

1 **SENATE FLOOR VERSION**

2 March 21, 2013

3 ENGROSSED HOUSE  
4 BILL NO. 1766

By: Wood, Ritze, Biggs and  
Sherrer of the House

5 and

6 Griffin of the Senate

7  
8  
9 An Act relating to prisons and reformatories;  
10 amending 57 O.S. 2011, Section 510.9, which relates  
11 to the Electronic Monitoring Program; establishing  
12 reporting requirement for inmates assigned to  
13 electronic monitoring; and providing an effective  
14 date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, is  
17 amended to read as follows:

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

24 B. After an inmate has been processed and received through a  
Department Assessment and Reception Center, has been incarcerated

1 for a minimum of ninety (90) days, and has met the criteria  
2 established in subsection C of Section 521 of this title, the  
3 Director of the Department of Corrections may assign the inmate, if  
4 eligible, to the Electronic Monitoring Program. Nothing shall  
5 prohibit the Director from assigning an inmate to the Electronic  
6 Monitoring Program while assigned to the accredited halfway house or  
7 transitional living facility. The following inmates, youthful  
8 offenders, and juveniles shall not be eligible for assignment to the  
9 program:

10 1. Any inmate serving a sentence of more than five (5) years  
11 who has eleven (11) months or more left on the sentence or any  
12 inmate serving a sentence of five (5) years or less whose initial  
13 custody assessment requires placement above the minimum security  
14 level;

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

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

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

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

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

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

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

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

15          10. Inmates who have outstanding felony warrants or detainers  
16 from another jurisdiction;

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

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

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

24

1 14. Inmates convicted pursuant to Section 650 of Title 21 of  
2 the Oklahoma Statutes;

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

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

7 C. Every eligible inmate assigned to the Electronic Monitoring  
8 Program shall remain in such program until one of the following  
9 conditions has been met:

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

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

14 3. The inmate is paroled by the Governor pursuant to Section  
15 332.7 of this title.

16 D. After an inmate has been assigned to the Electronic  
17 Monitoring Program, denial of parole pursuant to Section 332.7 of  
18 this title, shall not be cause for removal from the program,  
19 provided the inmate has not violated the rules or conditions of the  
20 program. The inmate may remain assigned to the program, if  
21 otherwise eligible, until the completion of the sentence.

22 E. The Electronic Monitoring Program shall require active  
23 supervision of the inmate in a community setting by a correctional  
24 officer or other employee of the Department of Corrections with

1 monitoring by a global positioning device approved by the Department  
2 under such rules and conditions as may be established by the  
3 Department. If an inmate violates any rule or condition of the  
4 program, the Department may take necessary disciplinary action  
5 consistent with the rules established pursuant to this section,  
6 including reassignment to a higher level of security or removing the  
7 inmate from the program with reassignment to imprisonment in a  
8 correctional facility. Any inmate who escapes from the Electronic  
9 Monitoring Program shall be subject to the provisions of Section 443  
10 of Title 21 of the Oklahoma Statutes.

11 F. Upon an inmate assigned to the Electronic Monitoring Program  
12 becoming eligible for parole consideration, pursuant to Section  
13 332.7 of this title, the Department of Corrections shall deliver the  
14 inmate, in person, to a correctional facility for interview,  
15 together with any Department records necessary for the Pardon and  
16 Parole Board's investigation. Inmates assigned to the Electronic  
17 Monitoring Program shall not be allowed to waive consideration or  
18 recommendation for parole.

19 G. Prior to placement of any eligible inmate assigned to the  
20 Electronic Monitoring Program being placed in a community setting,  
21 the Department of Corrections shall deliver a written notification  
22 to the sheriff and district attorney of the county, and the chief  
23 law enforcement officer of any incorporated city or town in which  
24 the inmate is to be monitored and supervised under the program. The

1 district attorney shall disseminate such information to victims of  
2 the crime for which the inmate is serving sentence, if any, when the  
3 victims are known to live in the same city, town or county.

4 H. An inmate assigned to the Electronic Monitoring Program may  
5 be required to pay the Department of Corrections for all or part of  
6 any monitoring equipment or fee, substance abuse treatment program  
7 or follow-up treatment expense, supervision cost, or other costs  
8 while assigned to the program. The Department shall determine  
9 whether the inmate has the ability to pay all or part of such fee or  
10 costs.

11 I. The Department of Corrections shall promulgate and adopt  
12 rules and procedures necessary to implement the Electronic  
13 Monitoring Program, including but not limited to methods of  
14 monitoring and supervision, disciplinary action, reassignment to  
15 higher and lower security levels, removal from the program, and  
16 costs of monitoring and supervision to be paid by the inmate, if  
17 any.

18 J. An inmate assigned to the Electronic Monitoring Program  
19 shall, within thirty (30) days of being placed in a community  
20 setting, report to the court clerk and the district attorney of the  
21 county from which the judgment and sentence resulting in  
22 incarceration arose to address payment of any fines, costs,  
23 restitution and assessments owed by the inmate, if any.

24 SECTION 2. This act shall become effective November 1, 2013.

1 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
March 21, 2013 - DO PASS

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