

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 97

By: Fry

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5  
6 AS INTRODUCED

7 An Act relating to correctional facilities; amending  
8 57 O.S. 2011, Section 563, as amended by Section 9,  
9 Chapter 362, O.S.L. 2014 (57 O.S. Supp. 2014, Section  
10 563), which relates to location of certain  
11 correctional facilities; requiring approval by  
12 certain local zoning authority; and declaring an  
13 emergency.

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

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

18 Section 563. A. Except as otherwise authorized by Section 183  
19 of Title 73 of the Oklahoma Statutes, before any correctional  
20 facility other than an inmate work center as authorized in  
21 subsection B of this section or an inmate drug offender work camp,  
22 whether within the Department of Corrections or within any other  
23 state agency, may be created or any construction performed which may  
24 significantly increase, extend or expand the present facility, such  
creation or construction shall be approved by the Legislature.

1 Correctional facilities owned or operated by private prison  
2 contractors shall not be deemed to be within the Department of  
3 Corrections or other state agency.

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

12 C. No state, county or municipal correctional facility  
13 including any inmate work center, inmate drug offender work camp,  
14 inmate halfway house, inmate transitional living center and any  
15 other place where state, county or municipal inmates are housed  
16 shall be located within one thousand (1,000) feet of any public or  
17 private elementary or secondary school nor within two thousand five  
18 hundred (2,500) feet of any secure facility for juveniles. The  
19 provisions of this subsection shall not apply to any inmate work  
20 center, inmate drug offender work camp, inmate halfway house, inmate  
21 transitional living center and any other place where state, county  
22 or municipal inmates are housed established prior to May 20, 1994.  
23 Provided, that the provisions of this subsection shall not apply to  
24 state, county, or municipal correctional facilities that are granted

1 permission to operate within the areas restricted by this subsection  
2 by a majority vote of the following entities:

3 1. The district board of education of each school district with  
4 an affected school; and

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

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

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

1 construction, maintenance or janitorial activities in or on the  
2 structures or grounds while under supervision of a correctional  
3 employee. The provisions of this subsection shall not apply to any  
4 facility established or acquired by the Department of Corrections  
5 prior to May 20, 1994.

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

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