

1 ENGROSSED HOUSE
2 BILL NO. 2545

By: Cleveland, Sherrer, Condit,
Murdock and Hoskin of the
House

3
4 and

5 Boggs and Thompson of the
6 Senate

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9 An Act relating to prisons and reformatories;
10 amending 57 O.S. 2011, Section 510, as last amended
11 by Section 1, Chapter 384, O.S.L. 2014 (57 O.S. Supp.
12 2015, Section 510), which relates to the Oklahoma
13 Corrections Act of 1967; modifying powers and duties
14 of the Director of the Department of Corrections; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510, as last
18 amended by Section 1, Chapter 384, O.S.L. 2014 (57 O.S. Supp. 2015,
19 Section 510), is amended to read as follows:

20 Section 510. A. The Director of the Department of Corrections
21 shall have the following specific powers and duties relating to the
22 penal institutions:

23 1. To appoint, subject to the approval of the State Board of
24 Corrections, a warden for each penal institution, who shall qualify
for the position by character, knowledge, skill, ability, training,

1 and successful administrative experience in the correctional field;
2 and if the person is not the incumbent warden or superintendent of a
3 penal institution, the person shall have a bachelor's degree from an
4 accredited college or university and six (6) years of professional
5 level work experience in corrections;

6 2. To fix the duties of the wardens and superintendents and to
7 appoint and fix the duties and compensation of such other personnel
8 for each institution as may be necessary for the proper operation
9 thereof. However, correctional officers hired after November 1,
10 1995, shall be subject to the following qualifications:

11 a. the minimum age for service shall be twenty (20) years
12 of age. The Director shall have the authority to
13 establish the maximum age for correctional officers
14 entering service,

15 b. possession of a minimum of thirty (30) semester hours
16 from an accredited college or university, or
17 possession of a high school diploma acquired from an
18 accredited high school or GED equivalent testing
19 program and graduation from a training course
20 conducted by or approved by the Department and
21 certified by the Council on Law Enforcement Education
22 and Training either prior to employment or during the
23 first six (6) months of employment,

24 c. be of good moral character,

1 d. before going on duty alone, satisfactory completion of
2 an adequate training program for correctional
3 officers, as prescribed and approved by the State
4 Board of Corrections,

5 e. satisfactory completion of minimum testing or
6 professional evaluation through the Merit System of
7 Personnel Administration to determine the fitness of
8 the individual to serve in the position written
9 evaluations shall be submitted to the Department of
10 Corrections, and

11 f. satisfactory completion of a physical in keeping with
12 the conditions of the job description on an annual
13 basis and along the guidelines as established by the
14 Department of Corrections;

15 3. To designate as peace officers qualified personnel in any
16 Department of Corrections job classifications. The Director shall
17 designate as peace officers correctional officers who are employed
18 in positions requiring said designation. The peace officer
19 authority of employees designated as peace officers shall be limited
20 to: maintaining custody of prisoners; preventing attempted escapes;
21 pursuing, recapturing and incarcerating escapees and parole or
22 probation violators and arresting such escapees, parole or probation
23 violators, serving warrants, and performing any duties specifically
24 required for the job descriptions. Such powers and duties of peace

1 officers may be exercised for the purpose of maintaining custody,
2 security, and control of any prisoner being transported outside this
3 state as authorized by the Uniform Criminal Extradition Act. To
4 become qualified for designation as peace officers, employees shall
5 meet the training and screening requirements conducted by the
6 Department and certified by the Council on Law Enforcement Education
7 and Training within twelve (12) months of employment or, in the case
8 of employees designated as peace officers on or before July 1, 1997,
9 by July 1, 1998, and shall not be subject to Section 3311 of Title
10 70 of the Oklahoma Statutes;

