

BILL SUMMARY
1st Session of the 52nd Legislature

Bill No.:	HB 2245
Version:	CCS
Author:	Representative Terrill Senator Sykes
Date:	May 21, 2009
Impact:	FY-10 Prison Cost Savings: \$4,093,678

Bill Summary

Research Analyst: Brad Wolgamott

The Conference Committee Substitute for HB 2245 creates the Oklahoma Criminal Illegal Alien Rapid Repatriation Act of 2009. The bill allows the Department of Corrections to release to the United States Immigration and Customs Enforcement a prisoner who is on a detainer for deportation if the prison has served at least one-third of the incarceration imposed. Provides that if the prisoner returns illegally to the United States, the prisoner will be required to serve out the remainder of the sentence and will be ineligible for any parole.

Allows the Board of Corrections to renew any private prison contract if the contract will result in a reduced per diem rate. If a reduced per diem is determined by the Board of Corrections, the contract is not subject to the Consumer Price Index for All Urban Consumers requirements found in Title 57, Section 561.1. The Board is to negotiate based upon terms deemed to be in the best interest of operational efficiency. The Board shall have the authority to negotiate pursuant to the availability of funds.

Requires all private prison contractors and vendors operating in Oklahoma shall provide construction plans and facility staffing patterns to the Department of Corrections for approval prior to commencement of construction of any new physical plant or addition to existing facilities. Approval to be based on American Correctional Association standards. Allows the Director to recommend that the State Board of Corrections assess the private prison contractor at least one-half (1/2) the per diem rate up to but not to exceed the full per diem rate paid by the jurisdiction or jurisdictions to the private prison contractor for the period of time the violations are not corrected with due diligence when the Department of Corrections has identified other physical plant security deficiencies based on American Correctional Association standards and the deficiencies continue and are not corrected with due diligence. This penalty does not preclude the Director from ordering the facility to cease operations.

The measure clarifies the types of prisoners private facilities may hold in Oklahoma. Prohibiting private prisons located in Oklahoma from housing detainees designated as enemy combatants by the federal government or persons who are under federal state or local investigation or convicted of crimes of international terrorism or conspiracy to commit international terrorism or acts of hostile aggression against the United States or allies. Prior to contracting with the federal government or another state to hold prisoners, the private facility must grant the Oklahoma Department of Corrections the first right to contract for the beds in the private facility. Requires private prison contractor to obtain authorization from Department of Corrections prior to housing maximum security inmates from another state. Establishes procedure and timeline for obtaining authorization.

Allows a statewide organization representing a minimum of 2,000 dues paying members to annually send one general mailing to all state employees. The Office of State Finance and any qualifying organization are to agree on the method of providing a list of the names and addresses of the state employees to accomplish the mailing, while preserving the confidentiality of the list

Fiscal Summary

Fiscal Analyst: Marilyn Anderson

The CCS for HB 2245 creates the Oklahoma Criminal Illegal Alien Rapid Repatriation Act of 2009, which authorizes the Director of the Department of Corrections to release a prisoner to the custody and control of the United States Immigration and Customs Enforcement after the Department has received an order of deportation from the United States Citizenship and Immigration Services. The prisoner must have served at least one-third of their sentence, and not convicted of an offense that would require them to serve eighty-five percent of the sentence. If a prisoner is deported and later returns illegally to the United States, they would be required to serve the remainder of their sentence.

The measure revises procedures for private prison contracts and renewals; prohibits private prison contracts from housing inmates designated as enemy combatants; gives the Department of Corrections first right to contract for placement of inmates in private prison facilities; and requires private prison contractors to receive authorization from the Department of Corrections prior to housing maximum security inmates from another state or the federal government.

HB 2245 authorizes OPEA to send one general mailing to all state employees annually.

HB 2245 requires private prison contractors and vendors to provide construction plans and facility staffing patterns to the Department of Corrections for approval prior to commencement of construction of any new physical plant or addition to an existing facility. The measure also authorizes the Department of Corrections to assess a penalty to private prison contractors who violate any of the requirements of Title 57, Section 563.3 and to order the facility to cease operations.

Fiscal Analysis

According to the Department of Corrections (DOC), there are currently 511 incarcerated offenders with an ICE detainer. Of these 157 are ineligible for early release due to their offense. The remaining 354 offenders would be deportable. 230 of those have already served one-third of their sentence and would be eligible for deportation the first year. An additional 124 currently incarcerated offenders would eventually be eligible for deportation after they have served one-third of their sentence.

The DOC's annual average prison costs is \$19,798 per offender. The DOC currently receives on average \$1,634 annually per offender in Criminal Alien Assistance funding from the federal government.

230 Offenders X \$19,798	\$ 4,469,498
Less: 230 Offenders X \$1,634	<u>\$ -375,820</u>
Net Annual Savings	\$ 4,093,678

Long Term Fiscal Considerations

None

Fiscal Analysis Reviewed By:

Janice Buchanan

House Fiscal Director