

EHB 2047

1 THE STATE SENATE  
2 Tuesday, March 31, 2009

3 ENGROSSED

4 House Bill No. 2047

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2047 - By: Morgan and Shelton of the House  
7 and Eason McIntyre of the Senate.

8 [ prisons and reformatories - amending 57 O.S., Sections  
9 510.7, 510.8 and 530.1 - assessment and placement of inmates  
10 in education - Department of Corrections - effective date ]

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

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

14 Section 510.7 A. The Department of Corrections shall establish  
15 a program to ensure that inmates have an opportunity to achieve at  
16 least ~~an eighth grade~~ a general educational development level of  
17 proficiency in reading, writing and computation skills, to the  
18 extent resources are available. The provisions of this subsection  
19 shall apply to all inmates in the custody of the Department of  
20 Corrections, except those inmates identified and documented, through  
21 the testing requirements provided in subsection B of this section,  
22 to be incapable of benefiting from education programs, and except  
23 those inmates who have already achieved ~~an eighth grade~~ a general  
24 educational development level of proficiency in reading, writing and  
25 computation skills.

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

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

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

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

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

14 SECTION 3. AMENDATORY 57 O.S. 2001, Section 530.1, as  
15 last amended by Section 3, Chapter 441, O.S.L. 2005 (57 O.S. Supp.  
16 2008, Section 530.1), is amended to read as follows:

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

21 1. To administer, or cause to be administered, physical and  
22 psychological examination of all inmates, including any requirement  
23 to collect biological samples for DNA testing pursuant to Section

1 991a of Title 22 of the Oklahoma Statutes and Section 150.27a of  
2 Title 74 of the Oklahoma Statutes, or other provision of law;

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

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

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

14 5. To determine initial security and custody classifications;

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

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

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

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

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

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

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

15 B. An alcohol or substance abuse treatment center in which an  
16 inmate is placed shall provide services and standards of treatment  
17 as provided by the Department of Mental Health and Substance Abuse  
18 Services under its rules for alcoholism or substance abuse  
19 treatment. Upon placement of a prisoner in a center for alcoholism  
20 or substance abuse treatment, the Department of Corrections shall  
21 enter into a third party contract with such center for the custodial  
22 and professional services rendered to any prisoner. Such contract  
23 may include requirements imposed by law on the Department of

1 Corrections or reimbursement for such services, if necessary. The  
2 Department of Corrections is further authorized to enter into third  
3 party contracts for substance abuse treatment programs which are  
4 certified by the Department of Mental Health and Substance Abuse  
5 Services to provide professional services on an outpatient basis to  
6 prisoners in need of substance abuse treatment and follow-up  
7 treatment while assigned to alternatives to incarceration.

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-25-09 - DO  
15 PASS, As Amended and Coauthored.