11 4. To maintain such industries, factories, plants, shops,
12 farms, and other enterprises and operations, hereinafter referred to
13 as prison industries, at each institution as the State Board of
14 Corrections deems necessary or appropriate to employ the prisoners
15 or teach skills, or to sustain the institution; and as provided for
16 by policies established by the State Board of Corrections, to allow
17 compensation for the work of the prisoners, and to provide for
18 apportionment of inmate wages, the amounts thus allowed to be kept
19 in accounts by the Board for the prisoners and given to the inmates
20 upon discharge from the institution, or upon an order paid to their
21 families or dependents or used for the personal needs of the
22 prisoners. Any industry that employs prisoners shall be deemed a
23 "State Prison Industry" if the prisoners are paid from state funds
24 including the proceeds of goods sold as authorized by Section 123f

1 of Title 74 of the Oklahoma Statutes. Any industry in which wages
2 of prisoners are paid by a nongovernmental person, group, or
3 corporation, except those industries employing prisoners in work-
4 release centers under the authority of the Department of Corrections
5 shall be deemed a "Private Prison Industry";

6 5. To assign residences at each institution to institutional
7 personnel and their families;

8 6. To provide for the education, training, vocational
9 education, rehabilitation, and recreation of prisoners;

10 7. To regulate the operation of canteens for prisoners;

11 8. To prescribe rules for the conduct, management, and
12 operation of each institution, including rules for the demeanor of
13 prisoners, the punishment of recalcitrant prisoners, the treatment
14 of incorrigible prisoners, and the disposal of property or
15 contraband seized from inmates or offenders under the supervision of
16 the Department;

17 9. To transfer prisoners from one institution to another;

18 10. To establish procedures that ensure inmates are educated
19 and provided with the opportunity to execute advance directives for
20 health care in compliance with Section 3101.2 of Title 63 of the
21 Oklahoma Statutes. The procedures shall ensure that any inmate
22 executing an ~~advanced~~ advance directive for health care is competent
23 and executes the directive with informed consent;

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1 11. To maintain courses of training and instruction for
2 employees at each institution;

3 12. To maintain a program of research and statistics;

4 13. To provide for the periodic audit, at least once annually,
5 of all funds and accounts of each institution and the funds of each
6 prisoner;

7 14. To provide, subject to rules established by the State Board
8 of Corrections, for the utilization of inmate labor for any agency
9 of the state, city, town, or subdivision of this state, upon the
10 duly authorized request for such labor by the agency. The inmate
11 labor shall not be used to reduce employees or replace regular
12 maintenance or operations of the agency. The inmate labor shall be
13 used solely for public or state purposes. No inmate labor shall be
14 used for private use or purpose. Insofar as it is practicable, all
15 inmate labor shall be of such a nature and designed to assist and
16 aid in the rehabilitation of inmates performing the labor;

17 15. To provide clerical services for, and keep and preserve the
18 files and records of, the Pardon and Parole Board; make
19 investigations and inquiries as to prisoners at the institutions who
20 are to be, or who might be, considered for parole or other clemency;
21 assist prisoners who are to be, or who might be, considered for
22 parole or discharge in obtaining suitable employment in the event of
23 parole or discharge; report to the Pardon and Parole Board, for
24 recommendation to the Governor, violations of terms and conditions

1 of paroles; upon request of the Governor, make investigations and
2 inquiries as to persons who are to be, or who might be, considered
3 for reprieves or leaves of absence; report to the Pardon and Parole
4 Board, for recommendation to the Governor, whether a parolee is
5 entitled to a pardon, when the terms and conditions of the parole
6 have been completed; make presentence investigations for, and make
7 reports thereof to, trial judges in criminal cases before sentences
8 are pronounced; supervise persons undergoing suspended sentences, or
9 who are on probation or parole; and develop and operate, subject to
10 the policies and guidelines of the Board, work-release centers,
11 community treatment facilities or prerelease programs at appropriate
12 sites throughout this state;

