

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2673

By: Morgan

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6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2001, Sections 510.7 and 510.8,
9 which relate to the assessment and placement of
10 inmates in education and training programs;
11 clarifying statutory language; updating statutory
12 citations; changing required inmate proficiency
13 level; adding types of inmates given priority for
14 placement in education programs; amending 57 O.S.
15 2001, Section 530.1, as last amended by Section 3,
16 Chapter 441, O.S.L. 2005 (57 O.S. Supp. 2007, Section
17 530.1), which relates to the assessment and reception
18 duties of Department of Corrections; requiring the
19 Department to make educational placement
20 recommendations for certain inmates; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 57 O.S. 2001, Section 510.7, is
24 amended to read as follows:

25 Section 510.7 A. The Department of Corrections shall establish
26 a program to ensure that inmates have an opportunity to achieve at
27 least ~~an eighth grade~~ a general educational development level of
28 proficiency in reading, writing and computation skills, to the
29 extent resources are available. The provisions of this subsection

1 shall apply to all inmates in the custody of the Department of
2 Corrections, except those inmates identified and documented, through
3 the testing requirements provided in subsection B of this section,
4 to be incapable of benefiting from education programs, and except
5 those inmates who have already achieved ~~an eighth grade~~ a general
6 educational development level of proficiency in reading, writing and
7 computation skills.

8 B. The Department of Corrections, in fulfilling its duty to
9 assess the educational and training needs of an inmate, as part of
10 the assessment and reception process required by Section 530.1 of
11 ~~Title 57 of the Oklahoma Statutes~~ this title, shall administer an
12 examination to determine the ~~education~~ educational proficiency level
13 of the inmate, the existence of any learning disabilities, and any
14 other factors relevant to determining if the inmate is capable of
15 achieving the educational proficiency level established in
16 subsection A of this section and if so, to determine the type of
17 education programs necessary to bring the inmate to ~~an eighth grade~~
18 the general educational development level of proficiency.

19 SECTION 2. AMENDATORY 57 O.S. 2001, Section 510.8, is
20 amended to read as follows:

21 Section 510.8 A. The Department of Corrections shall implement
22 procedures to ensure that priority for placement of eligible inmates
23 in education programs be given to inmates lacking basic literacy
24 skills and to inmates closest to their projected release dates.

1 B. Any incarcerated inmate that refuses to participate in
2 recommended education programs shall be ineligible for earned
3 credits as provided in Section 138.1 of ~~Title 57 of the Oklahoma~~
4 ~~Statutes~~ this title and shall jeopardize ~~his or her~~ the eligibility
5 of the inmate for parole or participation in the Preparole
6 Conditional Supervision Program.

7 C. Any eligible inmate who has not achieved the educational
8 proficiency level established in Section ~~3~~ 510.7 of this ~~act~~ title,
9 prior to the date of eligibility for parole or preparole conditional
10 supervision, shall be required by the Pardon and Parole Board to
11 participate in education programs approved by the Board to achieve
12 ~~such~~ the proficiency level or, at the discretion of the Board, to
13 obtain a general education diploma as a condition of parole or
14 preparole conditional supervision. If education programs are not
15 available in the community where the inmate resides, or if the Board
16 finds that ~~such~~ the educational requirements would be a financial
17 hardship on the inmate or that ~~said~~ the inmate is not physically
18 able to participate, the Board may waive the educational requirement
19 ~~set out herein~~ forth in this section.

20 SECTION 3. AMENDATORY 57 O.S. 2001, Section 530.1, as
21 last amended by Section 3, Chapter 441, O.S.L. 2005 (57 O.S. Supp.
22 2007, Section 530.1), is amended to read as follows:

23 Section 530.1 A. The Department of Corrections, by the rules
24 of that Department, shall have the following duties which shall be

1 performed as part of the assessment and reception process of the
2 Department of Corrections, upon reception of each inmate:

3 1. To administer, or cause to be administered, physical and
4 psychological examination of all inmates, including any requirement
5 to collect biological samples for DNA testing pursuant to Section
6 991a of Title 22 of the Oklahoma Statutes and Section 150.27a of
7 Title 74 of the Oklahoma Statutes, or other provision of law;

8 2. To identify the vocational-technical skills of all inmates.
9 The information shall be noted on and made a part of the record for
10 each inmate;

11 3. To assess the educational and training needs of all inmates
12 and recommend for placement any inmate with an educational need as
13 established in Section 510.7 of this title;

14 4. To determine from available records and interviews, the
15 place of birth of new inmates. The Department of Corrections shall
16 furnish a list of foreign-born nationals and suspected foreign-born
17 nationals to the Immigration and Naturalization Service on a weekly
18 basis;

19 5. To determine initial security and custody classifications;

20 6. To determine and recommend for placement in an alcohol or
21 substance abuse treatment facility or program, as provided for in
22 this section, any inmate convicted of alcohol related offenses or
23 otherwise in need of alcohol or substance abuse treatment;

1 7. To determine and recommend for placement in the Department
2 of Corrections Special Care Unit at the State Penitentiary at
3 McAlester any inmate who is in need of acute psychiatric care;

4 8. To plan for immediate assignments to institutions, community
5 treatment centers, alcohol or substance abuse treatment centers or
6 programs, alternatives to incarceration authorized by law, or other
7 facilities, public or private, designated by the Department;

8 9. To recommend possible future assignments to institutions,
9 community treatment centers, alcohol or substance abuse treatment
10 centers or programs, alternatives to incarceration authorized by
11 law, or other facilities designated by the Department;

12 10. To provide orientation and instruction with respect to
13 rules and procedures for prisoners; and

14 11. To obtain all relevant juvenile court records and relevant
15 Department of Juvenile Justice agency records, if any, pertaining to
16 inmates and make said records a part of the permanent record
17 maintained by the Department of Corrections regarding the inmate.
18 The information contained in those records shall be used to
19 determine security level and placement of inmates.

20 B. An alcohol or substance abuse treatment center in which an
21 inmate is placed shall provide services and standards of treatment
22 as provided by the Department of Mental Health and Substance Abuse
23 Services under its rules for alcoholism or substance abuse
24 treatment. Upon placement of a prisoner in a center for alcoholism

1 or substance abuse treatment, the Department of Corrections shall
2 enter into a third party contract with such center for the custodial
3 and professional services rendered to any prisoner. Such contract
4 may include requirements imposed by law on the Department of
5 Corrections or reimbursement for such services, if necessary. The
6 Department of Corrections is further authorized to enter into third
7 party contracts for substance abuse treatment programs which are
8 certified by the Department of Mental Health and Substance Abuse
9 Services to provide professional services on an outpatient basis to
10 prisoners in need of substance abuse treatment and follow-up
11 treatment while assigned to alternatives to incarceration.

12 C. The Department of Juvenile Justice shall allow reasonable
13 access to its database for the purpose of obtaining the juvenile
14 records required by subsection A of this section.

15 D. The Department of Corrections shall adopt rules governing
16 the implementation of this section.

17 SECTION 4. This act shall become effective November 1, 2008.

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