

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1551 By: Shortey of the Senate
3 and
4 Denney of the House
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8 (Oklahoma Corrections Act of 1967 - modifying
9 qualifications of certain positions -
10 effective date)
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13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "An Act relating to the Oklahoma Corrections Act of
16 1967; amending 57 O.S. 2011, Sections 506, 508, 510
17 and 515, which relate to the Director of
18 Corrections, Deputy Directors and probation-parole
officers; modifying qualifications of certain
positions; deleting obsolete language; and providing
an effective date.

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

22 SECTION 1. AMENDATORY 57 O.S. 2011, Section 506, is
23 amended to read as follows:
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1 Section 506. There is hereby created the position of Director
2 of Corrections. The Director shall be qualified for such position
3 by character, ~~personality~~ knowledge, skill, ability, education,
4 training and successful administrative experience in the
5 correctional field; shall have earned a Master's Degree from an
6 accredited college or university ~~with a major field of study in at~~
7 ~~least one of the following: Corrections, criminal justice, police~~
8 ~~science, criminology, psychology, sociology, administration,~~
9 ~~education, or a related social science~~ and five (5) ~~years'~~ years of
10 professional level work experience in corrections, or a bachelor's
11 degree ~~in the degree areas above specified~~ and six (6) ~~years'~~
12 ~~progressively responsible~~ years of professional level work
13 experience in corrections. The Director of Corrections shall be
14 appointed by the Board of Corrections, with the advice and consent
15 of the Senate and shall be subject to removal by a vote of the
16 majority of the entire Board or in the manner provided by law for
17 the removal of officers not subject to impeachment.

18 SECTION 2. AMENDATORY 57 O.S. 2011, Section 508, is
19 amended to read as follows:

20 Section 508. The Director, subject to the approval of the
21 Board, is hereby authorized to create divisions within the
22 Department of Corrections as he may deem appropriate to effectively
23 manage the Department. The divisions shall be under the immediate
24 supervision and control of the Director. The Director is hereby

1 authorized to appoint Deputy Directors for the divisions of the
2 Department, who shall be exempt from the Merit System of Personnel
3 Administration Act, and to fix the salaries and duties thereof;
4 provided, the salary ranges of said Deputy Directors shall be set by
5 the Legislature in the Department's annual appropriation. The
6 Deputy Directors shall have at least a master's degree from an
7 accredited college or university, ~~with a major field of study in at~~
8 ~~least one of the following: Corrections, criminology, criminal~~
9 ~~justice, psychology, sociology, administration, education or a~~
10 ~~related social science,~~ and at least four (4) years of professional
11 level work experience in corrections; or a bachelor's degree ~~in the~~
12 ~~above specified major fields of study~~ and at least five (5) years of
13 work experience in corrections. Provided, however, that for the
14 position of Deputy Director of administrative services, professional
15 level administrative experience may be substituted for work
16 experience in corrections. The provisions of this act shall not
17 apply to those presently serving as Deputy Director as herein
18 defined.

19 SECTION 3. AMENDATORY 57 O.S. 2011, Section 510, is
20 amended to read as follows:

21 Section 510. A. The Director of the Department of Corrections
22 shall have the following specific powers and duties relating to the
23 penal institutions:
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1 1. To appoint, subject to the approval of the State Board of
2 Corrections, a warden ~~or superintendent~~ for each penal institution,
3 who shall qualify for the position by character, ~~personality~~
4 knowledge, skill, ability, training, and successful administrative
5 experience in the correctional field; and if the person is not the
6 incumbent warden or superintendent of a penal institution, the
7 person shall have a ~~college~~ bachelor's degree ~~with a major in the~~
8 ~~behavioral sciences.~~ ~~As used in this section, "major in the~~
9 ~~behavioral sciences" means a major in psychology, sociology,~~
10 ~~criminology, education, corrections, human relations, guidance and~~
11 ~~counseling, administration, criminal justice administration, or~~
12 penology from an accredited college or university and six (6) years
13 of professional level work experience in corrections;

