

ENROLLED HOUSE
BILL NO. 2047

By: Morgan, Shelton and Cox of
the House

and

Eason McIntyre and Johnson
(Constance) of the Senate

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Sections 510.7 and 510.8, which relate to the assessment and placement of inmates in education and training programs; clarifying statutory language; updating statutory citations; changing required inmate proficiency level; adding types of inmates given priority for placement in education programs; amending 57 O.S. 2001, Section 530.1, as last amended by Section 3, Chapter 441, O.S.L. 2005 (57 O.S. Supp. 2008, Section 530.1), which relates to the assessment and reception duties of the Department of Corrections; requiring the Department to make educational placement recommendations for certain inmates; and providing an effective date.

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

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

Section 510.7 A. The Department of Corrections shall establish a program to ensure that inmates have an opportunity to achieve at least ~~an eighth grade~~ a general educational development level of proficiency in reading, writing and computation skills, to the extent resources are available. The provisions of this subsection shall apply to all inmates in the custody of the Department of Corrections, except those inmates identified and documented, through

the testing requirements provided in subsection B of this section, to be incapable of benefiting from education programs, and except those inmates who have already achieved ~~an eighth grade~~ a general educational development level of proficiency in reading, writing and computation skills.

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

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

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

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

C. Any eligible inmate who has not achieved the educational proficiency level established in Section ~~3~~ 510.7 of ~~this act~~ this title, prior to the date of eligibility for parole or preparole conditional supervision, shall be required by the Pardon and Parole Board to participate in education programs approved by the Board to achieve ~~such~~ the proficiency level or, at the discretion of the Board, to obtain a general education diploma as a condition of parole or preparole conditional supervision. If education programs are not available in the community where the inmate resides, or if the Board finds that ~~such~~ the educational requirements would be a financial hardship on the inmate or that ~~said~~ the inmate is not physically

able to participate, the Board may waive the educational requirement set ~~out herein~~ forth in this section.

SECTION 3. AMENDATORY 57 O.S. 2001, Section 530.1, as last amended by Section 3, Chapter 441, O.S.L. 2005 (57 O.S. Supp. 2008, Section 530.1), is amended to read as follows:

Section 530.1 A. The Department of Corrections, by the rules of that Department, shall have the following duties which shall be performed as part of the assessment and reception process of the Department of Corrections, upon reception of each inmate:

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

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

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

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

5. To determine initial security and custody classifications;

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

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

8. To plan for immediate assignments to institutions, community treatment centers, alcohol or substance abuse treatment centers or

programs, alternatives to incarceration authorized by law, or other facilities, public or private, designated by the Department;

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

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

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

B. An alcohol or substance abuse treatment center in which an inmate is placed shall provide services and standards of treatment as provided by the Department of Mental Health and Substance Abuse Services under its rules for alcoholism or substance abuse treatment. Upon placement of a prisoner in a center for alcoholism or substance abuse treatment, the Department of Corrections shall enter into a third party contract with such center for the custodial and professional services rendered to any prisoner. Such contract may include requirements imposed by law on the Department of Corrections or reimbursement for such services, if necessary. The Department of Corrections is further authorized to enter into third party contracts for substance abuse treatment programs which are certified by the Department of Mental Health and Substance Abuse Services to provide professional services on an outpatient basis to prisoners in need of substance abuse treatment and follow-up treatment while assigned to alternatives to incarceration.

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

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

SECTION 4. This act shall become effective November 1, 2009.

Passed the House of Representatives the 18th day of May, 2009.

Presiding Officer of the House of
Representatives

Passed the Senate the 18th day of May, 2009.

Presiding Officer of the Senate