

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1363

By: Nichols of the Senate

and

6 Martin (Scott) of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to private prisons; amending 57 O.S.
11 2011, Section 332.2, which relates to the Pardon and
12 Parole Board; requiring certain notice be provided to
13 the Attorney General; amending 57 O.S. 2011, Section
14 561.2, which relates to siting of certain
15 correctional facilities; clarifying references; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 57 O.S. 2011, Section 332.2, is
19 amended to read as follows:

20 Section 332.2 A. The Pardon and Parole Board, which shall meet
21 only on the call of the Chairman, is authorized, if and when an
22 application made to the Governor for a reprieve, commutation,
23 parole, pardon, or other act of clemency is certified thereto by the
24 Governor, to examine into the merits of said application and make
recommendations to the Governor in relation thereto, said

1 recommendation being advisory to the Governor and not binding
2 thereon.

3 B. The Pardon and Parole Board shall provide a copy of their
4 regular docket to each district attorney in this state at least
5 twenty (20) days before such docket is considered by the board, or
6 in the case of a supplemental, addendum or special docket, at least
7 ten (10) days before such docket is considered by the board, and
8 shall notify the district attorney of any recommendations for
9 commutations or paroles no later than twenty (20) days after the
10 docket is considered by the board. The Pardon and Parole Board
11 shall also provide similar notice to the Attorney General when the
12 docket contains an inmate being considered who has been sentenced
13 pursuant to Section 13.1 of Title 21 of the Oklahoma Statutes.

14 C. The Pardon and Parole Board shall notify all victims or
15 victim's representatives in writing at least twenty (20) days before
16 an inmate is considered by the board provided the board has received
17 a request from the victim or victim's representatives for notice.
18 The board shall provide all victims or victim's representative with
19 the date, time and place of the scheduled meeting and rules for
20 attendance and providing information or input to the board regarding
21 the inmate or the crime. If requested by the victim or victim's
22 representative, the board shall allow the victim or victim's
23 representative to testify at the parole hearing of the inmate for at
24 least five (5) minutes.

1 D. The Pardon and Parole Board shall notify all victims or
2 victim's representatives in writing of the board's decision no later
3 than twenty (20) days after the inmate is considered by the board.

4 E. Any notice required to be provided to the victims or the
5 victim's representatives shall be mailed by first-class mail to the
6 last-known address of the victim or victim's representatives. It is
7 the responsibility of the victims or victim's representatives to
8 provide the Pardon and Parole Board a current mailing address. The
9 district attorney's victim-witness coordinator shall assist the
10 victims or victim's representatives with supplying their address to
11 the board if they wish to be notified. Upon failure of the Pardon
12 and Parole Board to notify a victim who has requested notification
13 and has provided a current mailing address, the final decision of
14 the Board may be voidable, provided, the victim who failed to
15 receive notification requests a reconsideration hearing within
16 thirty (30) days of the Board's recommendation for parole. The
17 Pardon and Parole Board may reconsider previous action and may
18 rescind a recommendation if deemed appropriate as determined by the
19 Board.

20 F. For purposes of this section, "victim" shall mean all
21 persons who have suffered direct or threatened physical or emotional
22 harm, or financial loss as the result of the commission or attempted
23 commission of criminally injurious conduct, and "victim's
24 representatives" shall mean those persons who are members of a

1 victim's immediate family, including stepparents, stepbrothers,
2 stepsisters, and stepchildren.

3 G. All meetings of the Pardon and Parole Board shall comply
4 with Section 301 et seq. of Title 25 of the Oklahoma Statutes;
5 provided that the board shall have the authority to limit the number
6 of persons attending in support of, or in opposition to, any inmate
7 being considered for parole and shall have the authority to exclude
8 persons from attendance in accordance with prison security
9 regulations and the capacity of the meeting room. Persons excluded
10 from attending the meeting under this provision shall be informed of
11 their right to be informed of the board's vote in accordance with
12 Section 312 of Title 25 of the Oklahoma Statutes. Provided further,
13 nothing in this section shall be construed to prevent any member of
14 the press or any public official from attending any meeting of the
15 Pardon and Parole Board, except as provided by the Oklahoma Open
16 Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma
17 Statutes.

18 H. All victim information maintained by the Department of
19 Corrections and the Pardon and Parole Board shall be confidential
20 and shall not be released.

21 SECTION 2. AMENDATORY 57 O.S. 2011, Section 561.2, is
22 amended to read as follows:

23 Section 561.2 A. The ~~Oklahoma~~ Department of Corrections shall
24 develop criteria for selection of a site upon which to construct the

1 correctional facilities described in subsection B of Section ~~79 of~~
2 ~~this act~~ 183 of Title 73 of the Oklahoma Statutes. The criteria
3 shall include, but shall not be limited to, the availability of
4 medical services, support services, transportation services, the
5 availability of potential employees who would be qualified to
6 perform required functions at a state correctional facility and any
7 benefits or incentives offered by the applicant. The criteria shall
8 be subject to approval by the State Board of Corrections.

9 B. The ~~Oklahoma~~ Department of Corrections shall establish a
10 process for requesting proposals to construct a correctional
11 facility built with the funds authorized pursuant to Section ~~79 of~~
12 ~~this act~~ 183 of Title 73 of the Oklahoma Statutes.

13 C. Proposals shall be submitted not later than thirty (30) days
14 after receipt of the request. The Department shall identify the
15 proposals meeting the criteria approved pursuant to subsection A of
16 this section within thirty (30) days after receipt of the proposals.
17 The Department of Corrections shall identify by appropriate review
18 and analysis the proposals submitted and shall select a maximum of
19 three proposals which conform to the criteria set out in subsection
20 A of this section and shall forward the proposals meeting criteria
21 to the State Board of Corrections.

22 D. The Department of Corrections shall deliver to the Board of
23 Corrections the top three qualified proposals identified pursuant to
24 this section together with the information reviewed and analyzed by

1 the Department of Corrections during analysis of the proposals as
2 required by this section. The State Board of Corrections shall
3 evaluate the information provided and shall make a final decision
4 selecting the best site for the correctional facility within fifteen
5 (15) days of receipt of the information.

6 E. Any plans developed pursuant to the process for selection of
7 a contractor for construction of a facility authorized pursuant to
8 ~~Section 79 of this act~~ 183 of Title 73 of the Oklahoma Statutes
9 shall become the nonexclusive property of the State of Oklahoma as a
10 condition of the award of the final contract for construction of the
11 facility. The State of Oklahoma shall not be obligated to obtain
12 any further permission for use of the plans or to make payment to
13 any person or other legal entity for the further use of the plans as
14 may be needed for additional projects for site adaptation for
15 buildings, structures, or both, for use by the Department of
16 Corrections.

17 F. The Department of Central Services shall be responsible for
18 any changes or updates of such plans for construction of any
19 additional correctional facility constructed using the plans
20 described in subsection E of this section. The ~~Oklahoma~~ Department
21 of Transportation and the Department of Central Services shall
22 provide such architectural, engineering and consulting services as
23 the Department of Corrections may require in order to adapt existing
24 plans for use in construction of additional correctional facilities.

1 G. If the Department of Corrections requires architectural,
2 engineering or other consulting services in addition to those
3 services authorized by subsection F of this section, the Department
4 of Central Services shall be authorized to enter into a contract
5 with an architect, engineer or for other necessary services, as may
6 be required in order to adapt existing plans for new sites for
7 additional correctional facilities. The costs of any such services
8 shall be paid by the Department of Corrections.

9 SECTION 3. This act shall become effective November 1, 2012.

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