STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1944 By: Shelton

AS INTRODUCED

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 563, as last amended by Section 2, Chapter 465, O.S.L. 2002 (57 O.S. Supp. 2004, Section 563), which relates to correctional facilities; prohibiting location and establishment of inmate transitional living centers within certain areas; specifying number of residents; requiring written authorization prior to establishment; providing an exemption; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 563, as last amended by Section 2, Chapter 465, O.S.L. 2002 (57 O.S. Supp. 2004, Section 563), is amended to read as follows:

Section 563. A. Except as otherwise authorized by Section 183 of Title 73 of the Oklahoma Statutes, before any correctional facility other than an inmate work center as authorized in subsection B of this section or an inmate drug offender work camp, whether within the Department of Corrections or within any other state agency, may be created or any construction performed which may significantly increase, extend or expand the present facility, such creation or construction shall be approved by the Legislature. Correctional facilities owned or operated by private prison contractors shall not be deemed to be within the Department of Corrections or other state agency.

B. The Department of Corrections is hereby authorized to establish inmate work centers in locations where a need for labor to conduct public work projects is determined. The Department shall select the inmate work center locations based on objective

comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

C. No state, county or municipal correctional facility including any inmate work center, inmate drug offender work camp, inmate halfway house~~, inmate transitional living center~~ and any other place where state, county or municipal inmates are housed shall be located within one thousand (1,000) feet of any public or private elementary or secondary school nor within two thousand five hundred (2,500) feet of any state training school. The provisions of this subsection shall not apply to any inmate work center, inmate drug offender work camp, inmate halfway house~~, inmate transitional living center~~ and any other place where state, county or municipal inmates are housed established prior to May 20, 1994. Provided, that the provisions of this subsection shall not apply to state, county, or municipal correctional facilities that are granted permission to operate within the areas restricted by this subsection by a majority vote of the following entities:

1. The district board of education of each school district with an affected school; and

2. The governing body of each affected private school.

D. In any county with a population of two hundred fifty thousand (250,000) or more, as determined by the latest Federal Decennial Census, the Department of Corrections shall not cause, permit or require any inmate in the custody of the Department or cause, permit or require any offender under the supervision of the Department to enter, remain or be present in any Department of Corrections facility located within one thousand (1,000) feet of a private or public elementary or secondary school, or on the grounds of such a facility, for any activities involving or relating to processing, training, instructing, interviewing, counseling,

reporting, conferring, imposing discipline, reviewing or adjudicating or any correctional function requiring or permitting the presence of the offender, except offenders may be employed in construction, maintenance or janitorial activities in or on the structures or grounds while under supervision of a correctional employee. The provisions of this subsection shall not apply to any facility established or acquired by the Department of Corrections prior to May 20, 1994.

E. No inmate transitional living center that houses inmates shall be located within two thousand five hundred (2,500) feet of any public or private elementary or secondary school, state training school, or residential neighborhood. The inmate transitional living center shall have no less than five inmates residing at the center. Prior to the establishment of any inmate transitional living center, the Department of Corrections shall obtain written authorization to establish and operate the center from the governing body of the municipality in which the center is to be located or, if the facility is not to be located within the incorporated limits of a municipality, from the board of county commissioners of the county in which the center is to be located. The provisions of this subsection shall not apply to any inmate transitional living center where inmates are housed established prior to May 20, 1994.

SECTION 2. This act shall become effective November 1, 2005.

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