STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2486 By: Billy

AS INTRODUCED

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 549, which relates to powers and duties of the State Board of Corrections; providing exemption to certain inmate wage requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 549, is amended to read as follows:

Section 549. A. The State Board of Corrections shall have the following powers and duties with respect to the operation of prison industries, the Construction Division, and administration of inmate trust funds:

1. The power to make leases or other contracts consistent with the operation of prison industries, and to set aside land or facilities for the use of such industry;

2. The power to establish conditions for expenditures by the Department of Corrections from the Industries Revolving Fund;

3. The power to negotiate wages and working conditions on behalf of prisoners working in prison industries or prisoners working in the Construction Division. Pay grades for the Construction Division "on-the-job training" inmate crews shall be as follows:

a. Pay Grade "A" - Inmate Worker,

b. Pay Grade "B" - Inmate Worker,

c. Pay Grade "C" - Apprentice,

d. Pay Grade "D" - Skilled Craft;

4. The power to collect wages and other receipted funds on behalf of the inmate, to apportion inmate wages and funds in accordance with the law; and the duty to preserve those wages and funds reserved for the inmate in an account for his or her benefit, and to establish procedures by which the inmate can draw funds from this account under the conditions and limitations and for the purposes allowed by law;

5. The duty to establish the percentages of such wages which shall be available for apportionment to inmate mandatory savings; to the inmate for his or her personal use; to the lawful dependents of the inmate, if any; to the victim of the inmate's crime; for payment of creditors; for payment of costs and expenses for criminal actions against such inmate; and to the Department of Corrections for costs of incarceration<u>; however, inmates with a sentence of life without the possibility of parole shall be exempt from this provision</u>.

Provided, that not less than twenty percent (20%) of such wages shall be placed in an account, and shall be payable to the prisoner upon his or her discharge. Funds from this account may be used by the inmate for fees or costs in filing a civil or criminal action as defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes or for federal action as defined in Section 1911 et seq. of Title 28 of the United States Code, 28 U.S.C., Section 1911 et seq.;

6. The power to invest funds held by the Department of Corrections on behalf of each inmate in an interest-bearing account with the interest accruing and payable to the Crime Victims Compensation Revolving Fund, as provided in Section 142.17 of Title 21 of the Oklahoma Statutes. The interest from each inmate's savings account shall be payable to the Crime Victims Compensation Revolving Fund, at such intervals as may be determined by the Board, in addition to any other payments to such fund required by the inmate's sentence or otherwise by law. An inmate shall not have the right, use or control of any interest derived from any funds placed in a mandatory savings account;

7. The power to invest funds held by the Department of Corrections on behalf of each inmate in a commingled offender interest-bearing account held by the Office of the State Treasurer. The State Treasurer shall post interest to this account monthly. The Department of Corrections, at such intervals as may be determined by the Board, will credit interest to the inmate based on

the pro rata account balance of the inmate. Deposits into the inmate interest-bearing account will only be allowed when the trust fund draw account of the inmate has a balance in excess of One Hundred Dollars ($100.00). Inmate mandatory savings account balances will not be used to determine the eligibility of the inmate to participate in the interest-bearing savings account. Inmates who participate in the interest-bearing account will only be allowed to transfer funds from their interest-bearing account to their draw account once every ninety (90) days. All inmate transfers from the interest-bearing account of the inmate to the draw account of the inmate must be approved by appropriate Department staff prior to transfer. All transfers of funds from an inmate interest-bearing account to external recipients must be reviewed and approved by appropriate Department staff prior to transfer. The Department will define in policy those rules and procedures that govern inmate interest-bearing account deposits and funds transfers; and

8. The power to invest canteen system, offender restitution and other offender-related collections by the Department of Corrections in a commingled interest-bearing account held by the Office of the State Treasurer and invested as prescribed by Section 89.2 of Title 62 of the Oklahoma Statutes. The State Treasurer shall post interest to this account monthly. By the ~~15th~~ fifteenth day of each month, the proportionate share of the interest from the canteen system, offender restitution and other offender-related collections,

excluding that portion of the interest payable to the Victims Compensation Revolving Fund and any interest payable to inmates for the inmate interest-bearing account, shall be remitted to the State Treasurer from the Department of Corrections for deposit into the General Revenue Fund.

B. The State Board of Corrections shall cause to be placed in an account income from the inmate's employment and any other income or benefits accruing to or payable to and for the benefit of said inmate, including any workers' compensation or Social Security benefits.

1. From this account the State Board of Corrections may charge for costs of incarceration any inmate working in private prison industries or any other inmate for costs of incarceration not to exceed fifty percent (50%) of any deposits made to said account, unless said deposits were from a workers' compensation benefit.

2. From this account, the State Board of Corrections may charge any inmate for costs of incarceration, an amount equivalent to one hundred percent (100%) of any deposits from a workers' compensation benefit to said account.

3. The Department of Corrections shall pay into the Crime Victims Compensation Revolving Fund, Section 142.17 of Title 21 of the Oklahoma Statutes, an amount equal to five percent (5%) of the gross wages earned by inmates working in a private prison industries

program, said amount to be paid from the amount deducted for cost of incarceration.

4. Withdrawals and deposits shall be made according to rules and regulations established by the State Board of Corrections.

C. The Department of Corrections may assess costs of incarceration against all inmates beginning on September 1, 1992. Such costs shall be a debt of the inmate owed to the Department of Corrections and may be collected as provided by law for collection of any other civil debt. In addition to the provisions of this section authorizing expenditure of inmate trust funds for costs of incarceration, any monies received for costs of incarceration shall be deposited in the Department of Corrections Revolving Fund.

SECTION 2. This act shall become effective November 1, 2014.

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