14 2. To fix the duties of the wardens and superintendents and to
15 appoint and fix the duties and compensation of such other personnel
16 for each institution as may be necessary for the proper operation
17 thereof. However, correctional officers hired after November 1,
18 1995, shall be subject to the following qualifications:

- 19 a. the minimum age for service shall be twenty (20) years
20 of age. The Director shall have the authority to
21 establish the maximum age for correctional officers
22 entering service,
- 23 b. possession of a minimum of thirty (30) semester hours
24 from an accredited college or university, or

1 possession of a high school diploma acquired from an
2 accredited high school or GED equivalent testing
3 program and graduation from a training course
4 conducted by or approved by the Department and
5 certified by the Council on Law Enforcement Education
6 and Training either prior to employment or during the
7 first six (6) months of employment,

8 c. be of good moral character,

9 d. before going on duty alone, satisfactory completion of
10 an adequate training program for correctional
11 officers, as prescribed and approved by the State
12 Board of Corrections,

13 e. satisfactory completion of minimum testing or
14 professional evaluation through the Merit System of
15 Personnel Administration to determine the fitness of
16 the individual to serve in the position written
17 evaluations shall be submitted to the Department of
18 Corrections, and

19 f. satisfactory completion of a physical in keeping with
20 the conditions of the job description on an annual
21 basis and along the guidelines as established by the
22 Department of Corrections;

23 3. To designate as peace officers qualified personnel in any
24 Department of Corrections job classifications. The Director shall

1 designate as peace officers correctional officers who are employed
2 in positions requiring said designation. The peace officer
3 authority of employees designated as peace officers shall be limited
4 to: maintaining custody of prisoners; preventing attempted escapes;
5 pursuing, recapturing and incarcerating escapees and parole or
6 probation violators and arresting such escapees, parole or probation
7 violators, serving warrants, and performing any duties specifically
8 required for the job descriptions. Such powers and duties of peace
9 officers may be exercised for the purpose of maintaining custody,
10 security, and control of any prisoner being transported outside this
11 state as authorized by the Uniform Criminal Extradition Act. To
12 become qualified for designation as peace officers, employees shall
13 meet the training and screening requirements conducted by the
14 Department and certified by the Council on Law Enforcement Education
15 and Training within twelve (12) months of employment or, in the case
16 of employees designated as peace officers on or before July 1, 1997,
17 by July 1, 1998, and shall not be subject to Section 3311 of Title
18 70 of the Oklahoma Statutes;

19 4. To maintain such industries, factories, plants, shops,
20 farms, and other enterprises and operations, hereinafter referred to
21 as prison industries, at each institution as the State Board of
22 Corrections deems necessary or appropriate to employ the prisoners
23 or teach skills, or to sustain the institution; and as provided for
24 by policies established by the State Board of Corrections, to allow

1 compensation for the work of the prisoners, and to provide for
2 apportionment of inmate wages, the amounts thus allowed to be kept
3 in accounts by the Board for the prisoners and given to the inmates
4 upon discharge from the institution, or upon an order paid to their
5 families or dependents or used for the personal needs of the
6 prisoners. Any industry that employs prisoners shall be deemed a
7 "State Prison Industry" if the prisoners are paid from state funds
8 including the proceeds of goods sold as authorized by Section 123f
9 of Title 74 of the Oklahoma Statutes. Any industry in which wages
10 of prisoners are paid by a nongovernmental person, group, or
11 corporation, except those industries employing prisoners in work-
12 release centers under the authority of the Department of Corrections
13 shall be deemed a "Private Prison Industry";

14 5. To assign residences at each institution to institutional
15 personnel and their families;

16 6. To provide for the education, training, vocational
17 education, rehabilitation, and recreation of prisoners;

18 7. To regulate the operation of canteens for prisoners;

