

05/02/2018 09:27:12 AM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2631**

By: Babinec of the House and Bergstrom of the Senate

Title: Prisons and reformatories; modifying powers and duties of the Director of the Department of Corrections; providing for the designation of correctional peace officers; effective date.








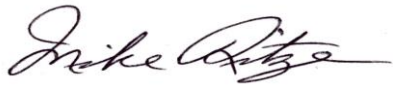

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

HB2631 CCR (A)  
**HOUSE CONFEREES**

Babinec, Greg		Cleveland, Bobby	
Fetgatter, Scott	<hr/>	Ford, Ross	
Humphrey, Justin		Lepak, Mark	
Loring, Ben	<hr/>	McDugle, Kevin	<hr/>
Newton, Carl		Ownbey, Pat	
Renegar, Brian	<hr/>	Ritze, Mike	
Rosecrants, Jacob	<hr/>	Virgin, Emily	<hr/>
West, Tammy		Williams, Cory	<hr/>

HB2631 CCR A

**SENATE CONFEREES**

Bergstrom

*Michael Bergstrom*

Fry

*Jake Fry*

Brecheen

*JPB*

Dugger

*Dugger*

Jech

\_\_\_\_\_

Brooks

Matthews

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_



1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2631

By: Babinec of the House

and

Fry of the Senate

4  
5  
6  
7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2011, Section 510, as last amended  
9 by Section 20, Chapter 42, O.S.L. 2017 (57 O.S. Supp.  
10 2017, Section 510), which relates to the Oklahoma  
11 Corrections Act of 1967 \*\*\* allowing Director to  
12 enter into contracts with media or film production  
13 companies; directing deposit of funds into certain  
14 revolving fund; and providing an effective date.

13 AUTHOR: Remove Fry as the principal Senate Author and replace with  
14 Bergstrom as principal Senate Author.

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
16 entire bill and insert

17 "An Act relating to prisons and reformatories;  
18 amending 57 O.S. 2011, Section 507, which relates to  
19 the duties of the Director of the Department of  
20 Corrections; modifying allowable duties; allowing  
21 certain pilot programs; authorizing certain actions;  
22 and providing an effective date.

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

23 SECTION 1. AMENDATORY 57 O.S. 2011, Section 507, is  
24 amended to read as follows:

1 Section 507. The Director shall be the executive officer of the  
2 Department of Corrections and shall have the following general  
3 powers and duties:

4 (a) To supervise the activities of the Department and, subject  
5 to the policies established by the Board, to act for the Department  
6 in all matters, except as may be otherwise provided in ~~this act~~ the  
7 Oklahoma Corrections Act of 1967.

8 (b) To prescribe rules and regulations for the operation of the  
9 Department, consistent with the general policies established by the  
10 Board.

11 (c) To appoint and fix the duties and salaries of such  
12 personnel for the Department as may be necessary to administer and  
13 carry out the provisions of ~~this act~~ the Oklahoma Corrections Act of  
14 1967. The Department and the employees thereof, except the members  
15 of the Board and the Director shall be subject to the provisions of  
16 the State Merit System of Personnel Administration, but the Governor  
17 may by Executive Order exempt positions therefrom as authorized by  
18 Section 802 of Title 74 of the Oklahoma Statutes, except as may be  
19 otherwise provided in ~~this act~~ the Oklahoma Corrections Act of 1967.

20 (d) To accept, use, disburse and administer grants, allotments,  
21 gifts, devises, bequests, appropriations and other monies and  
22 property offered or given to the Department, or any component or  
23 agency thereof, by any agency of the federal government or any  
24 corporation or individual for the use of the Department.

1       (e) 1. To investigate the possible inclusion in a federally-  
2 funded pilot program sponsored by the Federal Communications  
3 Commission relating to the use of cellular and electronic  
4 communication devices within the statewide network of prisons in  
5 Oklahoma.

6       2. In the event that the Federal Communications Commission  
7 amends the regulations relating to the use of cellular and  
8 electronic communication devices within prisons, the Director is  
9 authorized to initiate a pilot program regarding the use of  
10 available technology to prohibit the use of cellular and electronic  
11 communication devices by incarcerated offenders within the statewide  
12 network of prisons in Oklahoma.

13       3. Absent regulations of the Federal Communications Commission  
14 prohibiting the use of such technology, the Director is authorized  
15 to use available technology to prohibit the use of cellular and  
16 electronic communication devices by incarcerated offenders within  
17 the statewide network of prisons in Oklahoma using federal or state  
18 funds.

