

3 Senate Bill No. 688

4 SENATE BILL NO. 688 - By: CORN of the Senate and NANCE of the House.

5 An Act relating to corrections; amending 57 O.S. 2001,
6 Section 510, as last amended by Section 8, Chapter 168,
7 O.S.L. 2004 (57 O.S. Supp. 2004, Section 510), which relates
8 to powers and duties of the Director of the Department of
9 Corrections; authorizing the Director to offer certain
10 persons for assistance to county or municipal law
11 enforcement agencies for certain purpose; setting statewide
12 jurisdiction for certain peace officers; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY 57 O.S. 2001, Section 510, as last
16 amended by Section 8, Chapter 168, O.S.L. 2004 (57 O.S. Supp. 2004,
17 Section 510), is amended to read as follows:

18 Section 510. A. The Director of the Department of Corrections
19 shall have the following specific powers and duties relating to the
20 penal institutions:

21 1. To appoint, subject to the approval of the State Board of
22 Corrections, a warden or superintendent for each penal institution,
23 who shall qualify for the position by character, personality,
24 ability, training, and successful administrative experience in the
25 correctional field; and if the person is not the incumbent warden or
26 superintendent of a penal institution, the person shall have a
27 college degree with a major in the behavioral sciences. As used in

1 this section, "major in the behavioral sciences" means a major in
2 psychology, sociology, criminology, education, corrections, human
3 relations, guidance and counseling, administration, criminal justice
4 administration, or penology;

5 2. To fix the duties of the wardens and superintendents and to
6 appoint and fix the duties and compensation of such other personnel
7 for each institution as may be necessary for the proper operation
8 thereof. However, correctional officers and guards hired after
9 November 1, 1995, shall be subject to the following qualifications:

10 a. the minimum age for service shall be twenty-one (21)
11 years of age. The Director shall have the authority
12 to establish the maximum age for correctional officers
13 entering service,

14 b. possession of a minimum of thirty (30) semester hours
15 from an accredited college or university, or
16 possession of a high school diploma acquired from an
17 accredited high school or GED equivalent testing
18 program and graduation from a training course
19 conducted by or approved by the Department and
20 certified by the Council on Law Enforcement Education
21 and Training either prior to employment or during the
22 first six (6) months of employment,

23 c. be a resident of this state during employment,

- 1 d. be of good moral character,
- 2 e. before going on duty alone, satisfactory completion of
- 3 an adequate training program for correctional officers
- 4 and guards, as prescribed and approved by the State
- 5 Board of Corrections,
- 6 f. satisfactory completion of minimum testing or
- 7 professional evaluation through the Merit System of
- 8 Personnel Administration to determine the fitness of
- 9 the individual to serve in the position written
- 10 evaluations shall be submitted to the Department of
- 11 Corrections, and
- 12 g. satisfactory completion of a physical in keeping with
- 13 the conditions of the job description on an annual
- 14 basis and along the guidelines as established by the
- 15 Department of Corrections;

16 3. To designate as peace officers qualified personnel in any

17 Department of Corrections job classifications. The Director shall

18 designate as peace officers correctional officers who are employed

19 in positions requiring said designation. The peace officer

20 authority of employees designated as peace officers shall be limited

21 to: maintaining custody of prisoners; preventing attempted escapes;

22 pursuing, recapturing and incarcerating escapees and parole or

23 probation violators and arresting such escapees, parole or probation

1 violators, serving warrants, and performing any duties specifically
2 required for the job descriptions. Such powers and duties of peace
3 officers may be exercised for the purpose of maintaining custody,
4 security, and control of any prisoner being transported outside this
5 state as authorized by the Uniform Criminal Extradition Act. To
6 become qualified for designation as peace officers, employees shall
7 meet the training and screening requirements conducted by the
8 Department and certified by the Council on Law Enforcement Education
9 and Training within twelve (12) months of employment ~~or, in the case~~
10 ~~of employees designated as peace officers on or before July 1, 1997,~~
11 ~~by July 1, 1998,~~ and shall not be subject to Section 3311 of Title
12 70 of the Oklahoma Statutes. Any investigative unit within the
13 Department whose employees are designated as peace officers may, at
14 the Director's discretion, offer peace officer assistance to any
15 county or municipal law enforcement agency in apprehending a
16 fugitive from justice or an escapee from any jail facility;
17 provided, the fugitive or escapee is sought in conjunction with a
18 felony offense. When such assistance is offered, the peace officers
19 shall remain under the authority of the Department of Correction for
20 purposes of statewide jurisdiction;

21 4. To maintain such industries, factories, plants, shops,
22 farms, and other enterprises and operations, hereinafter referred to
23 as prison industries, at each institution as the State Board of

1 Corrections deems necessary or appropriate to employ the prisoners
2 or teach skills, or to sustain the institution; and as provided for
3 by policies established by the State Board of Corrections, to allow
4 compensation for the work of the prisoners, and to provide for
5 apportionment of inmate wages, the amounts thus allowed to be kept
6 in accounts by the Board for the prisoners and given to the inmates
7 upon discharge from the institution, or upon an order paid to their
8 families or dependents or used for the personal needs of the
9 prisoners. Any industry that employs prisoners shall be deemed a
10 "State Prison Industry" if the prisoners are paid from state funds
11 including the proceeds of goods sold as authorized by Section 123f
12 of Title 74 of the Oklahoma Statutes. Any industry in which wages
13 of prisoners are paid by a nongovernmental person, group, or
14 corporation, except those industries employing prisoners in work-
15 release centers under the authority of the Department of Corrections
16 shall be deemed a "Private Prison Industry";

17 5. To assign residences at each institution to institutional
18 personnel and their families;

19 6. To provide for the education, training, vocational
20 education, rehabilitation, and recreation of prisoners;

21 7. To regulate the operation of canteens for prisoners;

22 8. To prescribe rules for the conduct, management, and
23 operation of each institution, including rules for the demeanor of

1 prisoners, the punishment of recalcitrant prisoners, the treatment
2 of incorrigible prisoners, and the disposal of property or
3 contraband seized from inmates or offenders under the supervision of
4 the Department;

5 9. To transfer prisoners from one institution to another;

6 10. To transfer to a state hospital for the mentally ill for
7 care and treatment, any prisoner who appears to be mentally ill.