19 8. To prescribe rules for the conduct, management, and
20 operation of each institution, including rules for the demeanor of
21 prisoners, the punishment of recalcitrant prisoners, the treatment
22 of incorrigible prisoners, and the disposal of property or
23 contraband seized from inmates or offenders under the supervision of
24 the Department;

- 1 9. To transfer prisoners from one institution to another;
- 2 10. To transfer to a state hospital for the mentally ill for
3 care and treatment, any prisoner who appears to be mentally ill.
4 The prisoner shall be returned to the institution when the
5 superintendent of the hospital certifies that the prisoner has been
6 restored to mental health;
- 7 11. To establish procedures that ensure inmates are educated
8 and provided with the opportunity to execute advance directives for
9 health care in compliance with Section 3101.2 of Title 63 of the
10 Oklahoma Statutes. The procedures shall ensure that any inmate
11 executing an advanced directive for health care is competent and
12 executes the directive with informed consent;
- 13 12. To maintain courses of training and instruction for
14 employees at each institution;
- 15 13. To maintain a program of research and statistics;
- 16 14. To provide for the periodic audit, at least once annually,
17 of all funds and accounts of each institution and the funds of each
18 prisoner;
- 19 15. To provide, subject to rules established by the State Board
20 of Corrections, for the utilization of inmate labor for any agency
21 of the state, city, town, or subdivision of this state, upon the
22 duly authorized request for such labor by the agency. The inmate
23 labor shall not be used to reduce employees or replace regular
24 maintenance or operations of the agency. The inmate labor shall be

1 used solely for public or state purposes. No inmate labor shall be
2 used for private use or purpose. Insofar as it is practicable, all
3 inmate labor shall be of such a nature and designed to assist and
4 aid in the rehabilitation of inmates performing the labor;

5 16. To provide clerical services for, and keep and preserve the
6 files and records of, the Pardon and Parole Board; make
7 investigations and inquiries as to prisoners at the institutions who
8 are to be, or who might be, considered for parole or other clemency;
9 assist prisoners who are to be, or who might be, considered for
10 parole or discharge in obtaining suitable employment in the event of
11 parole or discharge; report to the Pardon and Parole Board, for
12 recommendation to the Governor, violations of terms and conditions
13 of paroles; upon request of the Governor, make investigations and
14 inquiries as to persons who are to be, or who might be, considered
15 for reprieves or leaves of absence; report to the Pardon and Parole
16 Board, for recommendation to the Governor, whether a parolee is
17 entitled to a pardon, when the terms and conditions of the parole
18 have been completed; make presentence investigations for, and make
19 reports thereof to, trial judges in criminal cases before sentences
20 are pronounced; supervise persons undergoing suspended sentences, or
21 who are on probation or parole; and develop and operate, subject to
22 the policies and guidelines of the Board, work-release centers,
23 community treatment facilities or prerelease programs at appropriate
24 sites throughout this state;

1 17. To establish an employee tuition assistance program and
2 promulgate rules in accordance with the Administrative Procedures
3 Act for the operation of the program. The rules shall include, but
4 not be limited to, program purposes, eligibility requirements, use
5 of tuition assistance, service commitment to the Department,
6 reimbursement of tuition assistance funds for failure to complete
7 course work or service commitment, amounts of tuition assistance and
8 limitations, and record keeping;

9 18. To establish an employee recruitment and referral incentive
10 program and promulgate rules in accordance with the Administrative
11 Procedures Act for the operation of the program. The rules shall
12 include, but not be limited to, program purposes, pay incentives for
13 employees, eligibility requirements, payment conditions and amounts,
14 payment methods, and record keeping;

15 19. To provide reintegration referral services to any person
16 discharged from the state custody who has volunteered to receive
17 reintegration referral services. The Director may assign staff to
18 refer persons discharged from state custody to services. The
19 Director shall promulgate rules for the referral process. All
20 reintegration referral services shall be subject to the availability
21 of funds;

