

1 ENGROSSED SENATE
2 BILL NO. 436

By: Corn of the Senate

3 and

4 Tibbs of the House

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6
7 An Act relating to corrections; amending 57 O.S.
8 2001, Section 549, as last amended by Section 8,
9 Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006, Section
10 549), which relates to powers and duties of the State
11 Board of Corrections; authorizing certain percentage
12 of inmate funds be held with interest for inmate upon
13 discharge; excluding certain inmate funds; directing
14 certain deposit of certain funds; providing for
15 interest payable to certain accounts; providing
16 exception to certain interest payable to the Crime
17 Victims Compensation Fund; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 57 O.S. 2001, Section 549, as last
21 amended by Section 8, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006,
22 Section 549), is amended to read as follows:

23 Section 549. A. The State Board of Corrections shall have the
24 following powers and duties with respect to the operation of prison
industries, the Construction Division, and administration of inmate
trust funds:

1 1. The power to make leases or other contracts consistent with
2 the operation of prison industries, and to set aside land or
3 facilities for the use of such industry;

4 2. The power to establish conditions for expenditures by the
5 Department of Corrections from the Industries Revolving Fund;

6 3. The power to negotiate wages and working conditions on
7 behalf of prisoners working in prison industries or prisoners
8 working in the Construction Division. Pay grades for the
9 Construction Division "on-the-job training" inmate crews shall be as
10 follows:

- 11 a. Pay Grade "A" - Inmate Worker,
- 12 b. Pay Grade "B" - Inmate Worker,
- 13 c. Pay Grade "C" - Apprentice, and
- 14 d. Pay Grade "D" - Skilled Craft;

15 4. The power to collect wages ~~and other receipted funds~~ on
16 behalf of the inmate, to apportion inmate wages ~~and funds~~ in
17 accordance with the law; and the duty to preserve those wages ~~and~~
18 ~~funds~~ reserved for the inmate in an account for his or her benefit,
19 and to establish procedures by which the inmate can draw funds from
20 this account under the conditions and limitations and for the
21 purposes allowed by law;

22 5. The duty to establish the percentages of such wages ~~and~~
23 ~~other receipted funds~~ which shall be available for apportionment to
24 ~~inmate savings; to~~ the inmate for his or her personal use; to the

1 lawful dependents of the inmate, if any; to the victim of the
2 inmate's crime; for payment of creditors; for payment of costs and
3 expenses for criminal actions against such inmate; and to the
4 Department of Corrections for costs of incarceration. Provided,
5 that not less than twenty percent (20%) of such wages and funds
6 shall be placed in an account, ~~and shall be~~ payable to the prisoner
7 upon his or her discharge. Funds from this account may be used by
8 the inmate for fees or costs in filing a civil or criminal action as
9 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes
10 or for federal action as defined in Section 1911 et seq. of Title 28
11 of the United States Code, ~~28 U.S.C., Section 1911 et seq.~~; and

12 6. The Effective January 1, 2008, the duty to collect funds on
13 behalf of the inmate from outside sources and to establish a
14 percentage of such funds for the inmate's savings account; provided,
15 however, inmates serving a sentence of death or life without parole
16 shall not be required to have a savings account, and such inmates
17 may use funds received from outside sources under the conditions and
18 limitations set by the Department and for purposes allowed by law
19 for expenditure of inmate trust accounts. The Department shall
20 withhold ten percent (10%) of all funds received on behalf of the
21 inmate from outside sources and shall deposit such funds in a
22 special interest-bearing account established by the State Treasurer
23 for the benefit of participating inmates in the custody of the
24 Department. The State Treasurer shall apportion interest accruing

1 to the account to the Department for distribution to individual
2 inmate savings accounts based on the account's average monthly
3 balance, and each participating inmate shall receive his or her
4 savings account balance with interest upon discharge; and

5 7. Except for funds held as provided in paragraph 6 of this
6 subsection, the power to invest funds held by the Department of
7 ~~Corrections~~ on behalf of each inmate in an interest-bearing account
8 with the interest accruing and payable to the Crime Victims
9 Compensation Fund, as provided in Section 142.17 of Title 21 of the
10 Oklahoma Statutes. The interest from each inmate's ~~savings~~ account
11 established pursuant to paragraph 5 of this subsection shall be
12 payable to the Crime Victims Compensation Fund, at such intervals as
13 may be determined by the Board, in addition to any other payments to
14 such fund required by the inmate's sentence or otherwise by law. An
15 inmate shall not have the right, use or control of any interest
16 derived from any funds placed in a mandatory savings account.

17 B. The Except for funds held as provided in paragraph 6 of
18 subsection A of this section, the State Board of Corrections shall
19 cause to be placed in an account income from the inmate's employment
20 and any other income or benefits accruing to or payable to and for
21 the benefit of ~~said~~ the inmate, including any workers' compensation
22 or Social Security benefits.

23 1. From this account, the State Board of ~~Corrections~~ may charge
24 for costs of incarceration any inmate working in private prison

1 industries or any other inmate for costs of incarceration not to
2 exceed fifty percent (50%) of any deposits made to ~~said~~ such
3 account, unless ~~said~~ such deposits were from a workers' compensation
4 benefit.

5 2. From this account, the ~~State Board of Corrections~~ may charge
6 any inmate for costs of incarceration, an amount equivalent to one
7 hundred percent (100%) of any deposits from a workers' compensation
8 benefit to ~~said~~ such account.

9 3. The Department ~~of Corrections~~ shall pay into the Crime
10 Victims Compensation Revolving Fund, Section 142.17 of Title 21 of
11 the Oklahoma Statutes, an amount equal to five percent (5%) of the
12 gross wages earned by inmates working in a private prison industries
13 program, ~~said~~ such amount to be paid from the amount deducted for
14 cost of incarceration.

15 4. Withdrawals and deposits shall be made according to rules
16 and regulations established by the ~~State Board of Corrections~~.

17 C. The Department ~~of Corrections~~ may assess costs of
18 incarceration against all inmates beginning on September 1, 1992.
19 Such costs shall be a debt of the inmate owed to the Department ~~of~~
20 ~~Corrections~~ and may be collected as provided by law for collection
21 of any other civil debt. In addition to the provisions of this
22 section authorizing expenditure of inmate trust funds for costs of
23 incarceration, any monies received for costs of incarceration shall
24 be deposited in the Department of Corrections Revolving Fund.

