

1 **SENATE FLOOR VERSION**

2 March 1, 2011

3 SENATE BILL NO. 956

By: Newberry of the Senate

4 and

5 Peterson of the House

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

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

18 SECTION 1. AMENDATORY 57 O.S. 2001, Section 510.9, as
19 last amended by Section 2, Chapter 507, O.S.L. 2004 (57 O.S. Supp.
20 2010, Section 510.9), is amended to read as follows:

21 Section 510.9 A. There is hereby created the Electronic
22 Monitoring Program for inmates in the custody of the Department of
23 Corrections who are sentenced for a nonviolent offense as defined by
24 Section 571 of this title. The Department is authorized to use an
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 the primary
3 caregiver of minor children and is otherwise unable to receive
4 services pursuant to Section 510.8b of this title shall be
5 immediately eligible for the Electronic Monitoring Program. No
6 minimum time of incarceration shall be required nor shall there be a
7 requirement to be assigned to a halfway house or transitional living
8 center. All other provisions of the Electronic Monitoring Program
9 not inconsistent with the provisions of this subsection shall apply
10 to the eligible participant. The Department of Corrections shall
11 adopt rules to carry out the provisions of this subsection.

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

23 1. Any inmate who has eleven (11) months or more left on their
24 sentence;

1 2. Inmates convicted of a violent offense within the previous
2 ten (10) years;

3 3. Inmates convicted of any violation of the provisions of the
4 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
5 of the Oklahoma Statutes;

6 4. Inmates denied parole within the previous twelve (12) months
7 pursuant to Section 332.7 of this title;

8 5. Inmates convicted pursuant to Section 11-902 of Title 47 of
9 the Oklahoma Statutes who are not receptive to substance abuse
10 treatment and follow-up treatment;

11 6. Inmates removed from the Electronic Monitoring Program or
12 any other alternative to incarceration authorized by law for
13 violation of any rule or condition of the program and reassigned to
14 imprisonment in a correctional facility;

15 7. Inmates deemed by the Department to be a security risk or
16 threat to the public;

17 8. Inmates requiring educational, medical or other services or
18 programs not available in a community setting as determined by the
19 Department;

20 9. Inmates convicted of any violation of subsection C of
21 Section 644 of Title 21 of the Oklahoma Statutes or who have an
22 active protection order that was issued under the Protection from
23 Domestic Abuse Act, Sections 60 through 60.16 of Title 22 of the
24 Oklahoma Statutes;

1 10. Inmates who have outstanding felony warrants or detainers
2 from another jurisdiction;

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

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

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

10 14. Inmates convicted pursuant to Section 650 of Title 21 of
11 the Oklahoma Statutes;

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

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

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

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

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

23 3. The inmate is paroled by the Governor pursuant to Section
24 332.7 of this title.

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

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

20 ~~F.~~ G. Upon an inmate assigned to the Electronic Monitoring
21 Program becoming eligible for parole consideration, pursuant to
22 Section 332.7 of this title, the Department of Corrections shall
23 deliver the inmate, in person, to a correctional facility for
24 interview, together with any Department records necessary for the

1 Pardon and Parole Board's investigation. Inmates assigned to the
2 Electronic Monitoring Program shall not be allowed to waive
3 consideration or recommendation for parole.

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

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

20 ~~I.~~ J. The Department of Corrections shall promulgate and adopt
21 rules and procedures necessary to implement the Electronic
22 Monitoring Program, including but not limited to methods of
23 monitoring and supervision, disciplinary action, reassignment to
24 higher and lower security levels, removal from the program, and

1 costs of monitoring and supervision to be paid by the inmate, if
2 any.

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

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-24-11 - DO
5 PASS, As Coauthored.

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