

THE HOUSE OF REPRESENTATIVES  
Tuesday, February 26, 2008

House Bill No. 2710

HOUSE BILL NO. 2710 - By: BILLY of the House and SCHULZ of the Senate.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 510, as last amended by Section 3, Chapter 151, O.S.L. 2007 (57 O.S. Supp. 2007, Section 510), which relates to the Oklahoma Corrections Act of 1967; modifying age of service requirement; and providing an effective date.

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

1 SECTION 1. AMENDATORY 57 O.S. 2001, Section 510, as last amended by  
2 Section 3, Chapter 151, O.S.L. 2007 (57 O.S. Supp. 2007, Section 510), is amended to  
3 read as follows:  
4 Section 510. A. The Director of the Department of Corrections shall have the  
5 following specific powers and duties relating to the penal institutions:  
6 1. To appoint, subject to the approval of the State Board of Corrections, a warden or  
7 superintendent for each penal institution, who shall qualify for the position by character,  
8 personality, ability, training, and successful administrative experience in the correctional  
9 field; and if the person is not the incumbent warden or superintendent of a penal  
10 institution, the person shall have a college degree with a major in the behavioral  
11 sciences. As used in this section, "major in the behavioral sciences" means a major in  
12 psychology, sociology, criminology, education, corrections, human relations, guidance and  
13 counseling, administration, criminal justice administration, or penology;

1           2. To fix the duties of the wardens and superintendents and to appoint and fix the  
2 duties and compensation of such other personnel for each institution as may be necessary  
3 for the proper operation thereof. However, correctional officers and guards hired after  
4 November 1, 1995, shall be subject to the following qualifications:

- 5           a.     the minimum age for service shall be ~~twenty-one (21)~~ twenty (20) years  
6                     of age. The Director shall have the authority to establish the  
7                     maximum age for correctional officers entering service,  
8           b.     possession of a minimum of thirty (30) semester hours from an  
9                     accredited college or university, or possession of a high school diploma  
10                    acquired from an accredited high school or GED equivalent testing  
11                    program and graduation from a training course conducted by or  
12                    approved by the Department and certified by the Council on Law  
13                    Enforcement Education and Training either prior to employment or  
14                    during the first six (6) months of employment,  
15           c.     be of good moral character,  
16           d.     before going on duty alone, satisfactory completion of an adequate  
17                    training program for correctional officers and guards, as prescribed  
18                    and approved by the State Board of Corrections,  
19           e.     satisfactory completion of minimum testing or professional evaluation  
20                    through the Merit System of Personnel Administration to determine  
21                    the fitness of the individual to serve in the position written evaluations  
22                    shall be submitted to the Department of Corrections, and

1 f. satisfactory completion of a physical in keeping with the conditions of  
2 the job description on an annual basis and along the guidelines as  
3 established by the Department of Corrections;

4 3. To designate as peace officers qualified personnel in any Department of  
5 Corrections job classifications. The Director shall designate as peace officers correctional  
6 officers who are employed in positions requiring said designation. The peace officer  
7 authority of employees designated as peace officers shall be limited to: maintaining  
8 custody of prisoners; preventing attempted escapes; pursuing, recapturing and  
9 incarcerating escapees and parole or probation violators and arresting such escapees,  
10 parole or probation violators, serving warrants, and performing any duties specifically  
11 required for the job descriptions. Such powers and duties of peace officers may be  
12 exercised for the purpose of maintaining custody, security, and control of any prisoner  
13 being transported outside this state as authorized by the Uniform Criminal Extradition  
14 Act. To become qualified for designation as peace officers, employees shall meet the  
15 training and screening requirements conducted by the Department and certified by the  
16 Council on Law Enforcement Education and Training within twelve (12) months of  
17 employment or, in the case of employees designated as peace officers on or before July 1,  
18 1997, by July 1, 1998, and shall not be subject to Section 3311 of Title 70 of the  
19 Oklahoma Statutes;

20 4. To maintain such industries, factories, plants, shops, farms, and other  
21 enterprises and operations, hereinafter referred to as prison industries, at each  
22 institution as the State Board of Corrections deems necessary or appropriate to employ

1 the prisoners or teach skills, or to sustain the institution; and as provided for by policies  
2 established by the State Board of Corrections, to allow compensation for the work of the  
3 prisoners, and to provide for apportionment of inmate wages, the amounts thus allowed  
4 to be kept in accounts by the Board for the prisoners and given to the inmates upon  
5 discharge from the institution, or upon an order paid to their families or dependents or  
6 used for the personal needs of the prisoners. Any industry that employs prisoners shall  
7 be deemed a “State Prison Industry” if the prisoners are paid from state funds including  
8 the proceeds of goods sold as authorized by Section 123f of Title 74 of the Oklahoma  
9 Statutes. Any industry in which wages of prisoners are paid by a nongovernmental  
10 person, group, or corporation, except those industries employing prisoners in work-  
11 release centers under the authority of the Department of Corrections shall be deemed a  
12 “Private Prison Industry”;

