

3 Senate Bill No. 1468

4 SENATE BILL NO. 1468 - By: SCHULZ of the Senate and BILLY of the
5 House.

6 An Act relating to corrections; amending 57 O.S. 2001,
7 Section 510, as last amended by Section 3, Chapter 151,
8 O.S.L. 2007 (57 O.S. Supp. 2007, Section 510), which relates
9 to penal institutions; lowering minimum age of correctional
10 officer; providing an effective date; and declaring an
11 emergency.

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

13 SECTION 1. AMENDATORY 57 O.S. 2001, Section 510, as last
14 amended by Section 3, Chapter 151, O.S.L. 2007 (57 O.S. Supp. 2007,
15 Section 510), is amended to read as follows:

16 Section 510. A. The Director of the Department of Corrections
17 shall have the following specific powers and duties relating to the
18 penal institutions:

19 1. To appoint, subject to the approval of the State Board of
20 Corrections, a warden or superintendent for each penal institution,
21 who shall qualify for the position by character, personality,
22 ability, training, and successful administrative experience in the
23 correctional field; and if the person is not the incumbent warden or
24 superintendent of a penal institution, the person shall have a
25 college degree with a major in the behavioral sciences. As used in
26 this section, "major in the behavioral sciences" means a major in

1 psychology, sociology, criminology, education, corrections, human
2 relations, guidance and counseling, administration, criminal justice
3 administration, or penology;

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

- 9 a. the minimum age for service shall be ~~twenty-one (21)~~
10 twenty (20) years of age. The Director shall have the
11 authority to establish the maximum age for
12 correctional officers entering service,
- 13 b. possession of a minimum of thirty (30) semester hours
14 from an accredited college or university, or
15 possession of a high school diploma acquired from an
16 accredited high school or GED equivalent testing
17 program and graduation from a training course
18 conducted by or approved by the Department and
19 certified by the Council on Law Enforcement Education
20 and Training either prior to employment or during the
21 first six (6) months of employment,
- 22 c. be of good moral character,

1 d. before going on duty alone, satisfactory completion of
2 an adequate training program for correctional officers
3 and guards, as prescribed and approved by the State
4 Board of Corrections,
5 e. satisfactory completion of minimum testing or
6 professional evaluation through the Merit System of
7 Personnel Administration to determine the fitness of
8 the individual to serve in the position written
9 evaluations shall be submitted to the Department of
10 Corrections, and
11 f. satisfactory completion of a physical in keeping with
12 the conditions of the job description on an annual
13 basis and along the guidelines as established by the
14 Department of Corrections;
15 3. To designate as peace officers qualified personnel in any
16 Department of Corrections job classifications. The Director shall
17 designate as peace officers correctional officers who are employed
18 in positions requiring said designation. The peace officer
19 authority of employees designated as peace officers shall be limited
20 to: maintaining custody of prisoners; preventing attempted escapes;
21 pursuing, recapturing and incarcerating escapees and parole or
22 probation violators and arresting such escapees, parole or probation
23 violators, serving warrants, and performing any duties specifically

1 required for the job descriptions. Such powers and duties of peace
2 officers may be exercised for the purpose of maintaining custody,
3 security, and control of any prisoner being transported outside this
4 state as authorized by the Uniform Criminal Extradition Act. To
5 become qualified for designation as peace officers, employees shall
6 meet the training and screening requirements conducted by the
7 Department and certified by the Council on Law Enforcement Education
8 and Training within twelve (12) months of employment or, in the case
9 of employees designated as peace officers on or before July 1, 1997,
10 by July 1, 1998, and shall not be subject to Section 3311 of Title
11 70 of the Oklahoma Statutes;

12 4. To maintain such industries, factories, plants, shops,
13 farms, and other enterprises and operations, hereinafter referred to
14 as prison industries, at each institution as the State Board of
15 Corrections deems necessary or appropriate to employ the prisoners
16 or teach skills, or to sustain the institution; and as provided for
17 by policies established by the State Board of Corrections, to allow
18 compensation for the work of the prisoners, and to provide for
19 apportionment of inmate wages, the amounts thus allowed to be kept
20 in accounts by the Board for the prisoners and given to the inmates
21 upon discharge from the institution, or upon an order paid to their
22 families or dependents or used for the personal needs of the
23 prisoners. Any industry that employs prisoners shall be deemed a