19       SECTION 2. This act shall become effective November 1, 2018."  
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1 Passed the Senate the 25th day of April, 2018.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2018.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives



1 ENGROSSED HOUSE  
2 BILL NO. 2631

By: Babinec of the House

3 and

4 Fry of the Senate  
5  
6

7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2011, Section 510, as last amended  
9 by Section 20, Chapter 42, O.S.L. 2017 (57 O.S. Supp.  
10 2017, Section 510), which relates to the Oklahoma  
11 Corrections Act of 1967; modifying powers and duties  
12 of the Director of the Department of Corrections;  
13 removing qualifications for wardens; updating  
14 language; deleting certain employment qualifications  
15 for correctional officers; providing for the  
16 designation of correctional peace officers;  
17 authorizing implementation of policies related to  
18 correctional peace officer authority; deleting peace  
19 officer designation and qualifications; providing for  
20 the issuance of identification cards; providing for  
21 the development and implementation of basic course of  
22 instruction for correctional officers; establishing  
23 minimum curriculum instruction requirements;  
24 authorizing waiver of instruction requirements;  
providing for the development and implementation of  
in-service training; establishing minimum qualifying  
score for firearms training; providing for demotions  
or terminations under certain circumstances;  
authorizing the carrying of firearms for employees  
who complete firearms training; providing for the  
return of identification cards under certain  
circumstances; allowing Director to enter into  
contracts with media or film production companies;  
directing deposit of funds into certain revolving  
fund; and providing an effective date.

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

1 SECTION 3. AMENDATORY 57 O.S. 2011, Section 510, as last  
2 amended by Section 20, Chapter 42, O.S.L. 2017 (57 O.S. Supp. 2017,  
3 Section 510), is amended to read as follows:

4 Section 510. A. The Director of the Department of Corrections  
5 shall have the following specific powers and duties relating to the  
6 penal institutions:

7 1. To appoint, subject to the approval of the State Board of  
8 Corrections, a warden for each penal institution, ~~who shall qualify~~  
9 ~~for the position by character, knowledge, skill, ability, training,~~  
10 ~~and successful administrative experience in the correctional field;~~  
11 ~~and if the person is not the incumbent warden or superintendent of a~~  
12 ~~penal institution, the person shall have a bachelor's degree from an~~  
13 ~~accredited college or university and six (6) years of professional~~  
14 ~~level work experience in corrections;~~

15 2. To fix the duties of the wardens ~~and superintendents~~ and to  
16 appoint and fix the duties and compensation of such other personnel  
17 for each penal institution as may be necessary for the proper  
18 operation thereof. However, correctional officers hired after  
19 November 1, 1995, shall be subject to the following qualifications:

20 a. the minimum age for service shall be twenty (20) years  
21 of age. The Director shall have the authority to  
22 establish the maximum age for correctional officers  
23 entering service,  
24

1           b. possession of a minimum of thirty (30) semester hours  
2           from an accredited college or university, or  
3           possession of a high school diploma acquired from an  
4           accredited high school or GED equivalent testing  
5           program and ~~graduation from a training course~~  
6           ~~conducted by or approved by the Department and~~  
7           ~~certified by the Council on Law Enforcement Education~~  
8           ~~and Training either prior to employment or during the~~  
9           ~~first six (6) months of employment,~~

10          c. ~~be of good moral character,~~

11          d. ~~before going on duty alone, satisfactory completion of~~  
12          ~~an adequate training program for correctional~~  
13          ~~officers, as prescribed and approved by the State~~  
14          ~~Board of Corrections; provided, however, correctional~~  
15          ~~officers reinstated within three (3) years of~~  
16          ~~separating from the Department shall not be required~~  
17          ~~to repeat preservice training. The Director or~~  
18          ~~designee may, however, require the correctional~~  
19          ~~officers to attend updated training to ensure~~  
20          ~~compliance with agency training standards,~~

21          e. satisfactory completion of minimum testing or  
22          professional evaluation through the Merit System of  
23          Personnel Administration to determine the fitness of  
24          the individual to serve in the position. All written

1 evaluations shall be submitted to the Department of  
2 Corrections, and

3 ~~f.~~ d. satisfactory completion of a physical in keeping with  
4 the conditions of the job description on an annual  
5 basis and along the guidelines as established by the  
6 Department of Corrections;

