

THE HOUSE OF REPRESENTATIVES  
Monday, February 16, 2009

House Bill No. 2047

HOUSE BILL NO. 2047 - By: MORGAN of the House and EASON MCINTYRE 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:

1       SECTION 1.    AMENDATORY    57 O.S. 2001, Section 510.7, is amended to read  
2 as follows:  
3       Section 510.7 A. The Department of Corrections shall establish a program to  
4 ensure that inmates have an opportunity to achieve at least ~~an eighth grade~~ a general  
5 educational development level of proficiency in reading, writing and computation skills,  
6 to the extent resources are available. The provisions of this subsection shall apply to all  
7 inmates in the custody of the Department of Corrections, except those inmates identified  
8 and documented, through the testing requirements provided in subsection B of this  
9 section, to be incapable of benefiting from education programs, and except those inmates

1 who have already achieved ~~an eighth grade~~ a general educational development level of  
2 proficiency in reading, writing and computation skills.

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

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

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

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

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

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

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

17 1. To administer, or cause to be administered, physical and psychological  
18 examination of all inmates, including any requirement to collect biological samples for  
19 DNA testing pursuant to Section 991a of Title 22 of the Oklahoma Statutes and Section  
20 150.27a of Title 74 of the Oklahoma Statutes, or other provision of law;

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

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

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

8           5. To determine initial security and custody classifications;

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

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

15           8. To plan for immediate assignments to institutions, community treatment  
16 centers, alcohol or substance abuse treatment centers or programs, alternatives to  
17 incarceration authorized by law, or other facilities, public or private, designated by the  
18 Department;

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

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

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

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

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-12-09 - DO  
5 PASS, As Coauthored.