1 "State Prison Industry" if the prisoners are paid from state funds
2 including the proceeds of goods sold as authorized by Section 123f
3 of Title 74 of the Oklahoma Statutes. Any industry in which wages
4 of prisoners are paid by a nongovernmental person, group, or
5 corporation, except those industries employing prisoners in work-
6 release centers under the authority of the Department of Corrections
7 shall be deemed a "Private Prison Industry";

8 5. To assign residences at each institution to institutional
9 personnel and their families;

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

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

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

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

20 10. To transfer to a state hospital for the mentally ill for
21 care and treatment, any prisoner who appears to be mentally ill.

22 The prisoner shall be returned to the institution when the

1 superintendent of the hospital certifies that the prisoner has been
2 restored to mental health;

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

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

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

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

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

1 inmate labor shall be of such a nature and designed to assist and
2 aid in the rehabilitation of inmates performing the labor;

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

1 17. To establish an employee tuition assistance program and
2 promulgate rules in accordance with the Administrative Procedures
3 Act for the operation of the program. The rules shall include, but
4 not be limited to, program purposes, eligibility requirements, use
5 of tuition assistance, service commitment to the Department,
6 reimbursement of tuition assistance funds for failure to complete
7 course work or service commitment, amounts of tuition assistance and
8 limitations, and record keeping;

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

15 19. To provide reintegration referral services to any person
16 discharged from the state custody who has volunteered to receive
17 reintegration referral services. The Director may assign staff to
18 refer persons discharged from state custody to services. The
19 Director shall promulgate rules for the referral process. All
20 reintegration referral services shall be subject to the availability
21 of funds;

22 20. To conduct continual planning and research and periodically
23 evaluate the effectiveness of the various correctional programs

1 instituted by the Department; manage the designing, building, and
2 maintaining of all the capital improvements of the Department;
3 establish and maintain current and efficient business, bookkeeping,
4 and accounting practices and procedures for the operations of all
5 institutions and facilities, and for the Department's fiscal
6 affairs; conduct initial orientation and continuing in-service
7 training for the Department employees; provide public information
8 services; inspect and examine the condition and management of state
9 penal and correctional institutions; investigate complaints
10 concerning the management of prisons or alleged mistreatment of
11 inmates thereof; and hear and investigate complaints as to
12 misfeasance or nonfeasance of employees of the Department; and

13 21. To authorize any division of the Department to sell
14 advertising in any Department-approved publication, media production
15 or other informational material produced by the Department;
16 provided, that such advertising shall be approved by the Director or
17 designee prior to acceptance for publication. The sale of
18 advertising and negotiation of rates for the advertising shall not
19 be subject to The Oklahoma Central Purchasing Act or the
20 Administrative Procedures Act. The Department shall promulgate
21 rules establishing criteria for accepting or using advertisements as
22 authorized in this paragraph.

1 B. When an employee of the Department of Corrections has been
2 charged with a violation of the rules of the Department or with a
3 felony pursuant to the provisions of a state or federal statute, the
4 Director may, in the Director's discretion, suspend the charged
5 employee, in accordance with the Oklahoma Personnel Act and/or the
6 Merit System of Personnel Administration Rules, pending the hearing
7 and final determination of the charges. Notice of suspension shall
8 be given by the Director, in accordance with the provisions of the
9 Oklahoma Personnel Act. If after completion of the investigation of
10 the charges, it is determined that such charges are without merit or
11 are not sustained before the Oklahoma Merit Protection Commission or
12 in a court of law, the employee shall be reinstated and shall be
13 entitled to receive all lost pay and benefits.

14 This subsection shall in no way deprive an employee of the right
15 of appeal according to the Oklahoma Personnel Act.

16 SECTION 2. This act shall become effective July 1, 2008.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JURISPRUDENCE, dated
22 2-13-08 - DO PASS, As Coauthored.