13 16. To establish an employee tuition assistance program and
14 promulgate rules in accordance with the Administrative Procedures
15 Act for the operation of the program. The rules shall include, but
16 not be limited to, program purposes, eligibility requirements, use
17 of tuition assistance, service commitment to the Department,
18 reimbursement of tuition assistance funds for failure to complete
19 course work or service commitment, amounts of tuition assistance and
20 limitations, and record keeping;

21 17. To establish an employee recruitment and referral incentive
22 program and promulgate rules in accordance with the Administrative
23 Procedures Act for the operation of the program. The rules shall
24 include, but not be limited to, program purposes, pay incentives for

1 employees, eligibility requirements, payment conditions and amounts,
2 payment methods, and record keeping;

3 18. To provide reintegration referral services to any person
4 discharged from the state custody who has volunteered to receive
5 reintegration referral services. The Director may assign staff to
6 refer persons discharged from state custody to services. The
7 Director shall promulgate rules for the referral process. All
8 reintegration referral services shall be subject to the availability
9 of funds;

10 19. To conduct continual planning and research and periodically
11 evaluate the effectiveness of the various correctional programs
12 instituted by the Department; manage the designing, building, and
13 maintaining of all the capital improvements of the Department;
14 establish and maintain current and efficient business, bookkeeping,
15 and accounting practices and procedures for the operations of all
16 institutions and facilities, and for the Department's fiscal
17 affairs; conduct initial orientation and continuing in-service
18 training for the Department employees; provide public information
19 services; inspect and examine the condition and management of state
20 penal and correctional institutions; investigate complaints
21 concerning the management of prisons or alleged mistreatment of
22 inmates thereof; and hear and investigate complaints as to
23 misfeasance or nonfeasance of employees of the Department;

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1 20. To authorize any division of the Department to sell
2 advertising in any Department-approved publication, media production
3 or other informational material produced by the Department;
4 provided, that such advertising shall be approved by the Director or
5 designee prior to acceptance for publication. The sale of
6 advertising and negotiation of rates for the advertising shall not
7 be subject to The Oklahoma Central Purchasing Act or the
8 Administrative Procedures Act. The Department shall promulgate
9 rules establishing criteria for accepting or using advertisements as
10 authorized in this paragraph;

11 21. To issue subpoenas to assist or further investigations into
12 allegations of crimes committed in public or private prisons within
13 the State of Oklahoma. Subpoenas issued by the Director shall be
14 enforced by the District Court in Oklahoma County, Oklahoma;

15 22. To authorize award of the badge of an employee who dies
16 while employed by the Department to the spouse or next of kin of the
17 deceased employee; ~~and~~

18 23. To establish, in conjunction with the Information Services
19 Division of the Office of Management and Enterprise Services, an
20 emergency alert notification system for the public, capable of
21 distributing notifications of facility emergencies or prisoner
22 escapes for all facilities and each facility of the Department of
23 Corrections; and

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1 24. To declare an emergency when, due to shortage of staff,
2 correctional officers at a facility are required to work more than
3 two double shifts in a seven-day period. As used in this paragraph,
4 "double shift" means two eight-hour shifts in a twenty-four-hour
5 period.

6 B. When an employee of the Department of Corrections has been
7 charged with a violation of the rules of the Department or with a
8 felony pursuant to the provisions of a state or federal statute, the
9 Director may, in the Director's discretion, suspend the charged
10 employee, in accordance with the Oklahoma Personnel Act and/or the
11 Merit System of Personnel Administration Rules, pending the hearing
12 and final determination of the charges. Notice of suspension shall
13 be given by the Director, in accordance with the provisions of the
14 Oklahoma Personnel Act. If after completion of the investigation of
15 the charges, it is determined that such charges are without merit or
16 are not sustained before the Oklahoma Merit Protection Commission or
17 in a court of law, the employee shall be reinstated and shall be
18 entitled to receive all lost pay and benefits.

19 This subsection shall in no way deprive an employee of the right
20 of appeal according to the Oklahoma Personnel Act.

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

1 Passed the House of Representatives the 10th day of March, 2016.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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9 Presiding Officer of the Senate