ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2187

By: Hickman, Hoskin and Sherrer of the House

and

Griffin of the Senate

An Act relating to corrections; amending 57 O.S. 2011, Section 510.10, which relates to electronic monitoring of inmates; authorizing Pardon and Parole Board to use electronic monitoring devices for parolees; and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to corrections; amending 57 O.S. 2011, Sections 510.9, as amended by Section 1, Chapter 146, O.S.L. 2013, and 510.10 (57 O.S. Supp. 2014, Section 510.9), which relate to electronic monitoring of inmates; authorizing Pardon and Parole Board to use electronic monitoring devices for parolees; modifying inclusions; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, as amended by Section 1, Chapter 146, O.S.L. 2013 (57 O.S. Supp. 2014, Section 510.9), is amended to read as follows:

Section 510.9. A. There is hereby created the Electronic Monitoring Program for inmates in the custody of the Department of

Corrections who are sentenced for a nonviolent offense as defined by Section 571 of this title. The Department is authorized to use an electronic monitoring global positioning device to satisfy its custody duties and responsibilities.

B. After an inmate has been processed and received through a Department Assessment and Reception Center, has been incarcerated for a minimum of ninety (90) days, and has met the criteria established in subsection C of Section 521 of this title, the Director of the Department of Corrections may assign the inmate, if eligible, to the Electronic Monitoring Program. Nothing shall prohibit the Director from assigning an inmate to the Electronic Monitoring Program while assigned to the accredited halfway house or transitional living facility. The following inmates, youthful offenders, and juveniles shall not be eligible for assignment to the program:

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

2. Inmates convicted of a violent offense within the previous ten (10) years <u>pursuant to Section 571 of this title</u>;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The inmate discharges the term of the sentence;

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

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

D. After an inmate has been assigned to the Electronic Monitoring Program, denial of parole pursuant to Section 332.7 of

this title, shall not be cause for removal from the program, provided the inmate has not violated the rules or conditions of the program. The inmate may remain assigned to the program, if otherwise eligible, until the completion of the sentence.

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

F. Upon an inmate assigned to the Electronic Monitoring Program becoming eligible for parole consideration, pursuant to Section 332.7 of this title, the Department of Corrections shall deliver the inmate, in person, to a correctional facility for interview, together with any Department records necessary for the Pardon and Parole Board's investigation. Inmates assigned to the Electronic

Monitoring Program shall not be allowed to waive consideration or recommendation for parole.

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

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

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

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

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

SECTION 2. AMENDATORY 57 O.S. 2011, Section 510.10, is amended to read as follows:

Section 510.10 A. The Department of Corrections ~~is~~ and the Pardon and Parole Board are hereby authorized to use electronic monitoring devices for any inmate sentenced for a crime ~~or for~~, any person granted parole, or as disciplinary sanction as authorized by law.

B. The electronic monitoring of an inmate pursuant to this section shall be in addition to active supervision required by law. An inmate assigned to electronic monitoring shall be required to pay the Department of Corrections or the Pardon and Parole Board for all or part of any monitoring equipment or fee, supervision cost, or other costs while assigned to electronic monitoring. The Department of Corrections or the Pardon and Parole Board shall determine whether the person has the ability to pay all or part of such costs or fee.

C. From and after the effective date of this act, any person in the custody of the Department of Corrections who is assigned to a community corrections center, community work center, or halfway house, and who has any current or previous convictions for a crime which would require the person to register as a sex offender pursuant to the Oklahoma Sex Offenders Registration Act, shall be assigned to a global position monitoring system for the duration of the registration period. Any offender paroled who is subject to the provisions of the Oklahoma Sex Offenders Registration Act shall be assigned to global position monitoring.

D. As used in this section, "electronic monitoring" means monitoring of an inmate within a specified location or locations by means of a global positioning device approved by the Department of Corrections or the Pardon and Parole Board with active supervision by correctional officers ~~or other~~, employees of the Department of Corrections, or probation and parole officers of the Pardon and Parole Board. A global position monitoring system must utilize a backup data storage collection system.

E. The Department of Corrections and the Pardon and Parole Board shall promulgate and adopt rules and procedures necessary to implement the provisions of this section.

SECTION 3. This act shall become effective November 1, 2015."

Passed the Senate the 22nd day of April, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House
of Representatives