22 20. To conduct continual planning and research and periodically
23 evaluate the effectiveness of the various correctional programs
24 instituted by the Department; manage the designing, building, and

1 maintaining of all the capital improvements of the Department;
2 establish and maintain current and efficient business, bookkeeping,
3 and accounting practices and procedures for the operations of all
4 institutions and facilities, and for the Department's fiscal
5 affairs; conduct initial orientation and continuing in-service
6 training for the Department employees; provide public information
7 services; inspect and examine the condition and management of state
8 penal and correctional institutions; investigate complaints
9 concerning the management of prisons or alleged mistreatment of
10 inmates thereof; and hear and investigate complaints as to
11 misfeasance or nonfeasance of employees of the Department;

12 21. To authorize any division of the Department to sell
13 advertising in any Department-approved publication, media production
14 or other informational material produced by the Department;
15 provided, that such advertising shall be approved by the Director or
16 designee prior to acceptance for publication. The sale of
17 advertising and negotiation of rates for the advertising shall not
18 be subject to The Oklahoma Central Purchasing Act or the
19 Administrative Procedures Act. The Department shall promulgate
20 rules establishing criteria for accepting or using advertisements as
21 authorized in this paragraph; and

22 22. To issue subpoenas to assist or further investigations into
23 allegations of crimes committed in public or private prisons within
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1 the State of Oklahoma. Subpoenas issued by the Director shall be
2 enforced by the District Court in Oklahoma County, Oklahoma.

3 B. When an employee of the Department of Corrections has been
4 charged with a violation of the rules of the Department or with a
5 felony pursuant to the provisions of a state or federal statute, the
6 Director may, in the Director's discretion, suspend the charged
7 employee, in accordance with the Oklahoma Personnel Act and/or the
8 Merit System of Personnel Administration Rules, pending the hearing
9 and final determination of the charges. Notice of suspension shall
10 be given by the Director, in accordance with the provisions of the
11 Oklahoma Personnel Act. If after completion of the investigation of
12 the charges, it is determined that such charges are without merit or
13 are not sustained before the Oklahoma Merit Protection Commission or
14 in a court of law, the employee shall be reinstated and shall be
15 entitled to receive all lost pay and benefits.

16 This subsection shall in no way deprive an employee of the right
17 of appeal according to the Oklahoma Personnel Act.

18 SECTION 4. AMENDATORY 57 O.S. 2011, Section 515, is
19 amended to read as follows:

20 Section 515. ~~A. Except as provided in subsection B of this~~
21 ~~section, all~~ All probation-parole officers shall be deemed peace
22 officers and shall possess the powers granted by law to peace
23 officers. Probation-parole officers shall meet all of the training
24 and qualifications for peace officers required by Section 3311 of

1 Title 70 of the Oklahoma Statutes. Qualifications for probation-
2 parole officers shall be good character and, ~~except for those~~
3 ~~probation-parole officers employed prior to May 4, 1974,~~ a
4 bachelor's degree from an accredited college or university including
5 at least twenty-four (24) credit hours in any combination of
6 psychology, sociology, social work, criminology, education, criminal
7 justice administration, penology or police science. ~~Provided, that~~
8 ~~any employee of the Department, formerly classified and who worked~~
9 ~~as a probation-parole officer for at least one (1) year, who was~~
10 ~~later promoted to an administrative or supervisory position within~~
11 ~~the Department and who has been employed continuously by the~~
12 ~~Department may be reappointed to the position of probation-parole~~
13 ~~officer without having to meet the currently established~~
14 ~~qualifications in this act.~~

15 B. ~~Persons employed as probation-parole officers on or before~~
16 ~~July 1, 1988, shall not be qualified and certified as peace officers~~
17 ~~until completion of the requirements of Section 3311 of Title 70 of~~
18 ~~the Oklahoma Statutes. Said officers shall complete the~~
19 ~~requirements prior to January 1, 1990.~~

20 SECTION 5. This act shall become effective November 1, 2012."
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