7 3. ~~To designate as peace officers qualified personnel in any~~  
8 ~~Department of Corrections job classifications.~~ The Director shall  
9 designate as correctional peace officers, correctional officers who  
10 are employed in ~~positions requiring said designation~~ job  
11 classifications of correctional security officer, correctional  
12 security manager, correctional chief of security and chief of  
13 security upon satisfactory completion of a basic course of  
14 instruction for correctional officers, as provided for in paragraph  
15 4 of this subsection. The peace officer authority of employees  
16 designated as correctional peace officers shall be limited to:  
17 maintaining custody of prisoners; preventing attempted escapes;  
18 pursuing, recapturing and incarcerating escapees and parole or  
19 probation violators and arresting such escapees, parole or probation  
20 violators; serving warrants; carrying firearms; preventing  
21 contraband from entering any penal institutions; arresting  
22 individuals who commit crimes at any penal institution; and  
23 performing any duties specifically required for the job  
24 descriptions. Such powers and duties of correctional peace officers

1 may be exercised for the purpose of maintaining custody, security,  
2 and control of any prisoner being transported inside and outside  
3 this state as authorized by the Uniform Criminal Extradition Act and  
4 the Interstate Corrections Compact. ~~To become qualified for~~  
5 ~~designation as peace officers, employees shall meet the training and~~  
6 ~~screening requirements conducted by the Department and certified by~~  
7 ~~the Council on Law Enforcement Education and Training within twelve~~  
8 ~~(12) months of employment or, in the case of employees designated as~~  
9 ~~peace officers on or before July 1, 1997, by July 1, 1998, and shall~~  
10 ~~not be subject to Section 3311 of Title 70 of the Oklahoma Statutes~~  
11 The Director may implement policies that place additional  
12 limitations on the authority of correctional peace officers. The  
13 Director shall issue an identification card to each correctional  
14 peace officer that identifies the person as a correctional peace  
15 officer and grants the person the authority to carry a firearm and  
16 make arrests pursuant to this paragraph. Should a correctional  
17 peace officer terminate employment for any reason, fail to remain  
18 qualified as a correctional peace officer or for reasons stated in  
19 policies of the Department, the correctional peace officer shall  
20 return the identification card to the supervisor of the correctional  
21 peace officer immediately;

22 4. To develop and implement, upon approval of the State Board  
23 of Corrections, a basic course of instruction for correctional  
24 officers that consists of a training academy that provides not less

1 than two hundred (200) hours of core curriculum instruction and a  
2 firearms training program that provides not less than twenty (20)  
3 hours of instruction. The basic course of instruction shall be  
4 subject to the following:

5 a. the minimum qualifying score that must be shot to pass  
6 the firearms training program shall be equal to the  
7 minimum qualifying score required by the Council on  
8 Law Enforcement Education and Training for peace  
9 officers, and

10 b. the Director may waive any number of hours or courses  
11 required to complete the basic course of instruction  
12 for any person who, in the opinion of the Director,  
13 has received sufficient training or experience that  
14 such hours of instruction would be unduly burdensome  
15 or duplicative; however, completion of the firearms  
16 training program shall not be waived;

17 5. To develop and implement annual in-service training for  
18 correctional officers that consists of at least forty (40) hours of  
19 continued corrections education and annual recertification of  
20 firearms proficiency. The minimum qualifying score that must be  
21 shot to requalify for recertification of firearms proficiency shall  
22 be equal to the minimum qualifying score required by the Council on  
23 Law Enforcement Education and Training for the requalification of  
24 peace officers;

1       6. To require any person employed as a correctional security  
2 officer, correctional security manager, correctional chief of  
3 security and chief of security to remain qualified as a correctional  
4 peace officer. Any correctional peace officer who is unable to  
5 remain qualified as a correctional peace officer may be offered an  
6 available position within the Department in the same or lesser pay  
7 grade for which the employee is eligible, or the employee may be  
8 terminated;

9       7. To authorize other employees of the Department to carry  
10 firearms anywhere in the state to use for self-defense pursuant to  
11 and consistent with policies developed by the Department upon  
12 satisfactory completion of the firearms training program provided  
13 for in paragraph 4 of this subsection. The Director shall issue an  
14 identification card to each authorized employee that grants the  
15 employee the authority to carry a firearm pursuant to the provisions  
16 of this paragraph. Should an authorized employee terminate  
17 employment for any reason, fail to remain qualified to carry a  
18 firearm, or for reasons stated in the policies of the Department,  
19 the authorized employee shall immediately return the identification  
20 card to the supervisor of the employee and shall no longer be  
21 authorized to carry firearms under the authority of this paragraph;

