

SB 436

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**THE STATE SENATE**  
**Thursday, February 22, 2007**

**Senate Bill No. 436**

SENATE BILL NO. 436 - By: CORN of the Senate and TIBBS of the House.

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

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

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

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

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

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

1           3. The power to negotiate wages and working conditions on  
2 behalf of prisoners working in prison industries or prisoners  
3 working in the Construction Division. Pay grades for the  
4 Construction Division "on-the-job training" inmate crews shall be as  
5 follows:

- 6           a. Pay Grade "A" - Inmate Worker,
- 7           b. Pay Grade "B" - Inmate Worker,
- 8           c. Pay Grade "C" - Apprentice, and
- 9           d. Pay Grade "D" - Skilled Craft;

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

17          5. The duty to establish the percentages of such wages ~~and~~  
18 ~~other receipted funds~~ which shall be available for apportionment to  
19 ~~inmate savings; to~~ the inmate for his or her personal use; to the  
20 lawful dependents of the inmate, if any; to the victim of the  
21 inmate's crime; for payment of creditors; for payment of costs and  
22 expenses for criminal actions against such inmate; and to the  
23 Department of Corrections for costs of incarceration. Provided,

1 that not less than twenty percent (20%) of such wages and funds  
2 shall be placed in an account, ~~and shall be payable to the prisoner~~  
3 upon his or her discharge. Funds from this account may be used by  
4 the inmate for fees or costs in filing a civil or criminal action as  
5 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes  
6 or for federal action as defined in Section 1911 et seq. of Title 28  
7 of the United States Code, ~~28 U.S.C., Section 1911 et seq.~~; and

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

1 balance, and each participating inmate shall receive his or her  
2 savings account balance with interest upon discharge; and

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

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

21 1. From this account, the State Board of Corrections may charge  
22 for costs of incarceration any inmate working in private prison  
23 industries or any other inmate for costs of incarceration not to

1 exceed fifty percent (50%) of any deposits made to ~~said~~ such  
2 account, unless ~~said~~ such deposits were from a workers' compensation  
3 benefit.

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

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

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

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

1           SECTION 2. This act shall become effective January 1, 2008.  
2   COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JURISPRUDENCE, dated  
3   2-14-07 - DO PASS, As Coauthored.