

1 ENGROSSED SENATE
2 BILL NO. 956

By: Newberry and Brecheen of
the Senate

3 and

4 Peterson of the House
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7 An Act relating to sentencing; amending 57 O.S. 2001,
8 Section 510.9, as last amended by Section 2, Chapter
9 507, O.S.L. 2004 (57 O.S. Supp. 2010, Section 510.9),
10 which relates to the Electronic Monitoring Program;
11 authorizing certain persons to participate in the
12 Electronic Monitoring Program under certain
13 circumstances; stating requirements for participants;
14 providing for adoption of rules; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 57 O.S. 2001, Section 510.9, as
18 last amended by Section 2, Chapter 507, O.S.L. 2004 (57 O.S. Supp.
19 2010, Section 510.9), is amended to read as follows:

20 Section 510.9 A. There is hereby created the Electronic
21 Monitoring Program for inmates in the custody of the Department of
22 Corrections who are sentenced for a nonviolent offense as defined by
23 Section 571 of this title. The Department is authorized to use an
24 electronic monitoring global positioning device to satisfy its
custody duties and responsibilities.

1 B. Upon the effective date of this act, a person meeting the
2 requirements of subsection A of this section, who is a first-time
3 nonviolent offender, who has not violated the terms of parole, and
4 who is the primary caregiver of minor children and is otherwise
5 unable to receive services pursuant to Section 510.8b of this title
6 shall be immediately eligible for the Electronic Monitoring Program.
7 No minimum time of incarceration shall be required nor shall there
8 be a requirement to be assigned to a halfway house or transitional
9 living center. All other provisions of the Electronic Monitoring
10 Program not inconsistent with the provisions of this subsection
11 shall apply to the eligible participant. The Department of
12 Corrections shall adopt rules to carry out the provisions of this
13 subsection.

14 C. After an inmate has been processed and received through the
15 Lexington Assessment and Reception Center, has been incarcerated in
16 a secure facility for a minimum of one hundred eighty (180) days,
17 and has met the criteria established in subsection C of Section 521
18 of this title, the Director of the Department of Corrections may
19 assign the inmate, if eligible, to the Electronic Monitoring
20 Program. Nothing shall prohibit the Director from assigning an
21 inmate to the Electronic Monitoring Program while assigned to the
22 accredited halfway house or transitional living facility. The
23 following inmates, youthful offenders, and juveniles shall not be
24 eligible for assignment to the program:

- 1 1. Any inmate who has eleven (11) months or more left on their
2 sentence;
- 3 2. Inmates convicted of a violent offense within the previous
4 ten (10) years;
- 5 3. Inmates convicted of any violation of the provisions of the
6 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
7 of the Oklahoma Statutes;
- 8 4. Inmates denied parole within the previous twelve (12) months
9 pursuant to Section 332.7 of this title;
- 10 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
11 the Oklahoma Statutes who are not receptive to substance abuse
12 treatment and follow-up treatment;
- 13 6. Inmates removed from the Electronic Monitoring Program or
14 any other alternative to incarceration authorized by law for
15 violation of any rule or condition of the program and reassigned to
16 imprisonment in a correctional facility;
- 17 7. Inmates deemed by the Department to be a security risk or
18 threat to the public;
- 19 8. Inmates requiring educational, medical or other services or
20 programs not available in a community setting as determined by the
21 Department;
- 22 9. Inmates convicted of any violation of subsection C of
23 Section 644 of Title 21 of the Oklahoma Statutes or who have an
24 active protection order that was issued under the Protection from

1 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
2 Oklahoma Statutes;

3 10. Inmates who have outstanding felony warrants or detainers
4 from another jurisdiction;

5 11. Inmates convicted of a sex offense who, upon release from
6 incarceration, would be required by law to register pursuant to the
7 Sex Offender Registration Act;

8 12. Inmates convicted of racketeering activity as defined in
9 Section 1402 of Title 22 of the Oklahoma Statutes;

10 13. Inmates convicted pursuant to subsection F of Section 2-401
11 of Title 63 of the Oklahoma Statutes;

12 14. Inmates convicted pursuant to Section 650 of Title 21 of
13 the Oklahoma Statutes;

14 15. Inmates who have escaped from a penal or correctional
15 institution within the previous ten (10) years; or

16 16. Inmates who currently have active misconduct actions on
17 file with the Department of Corrections.