22       8. To maintain such industries, factories, plants, shops,  
23 farms, and other enterprises and operations, hereinafter referred to  
24 as prison industries, at each penal institution as the State Board

1 of Corrections deems necessary or appropriate to employ the  
2 prisoners or teach skills, or to sustain the penal institution; and  
3 as provided for by policies established by the State Board of  
4 Corrections, to allow compensation for the work of the prisoners,  
5 and to provide for apportionment of inmate wages, the amounts thus  
6 allowed to be kept in accounts by the Board for the prisoners and  
7 given to the inmates upon discharge from the penal institution, or  
8 upon an order paid to their families or dependents or used for the  
9 personal needs of the prisoners. Any industry that employs  
10 prisoners shall be deemed a "State Prison Industry" if the prisoners  
11 are paid from state funds including the proceeds of goods sold as  
12 authorized by Section 123f of Title 74 of the Oklahoma Statutes.  
13 Any industry in which wages of prisoners are paid by a  
14 nongovernmental person, group, or corporation, except those  
15 industries employing prisoners in work-release centers under the  
16 authority of the Department of Corrections shall be deemed a  
17 "Private Prison Industry";

18 ~~5.~~ 9. To assign residences at each penal institution to penal  
19 institutional personnel and their families;

20 ~~6.~~ 10. To provide for the education, training, vocational  
21 education, rehabilitation, and recreation of prisoners;

22 ~~7.~~ 11. To regulate the operation of canteens for prisoners;

23 ~~8.~~ 12. To prescribe rules for the conduct, management, and  
24 operation of each penal institution, including rules for the



1 demeanor of prisoners, the punishment of recalcitrant prisoners, the  
2 treatment of incorrigible prisoners, and the disposal of property or  
3 contraband seized from inmates or offenders under the supervision of  
4 the Department;

5 ~~9.~~ 13. To transfer prisoners from one penal institution to  
6 another;

7 ~~10.~~ 14. To establish procedures that ensure inmates are  
8 educated and provided with the opportunity to execute advance  
9 directives for health care in compliance with Section 3101.2 of  
10 Title 63 of the Oklahoma Statutes. The procedures shall ensure that  
11 any inmate executing an advance directive for health care is  
12 competent and executes the directive with informed consent;

13 ~~11.~~ 15. To maintain courses of training and instruction for  
14 employees ~~at each institution~~ of the Department;

15 ~~12.~~ 16. To maintain a program of research and statistics;

16 ~~13.~~ 17. To provide for the periodic audit, at least once  
17 annually, of all funds and accounts of each penal institution and  
18 the funds of each prisoner;

19 ~~14.~~ 18. To provide, subject to rules established by the State  
20 Board of Corrections, for the utilization of inmate labor for any  
21 agency of the state, city, town, or subdivision of this state, upon  
22 the duly authorized request for such labor by the agency. The  
23 inmate labor shall not be used to reduce employees or replace  
24 regular maintenance or operations of the agency. The inmate labor

1 shall be used solely for public or state purposes. No inmate labor  
2 shall be used for private use or purpose. Insofar as it is  
3 practicable, all inmate labor shall be of such a nature and designed  
4 to assist and aid in the rehabilitation of inmates performing the  
5 labor;

6 ~~15.~~ 19. To provide clerical services for, and keep and preserve  
7 the files and records of, the Pardon and Parole Board; make  
8 investigations and inquiries as to prisoners at the penal  
9 institutions who are to be, or who might be, considered for parole  
10 or other clemency; assist prisoners who are to be, or who might be,  
11 considered for parole or discharge in obtaining suitable employment  
12 in the event of parole or discharge; report to the Pardon and Parole  
13 Board, for recommendation to the Governor, violations of terms and  
14 conditions of paroles; upon request of the Governor, make  
15 investigations and inquiries as to persons who are to be, or who  
16 might be, considered for reprieves or leaves of absence; report to  
17 the Pardon and Parole Board, for recommendation to the Governor,  
18 whether a parolee is entitled to a pardon, when the terms and  
19 conditions of the parole have been completed; make presentence  
20 investigations for, and make reports thereof to, trial judges in  
21 criminal cases ~~before sentences are pronounced~~ consistent with other  
22 laws of the state; supervise persons ~~undergoing suspended sentences,~~  
23 ~~or who are on~~ felony probation or parole; and develop and operate,  
24 subject to the policies and guidelines of the Board, work-release

