

1 **SENATE FLOOR VERSION**

February 12, 2015

2 **AS AMENDED**

3 SENATE BILL NO. 97

By: Fry

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5
6 **[correctional facilities - location of certain
correctional facilities - approval - zoning authority**

7 -

emergency-]

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

11 SECTION 1. AMENDATORY 57 O.S. 2011, Section 563, as
12 amended by Section 9, Chapter 362, O.S.L. 2014 (57 O.S. Supp. 2014,
13 Section 563), is amended to read as follows:

14 Section 563. A. Except as otherwise authorized by Section 183
15 of Title 73 of the Oklahoma Statutes, before any correctional
16 facility other than an inmate work center as authorized in
17 subsection B of this section or an inmate drug offender work camp,
18 whether within the Department of Corrections or within any other
19 state agency, may be created or any construction performed which may
20 significantly increase, extend or expand the present facility, such
21 creation or construction shall be approved by the Legislature.
22 Correctional facilities owned or operated by private prison
23 contractors shall not be deemed to be within the Department of
24 Corrections or other state agency.

1 B. The Department of Corrections is hereby authorized to
2 establish inmate work centers in locations where a need for labor to
3 conduct public work projects is determined. The Department shall
4 select the inmate work center locations based on objective
5 comparisons of interested communities in accordance with procedures
6 and criteria established by the Department of Corrections. The
7 procedures, selection criteria and decision case analysis shall be
8 made available to the public upon request.

9 C. No state, county or municipal correctional facility
10 including any inmate work center, inmate drug offender work camp,
11 inmate halfway house, inmate transitional living center and any
12 other place where state, county or municipal inmates are housed
13 shall be located within one thousand (1,000) feet of any public or
14 private elementary or secondary school nor within two thousand five
15 hundred (2,500) feet of any secure facility for juveniles. The
16 provisions of this subsection shall not apply to any inmate work
17 center, inmate drug offender work camp, inmate halfway house, inmate
18 transitional living center and any other place where state, county
19 or municipal inmates are housed established prior to May 20, 1994.
20 Provided, that the provisions of this subsection shall not apply to
21 state, county, or municipal correctional facilities that are granted
22 permission to operate within the areas restricted by this subsection
23 by a majority vote of the following entities:
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1 1. The district board of education of each school district with
2 an affected school; and

3 2. The governing body of each affected private school.

4 D. In addition to the restrictions outlined in subsection C of
5 this section, following the effective date of this act, no such
6 facility shall be located in a residential neighborhood inside the
7 corporate limits of a municipality, or a county with planning and/or
8 zoning commissions created pursuant to law, without approval from
9 the local entity with authority over zoning requirements.

10 E. In any county with a population of two hundred fifty
11 thousand (250,000) or more, as determined by the latest Federal
12 Decennial Census, the Department of Corrections shall not cause,
13 permit or require any inmate in the custody of the Department or
14 cause, permit or require any offender under the supervision of the
15 Department to enter, remain or be present in any Department of
16 Corrections facility located within one thousand (1,000) feet of a
17 private or public elementary or secondary school, or on the grounds
18 of such a facility, for any activities involving or relating to
19 processing, training, instructing, interviewing, counseling,
20 reporting, conferring, imposing discipline, reviewing or
21 adjudicating or any correctional function requiring or permitting
22 the presence of the offender, except offenders may be employed in
23 construction, maintenance or janitorial activities in or on the
24 structures or grounds while under supervision of a correctional

1 employee. The provisions of this subsection shall not apply to any
2 facility established or acquired by the Department of Corrections
3 prior to May 20, 1994.

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

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 February 12, 2015 - DO PASS AS AMENDED
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