

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1698

By: Lawler

AS INTRODUCED

An Act relating to corrections; amending Section 2, Chapter 180, O.S.L. 2005 (19 O.S. Supp. 2005, Section 513.1), which relates to jail training; requiring training for certain persons supervising prisoners housed in jail; providing training and cross-training for certain purpose; amending 57 O.S. 2001, Sections 512 and 513, which relate to conditions for release of parolees and discharge of inmates; requiring parolees and inmates to have either a valid driver license or state identification card upon release; making language gender neutral; modifying language; allowing certain persons to be discharged to county within this state; establishing process within the Department of Corrections to identify and maintain valid driver license or state identification at inmate expense; providing for payment of certain costs; providing services to obtain driver license or state identification for certain inmates; construing invalid driver license and condition to approve out-of-state driver license; requiring control of inmate driver license and state identification until release; requiring the Department of Corrections and the Department of Public Safety to establish certain policies for processing inmate driver licenses and identification cards; releasing certain agencies from certain responsibilities at certain time; limiting construction of certain provisions; construing application of certain provisions; prohibiting any fee or cost in addition to certain established fee; amending Section 3, Chapter 346, O.S.L. 2003 (57 O.S. Supp. 2005, Section 614), which relates to faith-based programs; directing selection and implementation of certain pilot faith-based programs; requiring promulgation of certain rules; requiring certain training for certain persons; providing for codification; providing effective dates; and declaring an 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~~ housed in any jail by any person that does not meet the jail standards for training and supervision of inmates. The sheriff or contractor having charge and custody of the jail shall comply with all minimal supervision standards pursuant to the jail standards promulgated by the State Department of Health, except when otherwise provided by law. Nothing in this section shall be construed to prohibit or restrict the sheriff or contractor having charge and custody of the jail from training or cross-training a person as a backup jailer or for purposes of subsection D of Section 192 of Title 74 of the Oklahoma Statutes, if otherwise qualified for such position.

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

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

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

2. ~~That he~~ The person shall be actively supervised by a Probation and Parole Officer for an extended period not to exceed the expiration of the maximum term or terms for which ~~he~~ the person was sentenced if convicted of a sex offense or upon the determination by the Division of Community Services that the best interests of the public and the parolee will be served by such an extended period of supervision.

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

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

C. On and after the effective date of this act, all parolees shall be given either a valid driver license or a valid state identification card to have in their possession upon parole release, if such license or identification was obtained or maintained as provided in Section 4 of this act.

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

Section 513. A. When any prisoner ~~shall be~~ is discharged from the institution, the Warden or superintendent shall furnish ~~him with~~ the person proper and necessary clothing, a valid driver license or state identification card, if such was obtained or maintained by the Department of Corrections according to Section 4 of this act, and a railroad or bus ticket to ~~his~~ the person's home community within the State of Oklahoma, if it is not in the county in which the institution is located; and if ~~his~~ the person's home community is outside the State of Oklahoma, the warden or superintendent may furnish the necessary tickets to ~~his~~ the person's home community ~~or,~~ the county in which the sentence was imposed, or the community or county in which the person intends to reside within this state; and if ~~he~~ the person does not have Fifty Dollars (\$50.00) to his or her credit, the Warden or superintendent may furnish such sum as will afford ~~him~~ such person Fifty Dollars (\$50.00).

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

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

A. Except as otherwise provided in this section, every inmate received into the Department of Corrections for a term of incarceration who has a valid driver license or state identification card shall be required to maintain such driver license or identification card at the inmate's expense. The Department of Corrections shall implement a process to identify and maintain valid inmate driver licenses and state identification cards during terms of incarceration so when an inmate is paroled or released from incarceration such person has a valid driver license or state identification card in their possession. The cost of obtaining, maintaining and renewing any driver license or state identification card shall be deemed an inmate expense and a cost of incarceration, and may be deducted from any funds accruing to said inmate's trust account or shall be otherwise payable by the inmate as established by Department policy.

B. Except as otherwise provided in this section, any inmate received into the custody of the Department for a term of incarceration who is without a valid driver license or state identification shall be provided services to acquire an Oklahoma state identification card prior to parole or release from incarceration. The Department of Corrections shall deem invalid any driver license subject to any term of suspension or revocation. The Department may deem invalid out-of-state driver licenses and out-of-

state identification cards, but nothing in this subsection shall be construed to prohibit the Department from allowing any out-of-state inmate to maintain a valid driver license or valid state identification card from such inmate's home state while incarcerated in this state; provided, all costs of maintaining such licenses or identification card are paid by the inmate and the inmate is sent to reside in such state upon parole or release from incarceration in this state.

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

D. Any valid driver license and valid state identification card obtained by an inmate prior to reception into the Department of Corrections or any state identification card obtained while incarcerated in this state shall be appropriately controlled by the Department or another state agency until the inmate is paroled or released from custody. The Department of Corrections and the Department of Public Safety shall develop a cooperative policy for holding, changing addresses and processing an inmate's driver license or state identification card during a term of incarceration and in preparation for parole or release from custody. Whenever the address on any inmate's driver license or identification card has been changed to a state agency for holding purposes during a term of incarceration, such inmate shall be required to process a new address change prior to parole or release from incarceration, and from the date of this address change the Department and all state agencies shall be relieved from all responsibilities required pursuant to this section.

E. Nothing in this section shall be construed to authorize the Department of Corrections or any state agency to maintain, renew or reinstate any driver license or state identification card for any

inmate sentenced to incarceration for any term more than twenty (20) years, sentenced to life or life without parole, or for any inmate sentenced to death.

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

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

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

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

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

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

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

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

B. Beginning July 1, 2006, the Department of Corrections shall select and begin implementation of one or more pilot faith-based programs in the correctional institutions operated by the Department. At least one shall be for female inmates and at least one shall be for male inmates. The Department shall promulgate rules that accommodate the operational needs of the faith-based program, including but not limited to, access to inmates by volunteers and program personnel and enhanced opportunities for inmates to participate in a pro-social environment where values and responsibilities are appropriately rewarded and where there exists a recognizable change from current prison culture and institutionalization without actual release of any inmate or compromise to the safety or security of any person or property. Every person participating in faith-based programs in correctional institutions shall be required to complete the Department's volunteer training program in addition to being trained to develop the faith-based program.

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

SECTION 7. Section 5 of this act shall become effective July 1, 2006.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.