

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 829

By: Eason McIntyre

AS INTRODUCED

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

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

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

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

B. It is the intent of the Legislature that inmates in the custody of the Department of Corrections, prior to leaving the custody of the Department, be reintegrated into society through the use of work release programs, work centers, community corrections centers, intermediate sanctions facilities, accredited halfway houses and transitional living centers, subject to the availability of space and funding.

C. All persons who have nonassaultive institutional records and who are convicted of only previous and current nonviolent offenses and have a nonviolent juvenile record and are sentenced to the custody of the Department of Corrections shall be processed for assignment to a work release program, a work center, a community corrections center, an intermediate sanctions facility, an accredited halfway house, a transitional living facility, or any combination of such placements not less than two hundred ten (210) calendar days immediately prior to release from the custody of the Department of Corrections, unless the offender is currently participating in another approved program based upon the offender's needs assessment. Other persons may be processed for assignment according to the offender's needs and security classification not more than one hundred eighty (180) days prior to release from the custody of the Department. This assignment shall be for the purpose of assisting the person in obtaining gainful employment, receiving reintegration skills, and locating a suitable post-release residence. For purposes of this subsection, assistance in obtaining employment, receiving reintegration skills, and a post-release residence shall be part of the function of the placement and shall not be construed to require or authorize any financial assistance or expenditure of state funds to any inmate or to any contract provider for additional program services to an individual inmate.

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

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

F. For purpose of this section, "transitional living center" means any residential home, boarding house, group home, apartment building or other public or private facility that is designed to

provide living space to more than one person and that contracts with the Department of Corrections or another agency of this state, or any political subdivision of this state, to provide living space for persons who are under the custody of the Department of Corrections, provided such facility is not owned and operated by the State of Oklahoma.

Every transitional living center shall be required to make application to the local city or county planning commission prior to operation or contract and have zoning approved by such commission at a public meeting. Such application and approval shall be determined by the rules of the commission where application is made. In addition, every transitional living center shall be required to notify the title owners of all property within a one-half mile radius of the transitional living center, as provided on the property tax rolls of such city or county, at least thirty (30) days prior to any consideration of an application or approval for a transitional center. Any transitional center operating under contract with the Department of Corrections on the effective date of this act shall be exempt from the provisions of this subsection, provided such center continues to contract with the Department of Corrections without any lapse.

SECTION 2. 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.

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