1 centers, community treatment facilities or prerelease programs at  
2 appropriate sites throughout this state;

3 ~~16.~~ 20. To establish an employee tuition assistance program and  
4 promulgate rules in accordance with the Administrative Procedures  
5 Act for the operation of the program. The rules shall include, but  
6 not be limited to, program purposes, eligibility requirements, use  
7 of tuition assistance, service commitment to the Department,  
8 reimbursement of tuition assistance funds for failure to complete  
9 course work or service commitment, amounts of tuition assistance and  
10 limitations, and record keeping;

11 ~~17.~~ 21. To establish an employee recruitment and referral  
12 incentive program and promulgate rules in accordance with the  
13 Administrative Procedures Act for the operation of the program. The  
14 rules shall include, but not be limited to, program purposes, pay  
15 incentives for employees, eligibility requirements, payment  
16 conditions and amounts, payment methods, and record keeping;

17 ~~18.~~ 22. To provide reintegration referral services to any  
18 person discharged from the state custody who has volunteered to  
19 receive reintegration referral services. The Director may assign  
20 staff to refer persons discharged from state custody to services.  
21 The Director shall promulgate rules for the referral process. All  
22 reintegration referral services shall be subject to the availability  
23 of funds;

24

1       ~~19.~~ 23. To conduct continual planning and research and  
2 periodically evaluate the effectiveness of the various correctional  
3 programs instituted by the Department; manage the designing,  
4 building, and maintaining of all the capital improvements of the  
5 Department; establish and maintain current and efficient business,  
6 bookkeeping, and accounting practices and procedures for the  
7 operations of all penal institutions and facilities, and for the  
8 Department's fiscal affairs; conduct initial orientation and  
9 continuing in-service training for the Department employees; provide  
10 public information services; inspect and examine the condition and  
11 management of state penal and correctional institutions; investigate  
12 complaints concerning the management of prisons or alleged  
13 mistreatment of inmates thereof; and hear and investigate complaints  
14 as to misfeasance or nonfeasance of employees of the Department;

15       ~~20.~~ 24. To authorize any division of the Department to sell  
16 advertising in any Department-approved publication, media production  
17 or other informational material produced by the Department;  
18 provided, that such advertising shall be approved by the Director or  
19 designee prior to acceptance for publication. The sale of  
20 advertising and negotiation of rates for the advertising shall not  
21 be subject to The Oklahoma Central Purchasing Act or the  
22 Administrative Procedures Act. The Department shall promulgate  
23 rules establishing criteria for accepting or using advertisements as  
24 authorized in this paragraph;

1       ~~21.~~ 25. To issue subpoenas to assist or further investigations  
2 into allegations of crimes committed in public or private prisons  
3 within the State of Oklahoma. Subpoenas issued by the Director  
4 shall be enforced by the District Court in Oklahoma County,  
5 Oklahoma;

6       ~~22.~~ 26. To authorize award of the badge of an employee who dies  
7 while employed by the Department to the spouse or next of kin of the  
8 deceased employee;

9       ~~23.~~ 27. To establish, in conjunction with the Information  
10 Services Division of the Office of Management and Enterprise  
11 Services, an emergency alert notification system for the public,  
12 capable of distributing notifications of facility emergencies or  
13 prisoner escapes for all facilities and each facility of the  
14 Department of Corrections; ~~and~~

15       ~~24.~~ 28. To declare an emergency when, due to shortage of staff,  
16 correctional officers at a facility are required to work more than  
17 two double shifts in a seven-day period. As used in this paragraph,  
18 "double shift" means two eight-hour shifts in a twenty-four-hour  
19 period; and

20       29. To enter into contracts with media or film production  
21 companies to allow the Department to authorize a media or film  
22 production company to shoot commercial films at penal institutions  
23 and other property under the control of the Department. Any funds  
24

1 received pursuant to said contracts shall be deposited into the  
2 Department of Corrections Revolving Fund.

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

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

18 SECTION 4. This act shall become effective November 1, 2018.  
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1 Passed the House of Representatives the 8th day of March, 2018.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate