

ENROLLED SENATE
BILL NO. 1551

By: Shortey of the Senate

and

Denney of the House

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

SUBJECT: Department of Corrections personnel

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 506, is amended to read as follows:

Section 506. There is hereby created the position of Director of Corrections. The Director shall be qualified for such position by character, ~~personality~~ knowledge, skill, ability, education, training and successful administrative experience in the correctional field; shall have earned a Master's Degree from an accredited college or university ~~with a major field of study in at least one of the following: Corrections, criminal justice, police science, criminology, psychology, sociology, administration, education, or a related social science,~~ and five (5) ~~years'~~ years of professional level work experience in corrections, or a bachelor's degree ~~in the degree areas above specified and six (6) years'~~ progressively responsible years of professional level work

experience in corrections. The Director of Corrections shall be appointed by the Board of Corrections, with the advice and consent of the Senate and shall be subject to removal by a vote of the majority of the entire Board or in the manner provided by law for the removal of officers not subject to impeachment.

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

Section 508. The Director, subject to the approval of the Board, is hereby authorized to create divisions within the Department of Corrections as he may deem appropriate to effectively manage the Department. The divisions shall be under the immediate supervision and control of the Director. The Director is hereby authorized to appoint Deputy Directors for the divisions of the Department, who shall be exempt from the Merit System of Personnel Administration Act, and to fix the salaries and duties thereof; provided, the salary ranges of said Deputy Directors shall be set by the Legislature in the Department's annual appropriation. The Deputy Directors shall have at least a master's degree from an accredited college or university, ~~with a major field of study in at least one of the following: Corrections, criminology, criminal justice, psychology, sociology, administration, education or a related social science,~~ and at least four (4) years of professional level work experience in corrections; or a bachelor's degree ~~in the above specified major fields of study~~ and at least five (5) years of work experience in corrections. Provided, however, that for the position of Deputy Director of administrative services, professional level administrative experience may be substituted for work experience in corrections. The provisions of this act shall not apply to those presently serving as Deputy Director as herein defined.

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

Section 510. A. The Director of the Department of Corrections shall have the following specific powers and duties relating to the penal institutions:

1. To appoint, subject to the approval of the State Board of Corrections, a warden ~~or superintendent~~ for each penal institution,

who shall qualify for the position by character, ~~personality~~ knowledge, skill, ability, training, and successful administrative experience in the correctional field; and if the person is not the incumbent warden or superintendent of a penal institution, the person shall have a ~~college~~ bachelor's degree with a major in the behavioral sciences. ~~As used in this section, "major in the behavioral sciences" means a major in psychology, sociology, criminology, education, corrections, human relations, guidance and counseling, administration, criminal justice administration, or penology from an accredited college or university and six (6) years of professional level work experience in corrections;~~

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

- a. the minimum age for service shall be twenty (20) years of age. The Director shall have the authority to establish the maximum age for correctional officers entering service,
- b. possession of a minimum of thirty (30) semester hours from an accredited college or university, or possession of a high school diploma acquired from an accredited high school or GED equivalent testing program and graduation from a training course conducted by or approved by the Department and certified by the Council on Law Enforcement Education and Training either prior to employment or during the first six (6) months of employment,
- c. be of good moral character,
- d. before going on duty alone, satisfactory completion of an adequate training program for correctional officers, as prescribed and approved by the State Board of Corrections,
- e. satisfactory completion of minimum testing or professional evaluation through the Merit System of

Personnel Administration to determine the fitness of the individual to serve in the position written evaluations shall be submitted to the Department of Corrections, and

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

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

4. To maintain such industries, factories, plants, shops, farms, and other enterprises and operations, hereinafter referred to as prison industries, at each institution as the State Board of Corrections deems necessary or appropriate to employ the prisoners or teach skills, or to sustain the institution; and as provided for by policies established by the State Board of Corrections, to allow compensation for the work of the prisoners, and to provide for apportionment of inmate wages, the amounts thus allowed to be kept in accounts by the Board for the prisoners and given to the inmates upon discharge from the institution, or upon an order paid to their families or dependents or used for the personal needs of the

prisoners. Any industry that employs prisoners shall be deemed a "State Prison Industry" if the prisoners are paid from state funds including the proceeds of goods sold as authorized by Section 123f of Title 74 of the Oklahoma Statutes. Any industry in which wages of prisoners are paid by a nongovernmental person, group, or corporation, except those industries employing prisoners in work-release centers under the authority of the Department of Corrections shall be deemed a "Private Prison Industry";

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

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

7. To regulate the operation of canteens for prisoners;

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

9. To transfer prisoners from one institution to another;

10. To transfer to a state hospital for the mentally ill for care and treatment, any prisoner who appears to be mentally ill. The prisoner shall be returned to the institution when the superintendent of the hospital certifies that the prisoner has been restored to mental health;

11. To establish procedures that ensure inmates are educated and provided with the opportunity to execute advance directives for health care in compliance with Section 3101.2 of Title 63 of the Oklahoma Statutes. The procedures shall ensure that any inmate executing an advanced directive for health care is competent and executes the directive with informed consent;

12. To maintain courses of training and instruction for employees at each institution;

13. To maintain a program of research and statistics;

14. To provide for the periodic audit, at least once annually, of all funds and accounts of each institution and the funds of each prisoner;

15. To provide, subject to rules established by the State Board of Corrections, for the utilization of inmate labor for any agency of the state, city, town, or subdivision of this state, upon the duly authorized request for such labor by the agency. The inmate labor shall not be used to reduce employees or replace regular maintenance or operations of the agency. The inmate labor shall be used solely for public or state purposes. No inmate labor shall be used for private use or purpose. Insofar as it is practicable, all inmate labor shall be of such a nature and designed to assist and aid in the rehabilitation of inmates performing the labor;

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

17. To establish an employee tuition assistance program and promulgate rules in accordance with the Administrative Procedures Act for the operation of the program. The rules shall include, but not be limited to, program purposes, eligibility requirements, use

of tuition assistance, service commitment to the Department, reimbursement of tuition assistance funds for failure to complete course work or service commitment, amounts of tuition assistance and limitations, and record keeping;

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

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

20. To conduct continual planning and research and periodically evaluate the effectiveness of the various correctional programs instituted by the Department; manage the designing, building, and maintaining of all the capital improvements of the Department; establish and maintain current and efficient business, bookkeeping, and accounting practices and procedures for the operations of all institutions and facilities, and for the Department's fiscal affairs; conduct initial orientation and continuing in-service training for the Department employees; provide public information services; inspect and examine the condition and management of state penal and correctional institutions; investigate complaints concerning the management of prisons or alleged mistreatment of inmates thereof; and hear and investigate complaints as to misfeasance or nonfeasance of employees of the Department;

21. To authorize any division of the Department to sell advertising in any Department-approved publication, media production or other informational material produced by the Department; provided, that such advertising shall be approved by the Director or designee prior to acceptance for publication. The sale of advertising and negotiation of rates for the advertising shall not be subject to The Oklahoma Central Purchasing Act or the

Administrative Procedures Act. The Department shall promulgate rules establishing criteria for accepting or using advertisements as authorized in this paragraph; and

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

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

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

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

Section 515. ~~A. Except as provided in subsection B of this section, all~~ All probation-parole officers shall be deemed peace officers and shall possess the powers granted by law to peace officers. Probation-parole officers shall meet all of the training and qualifications for peace officers required by Section 3311 of Title 70 of the Oklahoma Statutes. Qualifications for probation-parole officers shall be good character and, ~~except for those probation-parole officers employed prior to May 4, 1974,~~ a bachelor's degree from an accredited college or university including at least twenty-four (24) credit hours in any combination of psychology, sociology, social work, criminology, education, criminal justice administration, penology or police science. ~~Provided, that any employee of the Department, formerly classified and who worked~~

~~as a probation-parole officer for at least one (1) year, who was later promoted to an administrative or supervisory position within the Department and who has been employed continuously by the Department may be reappointed to the position of probation-parole officer without having to meet the currently established qualifications in this act.~~

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

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

Passed the Senate the 9th day of May, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 3rd day of April, 2012.

Presiding Officer of the House
of Representatives