13 5. To assign residences at each institution to institutional personnel and their  
14 families;

15 6. To provide for the education, training, vocational education, rehabilitation, and  
16 recreation of prisoners;

17 7. To regulate the operation of canteens for prisoners;

18 8. To prescribe rules for the conduct, management, and operation of each  
19 institution, including rules for the demeanor of prisoners, the punishment of recalcitrant  
20 prisoners, the treatment of incorrigible prisoners, and the disposal of property or  
21 contraband seized from inmates or offenders under the supervision of the Department;

22 9. To transfer prisoners from one institution to another;

1           10. To transfer to a state hospital for the mentally ill for care and treatment, any  
2 prisoner who appears to be mentally ill. The prisoner shall be returned to the institution  
3 when the superintendent of the hospital certifies that the prisoner has been restored to  
4 mental health;

5           11. To establish procedures that ensure inmates are educated and provided with  
6 the opportunity to execute advanced directives for health care in compliance with Section  
7 3101.2 of Title 63 of the Oklahoma Statutes. The procedures shall ensure that any  
8 inmate executing an advanced directive for health care is competent and executes the  
9 directive with informed consent;

10          12. To maintain courses of training and instruction for employees at each  
11 institution;

12          13. To maintain a program of research and statistics;

13          14. To provide for the periodic audit, at least once annually, of all funds and  
14 accounts of each institution and the funds of each prisoner;

15          15. To provide, subject to rules established by the State Board of Corrections, for  
16 the utilization of inmate labor for any agency of the state, city, town, or subdivision of  
17 this state, upon the duly authorized request for such labor by the agency. The inmate  
18 labor shall not be used to reduce employees or replace regular maintenance or operations  
19 of the agency. The inmate labor shall be used solely for public or state purposes. No  
20 inmate labor shall be used for private use or purpose. Insofar as it is practicable, all  
21 inmate labor shall be of such a nature and designed to assist and aid in the rehabilitation  
22 of inmates performing the labor;

1           16. To provide clerical services for, and keep and preserve the files and records of,  
2 the Pardon and Parole Board; make investigations and inquiries as to prisoners at the  
3 institutions who are to be, or who might be, considered for parole or other clemency;  
4 assist prisoners who are to be, or who might be, considered for parole or discharge in  
5 obtaining suitable employment in the event of parole or discharge; report to the Pardon  
6 and Parole Board, for recommendation to the Governor, violations of terms and  
7 conditions of paroles; upon request of the Governor, make investigations and inquiries as  
8 to persons who are to be, or who might be, considered for reprieves or leaves of absence;  
9 report to the Pardon and Parole Board, for recommendation to the Governor, whether a  
10 parolee is entitled to a pardon, when the terms and conditions of the parole have been  
11 completed; make presentence investigations for, and make reports thereof to, trial judges  
12 in criminal cases before sentences are pronounced; supervise persons undergoing  
13 suspended sentences, or who are on probation or parole; and develop and operate, subject  
14 to the policies and guidelines of the Board, work-release centers, community treatment  
15 facilities or prerelease programs at appropriate sites throughout this state;

16           17. To establish an employee tuition assistance program and promulgate rules in  
17 accordance with the Administrative Procedures Act for the operation of the program.  
18 The rules shall include, but not be limited to, program purposes, eligibility requirements,  
19 use of tuition assistance, service commitment to the Department, reimbursement of  
20 tuition assistance funds for failure to complete course work or service commitment,  
21 amounts of tuition assistance and limitations, and record keeping;

1 18. To establish an employee recruitment and referral incentive program and  
2 promulgate rules in accordance with the Administrative Procedures Act for the operation  
3 of the program. The rules shall include, but not be limited to, program purposes, pay  
4 incentives for employees, eligibility requirements, payment conditions and amounts,  
5 payment methods, and record keeping;

6 19. To provide reintegration referral services to any person discharged from the  
7 state custody who has volunteered to receive reintegration referral services. The  
8 Director may assign staff to refer persons discharged from state custody to services. The  
9 Director shall promulgate rules for the referral process. All reintegration referral  
10 services shall be subject to the availability of funds;

11 20. To conduct continual planning and research and periodically evaluate the  
12 effectiveness of the various correctional programs instituted by the Department; manage  
13 the designing, building, and maintaining of all the capital improvements of the  
14 Department; establish and maintain current and efficient business, bookkeeping, and  
15 accounting practices and procedures for the operations of all institutions and facilities,  
16 and for the Department's fiscal affairs; conduct initial orientation and continuing in-  
17 service training for the Department employees; provide public information services;  
18 inspect and examine the condition and management of state penal and correctional  
19 institutions; investigate complaints concerning the management of prisons or alleged  
20 mistreatment of inmates thereof; and hear and investigate complaints as to misfeasance  
21 or nonfeasance of employees of the Department; and



1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
2 dated 02-25-08 - DO PASS, As Coauthored.