

3 Senate Bill No. 829

4 SENATE BILL NO. 829 - By: EASON McINTYRE of the Senate and SHELTON
5 of the House.

6 An Act relating to corrections; amending 57 O.S. 2001,
7 Section 521, as last amended by Section 1, Chapter 74,
8 O.S.L. 2003 (57 O.S. Supp. 2004, Section 521), which relates
9 to pre-release reintegrative services; defining term;
10 requiring certain facilities to make certain application
11 prior to operation; requiring certain notice within certain
12 time period; requiring zoning approval by certain
13 commission; construing certain provisions on certain
14 existing facilities; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 57 O.S. 2001, Section 521, as last
17 amended by Section 1, Chapter 74, O.S.L. 2003 (57 O.S. Supp. 2004,
18 Section 521), is amended to read as follows:

19 Section 521. A. Whenever a person is convicted of a felony and
20 is sentenced to imprisonment that is not to be served in a county
21 jail, the person shall be committed to the custody of the Department
22 of Corrections and shall be classified and assigned to a
23 correctional facility or program designated by the Department and
24 authorized by law.

25 B. It is the intent of the Legislature that inmates in the
26 custody of the Department of Corrections, prior to leaving the
27 custody of the Department, be reintegrated into society through the
28 use of work release programs, work centers, community corrections

1 centers, intermediate sanctions facilities, accredited halfway
2 houses and transitional living centers, subject to the availability
3 of space and funding.

4 C. All persons who have nonassaultive institutional records and
5 who are convicted of only previous and current nonviolent offenses
6 and have a nonviolent juvenile record and are sentenced to the
7 custody of the Department of Corrections shall be processed for
8 assignment to a work release program, a work center, a community
9 corrections center, an intermediate sanctions facility, an
10 accredited halfway house, a transitional living facility, or any
11 combination of such placements not less than two hundred ten (210)
12 calendar days immediately prior to release from the custody of the
13 Department of Corrections, unless the offender is currently
14 participating in another approved program based upon the offender's
15 needs assessment. Other persons may be processed for assignment
16 according to the offender's needs and security classification not
17 more than one hundred eighty (180) days prior to release from the
18 custody of the Department. This assignment shall be for the purpose
19 of assisting the person in obtaining gainful employment, receiving
20 reintegration skills, and locating a suitable post-release
21 residence. For purposes of this subsection, assistance in obtaining
22 employment, receiving reintegration skills, and a post-release
23 residence shall be part of the function of the placement and shall

1 not be construed to require or authorize any financial assistance or
2 expenditure of state funds to any inmate or to any contract provider
3 for additional program services to an individual inmate.

4 D. The provisions of subsections B and C of this section shall
5 not be applicable to inmates, as determined on an individual basis
6 by the Department of Corrections, who otherwise constitute a serious
7 or immediate risk to public health and safety.

8 E. Nothing in this section shall require a county jail to
9 provide any services that are not currently being provided.

10 F. For purpose of this section, "transitional living center"
11 means any residential home, boarding house, group home, apartment
12 building or other public or private facility that is designed to
13 provide living space to more than one person and that contracts with
14 the Department of Corrections or another agency of this state, or
15 any political subdivision of this state, to provide living space for
16 persons who are under the custody of the Department of Corrections,
17 provided such facility is not owned and operated by the State of
18 Oklahoma.

19 Every transitional living center shall be required to make
20 application to the local city or county planning commission prior to
21 operation or contract and have zoning approved by such commission at
22 a public meeting. Such application and approval shall be determined
23 by the rules of the commission where application is made. In

1 addition, every transitional living center shall be required to
2 notify the title owners of all property within a one-half mile
3 radius of the transitional living center, as provided on the
4 property tax rolls of such city or county, at least thirty (30) days
5 prior to any consideration of an application or approval for a
6 transitional center. Any transitional center operating under
7 contract with the Department of Corrections on the effective date of
8 this act shall be exempt from the provisions of this subsection,
9 provided such center continues to contract with the Department of
10 Corrections without any lapse.

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

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-14-05
16 - DO PASS, As Coauthored.