

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1832

By: Johnson (Constance)

AS INTRODUCED

An Act relating to corrections; requiring determination of court-ordered child support for inmates; providing for certain notice relating to child support and incarceration; providing form for notice; making certain persons a priority for work or programs for certain purpose; requiring certain court orders be obtained upon reception; amending 57 O.S. 2001, Section 530.1, as last amended by Section 3, Chapter 441, O.S.L. 2005 (57 O.S. Supp. 2005, Section 530.1), which relates to corrections; requiring the Department of Corrections to obtain certain court order; providing for codification and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.1a of Title 57, unless there is created a duplication in numbering, reads as follows:

When a person is committed to the custody of the Department of Corrections for a term of incarceration, the Department shall determine whether such person has any court-ordered obligation to pay child support. If such person has court-ordered obligations for child support, every effort shall be made by the Department to employ the person for pay so the court-ordered child support may continue to be paid uninterrupted. If the person is unable to meet the court-ordered child support obligations as determined by the Department, the Department shall file a notice of stop payment with the court, if known, and the person entitled to receive such child support. Such notice of stop payment shall be in language substantially similar to the following:

"NOTICE OF STOP PAYMENT OF CHILD SUPPORT  
DUE TO INCARCERATION IN THE STATE OF OKLAHOMA

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(Name of Inmate and Inmate number)

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(Divorce, Paternity or Court Case number, if known)

RE: \_\_\_\_\_

(Name of person entitled to receive child support)

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(Address of party to receive child support)

The above-named person is incarcerated in the Department of Corrections for a term of \_\_\_\_ years. Any court-ordered child support is unable to be paid as ordered. The Department, on behalf of the above-named person, requests all attempts to collect the amount of court-ordered child support outstanding and owing be stopped, and in consideration the Department will voluntarily pay child support in such amounts as may become available in the above-named persons inmate trust account, if any. Please direct any correspondence to the Department of Corrections.

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(Address and name of person to be contacted)"

The Department shall not be liable to pay any child support on behalf of any person incarcerated if the inmate does not have sufficient funds in his or her inmate trust account. The Department shall assist such persons in determining future work so these persons will be able to meet current obligations for all child support payments and outstanding child support balances upon release.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 530.1, as last amended by Section 3, Chapter 441, O.S.L. 2005 (57 O.S. Supp. 2005, Section 530.1), is amended to read as follows:

Section 530.1 A. The Department of Corrections, by the rules of that Department, shall have the following duties which shall be performed as part of the assessment and reception process of the Department of Corrections, upon reception of each inmate:

1. To administer, or cause to be administered, physical and psychological examination of all inmates, including any requirement to collect biological samples for DNA testing pursuant to Section 991a of Title 22 of the Oklahoma Statutes and Section 150.27a of Title 74 of the Oklahoma Statutes, or other provision of law;

2. To identify the vocational-technical skills of all inmates. The information shall be noted on and made a part of the record for each inmate;

3. To assess the educational and training needs of all inmates;

4. To determine from available records and interviews, the place of birth of new inmates. The Department of Corrections shall furnish a list of foreign-born nationals and suspected foreign-born nationals to the Immigration and Naturalization Service on a weekly basis;

5. To determine initial security and custody classifications;

6. To determine and recommend for placement in an alcohol or substance abuse treatment facility or program, as provided for in this section, any inmate convicted of alcohol related offenses or otherwise in need of alcohol or substance abuse treatment;

7. To determine and recommend for placement in the Department of Corrections Special Care Unit at the State Penitentiary at McAlester any inmate who is in need of acute psychiatric care;

8. To plan for immediate assignments to institutions, community treatment centers, alcohol or substance abuse treatment centers or

programs, alternatives to incarceration authorized by law, or other facilities, public or private, designated by the Department;

9. To recommend possible future assignments to institutions, community treatment centers, alcohol or substance abuse treatment centers or programs, alternatives to incarceration authorized by law, or other facilities designated by the Department;

10. To provide orientation and instruction with respect to rules and procedures for prisoners; ~~and~~

11. To obtain all relevant juvenile court records and relevant Department of Juvenile Justice agency records, if any, pertaining to inmates and make said records a part of the permanent record maintained by the Department of Corrections regarding the inmate. The information contained in those records shall be used to determine security level and placement of inmates; and

12. To obtain all relevant court orders for payment of child support and to file a notice as provided in Section 1 of this act.

B. An alcohol or substance abuse treatment center in which an inmate is placed shall provide services and standards of treatment as provided by the Department of Mental Health and Substance Abuse Services under its rules for alcoholism or substance abuse treatment. Upon placement of a prisoner in a center for alcoholism or substance abuse treatment, the Department of Corrections shall enter into a third party contract with such center for the custodial and professional services rendered to any prisoner. Such contract may include requirements imposed by law on the Department of Corrections or reimbursement for such services, if necessary. The Department of Corrections is further authorized to enter into third party contracts for substance abuse treatment programs which are certified by the Department of Mental Health and Substance Abuse Services to provide professional services on an outpatient basis to prisoners in need of substance abuse treatment and follow-up treatment while assigned to alternatives to incarceration.

C. The Department of Juvenile Justice shall allow reasonable access to its database for the purpose of obtaining the juvenile records required by subsection A of this section.

D. The Department of Corrections shall adopt rules governing the implementation of this section.

SECTION 3. This act shall become effective November 1, 2006.

50-2-2749

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