

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2836

By: Echols of the House

and

Jolley of the Senate

7
8 COMMITTEE SUBSTITUTE

9 [prisons and reformatories - modifying eligibility
10 requirements for Electronic Monitoring Program -
emergency]

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

14 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, as
15 last amended by Section 5, Chapter 397, O.S.L. 2015 (57 O.S. Supp.
16 2015, Section 510.9), is amended to read as follows:

17 Section 510.9 A. There is hereby created the Electronic
18 Monitoring Program for inmates in the custody of the Department of
19 Corrections who are sentenced for a nonviolent offense not included
20 as a violent offense defined in Section 571 of this title. The
21 Department is authorized to use an electronic monitoring global
22 positioning device to satisfy its custody duties and
23 responsibilities.

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

12 1. Any inmate serving a sentence of more than ~~five (5)~~ ten (10)
13 years who has ~~eleven (11)~~ twenty-four (24) months or more left on
14 the sentence or any inmate serving a sentence of five (5) years or
15 less whose initial custody assessment requires placement above the
16 minimum security level;

17 2. Inmates convicted of a violent offense within the previous
18 ten (10) years or convicted of any violation enumerated in Section
19 13.1 of Title 21 of the Oklahoma Statutes;

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

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

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

4 ~~6.~~ 4. Inmates removed from the Electronic Monitoring Program or
5 any other alternative to incarceration authorized by law for
6 violation of any rule or condition of the program and reassigned to
7 imprisonment in a correctional facility within the past three (3)
8 years;

9 ~~7.~~ 5. Inmates deemed by the Department to be a security risk or
10 threat to the public;

11 ~~8.~~ 6. Inmates requiring educational, medical or other services
12 or programs not available in a community setting as determined by
13 the Department;

14 ~~9.~~ 7. Inmates convicted of ~~any~~ a felony violation of subsection
15 C of Section 644 of Title 21 of the Oklahoma Statutes within the
16 previous ten (10) years or who have an active protection order that
17 was issued under the Protection from Domestic Abuse Act, Sections 60
18 through 60.16 of Title 22 of the Oklahoma Statutes;

19 ~~10.~~ 8. Inmates who have outstanding felony warrants or
20 detainers from another jurisdiction;

21 ~~11.~~ 9. Inmates convicted of a sex offense who, upon release
22 from incarceration, would be required by law to register pursuant to
23 the Sex ~~Offender~~ Offenders Registration Act;

1 ~~12.~~ 10. Inmates convicted of racketeering activity as defined
2 in Section 1402 of Title 22 of the Oklahoma Statutes;

3 ~~13.~~ 11. Inmates convicted pursuant to subsection F of Section
4 2-401 of Title 63 of the Oklahoma Statutes;

5 ~~14.~~ 12. Inmates convicted pursuant to Section 650 of Title 21
6 of the Oklahoma Statutes;

7 ~~15.~~ 13. Inmates who have escaped from a penal or correctional
8 institution within the previous ten (10) years; or

9 ~~16.~~ 14. Inmates who currently have active misconduct actions on
10 file with the Department of Corrections.

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

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

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

18 3. The inmate is paroled by the Governor pursuant to Section
19 332.7 of this title.

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

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

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

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

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

17 I. The Department of Corrections shall promulgate and adopt
18 rules and procedures necessary to implement the Electronic
19 Monitoring Program, including but not limited to methods of
20 monitoring and supervision, disciplinary action, reassignment to
21 higher and lower security levels, removal from the program, and
22 costs of monitoring and supervision to be paid by the inmate, if
23 any.

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

7 ~~SECTION 2. It being immediately necessary for the preservation~~
8 ~~of the public peace, health and safety, an emergency is hereby~~
9 ~~declared to exist, by reason whereof this act shall take effect and~~
10 ~~be in full force from and after its passage and approval.~~

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