

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2836

By: Echols

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5  
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2011, Section 510.9, as last amended  
9 by Section 5, Chapter 397, O.S.L. 2015 (57 O.S. Supp.  
10 2015, Section 510.9), which relates to the Electronic  
11 Monitoring Program; modifying eligibility  
requirements for Electronic Monitoring Program;  
deleting and modifying list of conditions that bar  
eligibility for the program; and declaring an  
emergency.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, as  
16 last amended by Section 5, Chapter 397, O.S.L. 2015 (57 O.S. Supp.  
17 2015, Section 510.9), is amended to read as follows:

18 Section 510.9 A. There is hereby created the Electronic  
19 Monitoring Program for inmates in the custody of the Department of  
20 Corrections who are sentenced for a nonviolent offense not included  
21 as a violent offense defined in Section 571 of this title. The  
22 Department is authorized to use an electronic monitoring global  
23 positioning device to satisfy its custody duties and  
24 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~~ has a home offer, and has met the  
4 criteria established in subsection C of Section 521 of this title,  
5 the Director of the Department of Corrections may assign the inmate,  
6 if 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) years  
13 who has ~~eleven (11)~~ twenty-four (24) months or more left on the  
14 sentence or any inmate serving a sentence of five (5) years or less  
15 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 in the past thirty-six (36)  
8 months;

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 or who have an  
16 active protection order that was issued under the Protection from  
17 Domestic Abuse Act, ~~Sections 60 through 60.16 of Title 22 of the~~  
18 ~~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 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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12 55-2-7905 GRS 01/06/16  
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