8 The prisoner shall be returned to the institution when the
9 superintendent of the hospital certifies that the prisoner has been
10 restored to mental health;

11 11. To establish procedures that ensure inmates are educated
12 and provided with the opportunity to execute advanced directives for
13 health care in compliance with Section 3101.2 of Title 63 of the
14 Oklahoma Statutes. The procedures shall ensure that any inmate
15 executing an advanced directive for health care is competent and
16 executes the directive with informed consent;

17 12. To maintain courses of training and instruction for
18 employees at each institution;

19 13. To maintain a program of research and statistics;

20 14. To provide for the periodic audit, at least once annually,
21 of all funds and accounts of each institution and the funds of each
22 prisoner;

1 15. To provide, subject to rules established by the State Board
2 of Corrections, for the utilization of inmate labor for any agency
3 of the state, city, town, or subdivision of this state, upon the
4 duly authorized request for such labor by the agency. The inmate
5 labor shall not be used to reduce employees or replace regular
6 maintenance or operations of the agency. The inmate labor shall be
7 used solely for public or state purposes. No inmate labor shall be
8 used for private use or purpose. Insofar as it is practicable, all
9 inmate labor shall be of such a nature and designed to assist and
10 aid in the rehabilitation of inmates performing the labor;

11 16. To provide clerical services for, and keep and preserve the
12 files and records of, the Pardon and Parole Board; make
13 investigations and inquiries as to prisoners at the institutions who
14 are to be, or who might be, considered for parole or other clemency;
15 assist prisoners who are to be, or who might be, considered for
16 parole or discharge in obtaining suitable employment in the event of
17 parole or discharge; report to the Pardon and Parole Board, for
18 recommendation to the Governor, violations of terms and conditions
19 of paroles; upon request of the Governor, make investigations and
20 inquiries as to persons who are to be, or who might be, considered
21 for reprieves or leaves of absence; report to the Pardon and Parole
22 Board, for recommendation to the Governor, whether a parolee is
23 entitled to a pardon, when the terms and conditions of the parole

1 have been completed; make presentence investigations for, and make
2 reports thereof to, trial judges in criminal cases before sentences
3 are pronounced; supervise persons undergoing suspended sentences, or
4 who are on probation or parole; and develop and operate, subject to
5 the policies and guidelines of the Board, work-release centers,
6 community treatment facilities or prerelease programs at appropriate
7 sites throughout this state;

8 17. To establish an employee tuition assistance program and
9 promulgate rules in accordance with the Administrative Procedures
10 Act for the operation of the program. The rules shall include, but
11 not be limited to, program purposes, eligibility requirements, use
12 of tuition assistance, service commitment to the Department,
13 reimbursement of tuition assistance funds for failure to complete
14 course work or service commitment, amounts of tuition assistance and
15 limitations, and record keeping;

16 18. To establish an employee recruitment and referral incentive
17 program and promulgate rules in accordance with the Administrative
18 Procedures Act for the operation of the program. The rules shall
19 include, but not be limited to, program purposes, pay incentives for
20 employees, eligibility requirements, payment conditions and amounts,
21 payment methods, and record keeping;

22 19. To provide reintegration referral services to any person
23 discharged from the state custody who has volunteered to receive

1 reintegration referral services. The Director may assign staff to
2 refer persons discharged from state custody to services. The
3 Director shall promulgate rules for the referral process. All
4 reintegration referral services shall be subject to the availability
5 of funds; and

6 20. To conduct continual planning and research and periodically
7 evaluate the effectiveness of the various correctional programs
8 instituted by the Department; manage the designing, building, and
9 maintaining of all the capital improvements of the Department;
10 establish and maintain current and efficient business, bookkeeping,
11 and accounting practices and procedures for the operations of all
12 institutions and facilities, and for the Department's fiscal
13 affairs; conduct initial orientation and continuing in-service
14 training for the Department employees; provide public information
15 services; inspect and examine the condition and management of state
16 penal and correctional institutions; investigate complaints
17 concerning the management of prisons or alleged mistreatment of
18 inmates thereof; and hear and investigate complaints as to
19 misfeasance or nonfeasance of employees of the Department.

20 B. When an employee of the Department of Corrections has been
21 charged with a violation of the rules of the Department or with a
22 felony pursuant to the provisions of a state or federal statute, the
23 Director may, in the Director's discretion, suspend the charged

1 employee, in accordance with the Oklahoma Personnel Act and/or the
2 Merit System of Personnel Administration Rules, pending the hearing
3 and final determination of the charges. Notice of suspension shall
4 be given by the Director, in accordance with the provisions of the
5 Oklahoma Personnel Act. If after completion of the investigation of
6 the charges, it is determined that such charges are without merit or
7 are not sustained before the Oklahoma Merit Protection Commission or
8 in a court of law, the employee shall be reinstated and shall be
9 entitled to receive all lost pay and benefits.

10 This subsection shall in no way deprive an employee of the right
11 of appeal according to the Oklahoma Personnel Act.

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

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
17 SECURITY, dated 2-15-05 - DO PASS, As Coauthored.