4 pursuant to this section.

5 E. Nothing in this section shall be construed to authorize the
6 Department of Corrections or any state agency to maintain, renew or
7 reinstate any driver license or state identification card for any
8 inmate sentenced to incarceration for any term more than twenty (20)
9 years, sentenced to life or life without parole, or for any inmate
10 sentenced to death.

11 F. Nothing in this section shall be construed to authorize any
12 driving privilege contrary to law, or the maintenance, reinstatement
13 or renewal of any driver license or state identification card
14 obtained contrary to law, or the application for a driver license or
15 state identification card in any manner contrary to law.

16 G. The Department of Corrections and the Department of Public
17 Safety shall not charge any fee or cost in addition to the actual
18 driver license or state identification fee established for other
19 citizens of this state.

20 SECTION 5. AMENDATORY Section 3, Chapter 346, O.S.L.
21 2003 (57 O.S. Supp. 2005, Section 614), is amended to read as
22 follows:

1 Section 614. A. The Legislature finds and declares that faith-
2 based programs offered in state and private correctional
3 institutions and facilities have the potential to facilitate inmate
4 institutional adjustment, to help inmates assume personal
5 responsibility, and to reduce recidivism. It is the intent of the
6 Legislature that the Department of Corrections and private vendors
7 operating private correctional facilities work towards ensuring the
8 availability and development of such programs at the correctional
9 institutions and facilities of this state and shall continuously:

10 1. Measure recidivism rates for all inmates participating in
11 faith-based or religious programs at the correctional institution or
12 facility;

13 2. Work with volunteers ministering to inmates from various
14 faith-based institutions in this state to improve the quality of
15 faith-based programs at the correctional institution or facility;

16 3. Continue to develop community linkages with churches,
17 synagogues, mosques, and other faith-based institutions to assist in
18 the release of participants into the community; and

19 4. Monitor faith-based programs operating in the correctional
20 institution or facility.

21 B. Beginning July 1, 2006, the Department of Corrections shall
22 select and begin implementation of one or more pilot faith-based
23 programs in the correctional institutions operated by the

1 Department. At least one shall be for female inmates and at least
2 one shall be for male inmates. The Department shall promulgate
3 rules that accommodate the operational needs of the faith-based
4 program, including, but not limited to, access to inmates by
5 volunteers and program personnel and enhanced opportunities for
6 inmates to participate in a pro-social environment where values and
7 responsibilities are appropriately rewarded and where there exists a
8 recognizable change from current prison culture and
9 institutionalization without actual release of any inmate or
10 compromise to the safety or security of any person or property.
11 Every person participating in faith-based programs in correctional
12 institutions shall be required to complete the Department's
13 volunteer training program in addition to being trained to develop
14 the faith-based program.

15 C. The Department of Corrections shall coordinate all such
16 programs and services provided for in this section through its
17 existing chaplain coordinator.

18 SECTION 6. Sections 2, 3 and 4 of this act shall become
19 effective January 1, 2007.

20 SECTION 7. Sections 1 and 5 of this act shall become effective
21 July 1, 2006.

22 SECTION 8. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
4 PASS, As Amended and Coauthored.