18 ~~C~~. D. Every eligible inmate assigned to the Electronic
19 Monitoring Program shall remain in such program until one of the
20 following conditions has been met:

21 1. The inmate discharges the term of the sentence;

22 2. The inmate is removed from the Electronic Monitoring Program
23 for violation of any rule or condition of the program and reassigned
24 to imprisonment in a correctional facility; or

1 3. The inmate is paroled by the Governor pursuant to Section
2 332.7 of this title.

3 ~~D.~~ E. After an inmate has been assigned to the Electronic
4 Monitoring Program, denial of parole pursuant to Section 332.7 of
5 this title, shall not be cause for removal from the program,
6 provided the inmate has not violated the rules or conditions of the
7 program. The inmate may remain assigned to the program, if
8 otherwise eligible, until the completion of the sentence.

9 ~~E.~~ F. The Electronic Monitoring Program shall require active
10 supervision of the inmate in a community setting by a correctional
11 officer or other employee of the Department of Corrections with
12 monitoring by a global positioning device approved by the Department
13 under such rules and conditions as may be established by the
14 Department. If an inmate violates any rule or condition of the
15 program, the Department may take necessary disciplinary action
16 consistent with the rules established pursuant to this section,
17 including reassignment to a higher level of security or removing the
18 inmate from the program with reassignment to imprisonment in a
19 correctional facility. Any inmate who escapes from the Electronic
20 Monitoring Program shall be subject to the provisions of Section 443
21 of Title 21 of the Oklahoma Statutes.

22 ~~F.~~ G. Upon an inmate assigned to the Electronic Monitoring
23 Program becoming eligible for parole consideration, pursuant to
24 Section 332.7 of this title, the Department of Corrections shall

1 deliver the inmate, in person, to a correctional facility for
2 interview, together with any Department records necessary for the
3 Pardon and Parole Board's investigation. Inmates assigned to the
4 Electronic Monitoring Program shall not be allowed to waive
5 consideration or recommendation for parole.

6 ~~G.~~ H. Prior to placement of any eligible inmate assigned to the
7 Electronic Monitoring Program being placed in a community setting,
8 the Department of Corrections shall deliver a written notification
9 to the sheriff and district attorney of the county, and the chief
10 law enforcement officer of any incorporated city or town in which
11 the inmate is to be monitored and supervised under the program. The
12 district attorney shall disseminate such information to victims of
13 the crime for which the inmate is serving sentence, if any, when the
14 victims are known to live in the same city, town or county.

15 ~~H.~~ I. An inmate assigned to the Electronic Monitoring Program
16 may be required to pay the Department of Corrections for all or part
17 of any monitoring equipment or fee, substance abuse treatment
18 program or follow-up treatment expense, supervision cost, or other
19 costs while assigned to the program. The Department shall determine
20 whether the inmate has the ability to pay all or part of such fee or
21 costs.

22 ~~I.~~ J. The Department of Corrections shall promulgate and adopt
23 rules and procedures necessary to implement the Electronic
24 Monitoring Program, including but not limited to methods of

1 monitoring and supervision, disciplinary action, reassignment to
2 higher and lower security levels, removal from the program, and
3 costs of monitoring and supervision to be paid by the inmate, if
4 any.

5 SECTION 2. This act shall become effective November 1, 2011.

6 Passed the Senate the 14th day of March, 2011.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2011.

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Presiding Officer of the House
of Representatives

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