

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 458

6 By: Treat and Simpson

7 COMMITTEE SUBSTITUTE

8 An Act relating to administration of Department of
9 Corrections; amending 57 O.S. 2011, Sections 506, as
10 last amended by Section 2, Chapter 386, O.S.L. 2016,
11 502, as last amended by Section 1, Chapter 259,
12 O.S.L. 2016, 505, 507, 508, as amended by Section 2,
13 Chapter 267, O.S.L. 2012, 508.1, 508.3, 510, as last
14 amended by Section 1, Chapter 279, O.S.L. 2018, 525,
15 528, 541, as last amended by Section 1, Chapter 301,
16 O.S.L. 2014, 543, 545, 549, as amended by Section 1,
17 Chapter 265, O.S.L. 2014, 549.1, as last amended by
18 Section 2, Chapter 197, O.S.L. 2018, 550, 559, 561,
19 as amended by Section 255, Chapter 304, O.S.L. 2012,
20 561.1, as last amended by Section 1, Chapter 84,
21 O.S.L. 2014, 561.2, as amended by Section 257,
22 Chapter 304, O.S.L. 2012, 561.3, 563.1, 563.3, as
23 amended by Section 2, Chapter 268, O.S.L. 2015 and
24 566.4 (57 O.S. Supp. 2018, Sections 506, 502, 508,
510, 541, 549, 549.1, 561, 561.1, 561.2 and 563.3),
which relate to the Oklahoma Corrections Act of 1967;
requiring the Director of Corrections be appointed by
the Governor with advice and consent of the Senate;
requiring service at the pleasure of the Governor;
abolishing Board of Corrections and transferring
powers, duties and responsibilities to Director;
modifying references to Board; providing that actions
taken by Board remain in effect unless changed by
Director; amending 57 O.S. 2011, Section 571, as last
amended by Section 4, Chapter 117, O.S.L. 2018, (57
O.S. Supp. 2018, Section 571), which relates to the
Oklahoma Prison Overcrowding Emergency Powers,
modifying references to Board; amending 57 O.S. 2011,
Sections 216 and 217, which relate to the Prison
Public Works Act, modifying references to Board;

1 amending 57 O.S. 2011, Section 332.7, as last amended
2 by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
3 2018, Section 332.7), which relates to consideration
4 for parole, modifying references to Board; amending
5 12 O.S. 2011, Section 1653, which relates to
6 declaratory judgments, modifying references to Board;
7 amending 61 O.S. 2011, Section 65, as last amended by
8 Section 5, Chapter 302, O.S.L. 2013 (61 O.S. Supp.
9 2018, Section 65), which relates to state
10 consultants, modifying references to Board; amending
11 65 O.S. 2011, Section 130, as last amended by Section
12 1, Chapter 293, O.S.L. 2016 (65 O.S. Supp. 2018,
13 Section 130), which relates to Public Competitive
14 Bidding Act of 1974, modifying references to Board;
15 amending 63 O.S. 2011, Section 1-502.1, as amended by
16 Section 1, Chapter 246, O.S.L. 2013 (63 O.S. Supp.
17 2018, Section 1-502.1), which relates to disease
18 prevention and control, modifying references to
19 Board; amending 73 O.S. 2011, Sections 183 and 185,
20 which relate to construction and operation of
21 correctional facilities; modifying references to
22 Board; amending 74 O.S. 2011, Section 18c, as last
23 amended by Section 1, Chapter 31, O.S.L. 2016 (74
24 O.S. Supp. 2018, Section 18c), which relates to
defense of actions by Attorney General, modifying
references to Board; amending 75 O.S. 2011, Section
250.4, as last amended by Section 12, Chapter 430,
O.S.L. 2014 (75 O.S. Supp. 2018, Section 250.4),
which relates to the Administrative Procedures Act,
modifying references to Board; repealing 57 O.S.
2011, Sections 503 and 504, which relate to Board of
Corrections; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 506, as last
amended by Section 2, Chapter 386, O.S.L. 2016 (57 O.S. Supp. 2018,
Section 506), is amended to read as follows:

Section 506. A. There is hereby created the position of
Director of Corrections. The Director shall be qualified for such

1 position by character, knowledge, skill, ability, education,
2 training and successful administrative experience and shall have
3 five (5) years of professional level work. The Director of
4 Corrections shall be appointed by the ~~Board of Corrections~~ Governor,
5 with the advice and consent of the Senate and shall ~~be subject to~~
6 ~~removal by a vote of the majority of the entire Board or in the~~
7 ~~manner provided by law for the removal of officers not subject to~~
8 ~~impeachment~~ serve at the pleasure of the Governor.

9 B. The Board of Corrections is hereby abolished and its powers,
10 duties and responsibilities are hereby transferred to the Director
11 of Corrections. Any reference in the Oklahoma Statutes to the Board
12 shall be deemed to be a reference to the Director. Any
13 administrative rules or policies or performance standards adopted
14 by, or any actions taken by, the Board of Corrections prior to
15 November 1, 2019, shall be and remain in effect until amended,
16 repealed or superseded by actions of the Director as provided in
17 this section.

18 SECTION 2. AMENDATORY 57 O.S. 2011, Section 502, as last
19 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2018,
20 Section 502), is amended to read as follows:

21 Section 502. As used in this title, unless the context
22 otherwise requires:

23 1. ~~"Board" means the State Board of Corrections;~~
24

1 ~~2.~~ "Department" means the Department of Corrections of this
2 state;

3 ~~3.~~ 2. "Director" means the Director of the Department of
4 Corrections;

5 ~~4.~~ 3. "Halfway house" means a private facility for the
6 placement of inmates in a community setting for the purpose of
7 reintegrating into the community inmates who are nearing their
8 release dates. The term shall not include private prisons;

9 ~~5.~~ 4. "Institutions" means the Oklahoma State Penitentiary
10 located at McAlester, Oklahoma; the Oklahoma State Reformatory
11 located at Granite, Oklahoma; the Lexington Assessment and Reception
12 Center located at Lexington, Oklahoma; the Joseph Harp Correctional
13 Center located at Lexington, Oklahoma; the Jackie Brannon
14 Correctional Center located at McAlester, Oklahoma; the Howard C.
15 McLeod Correctional Center located at Farris, Oklahoma; the Mack H.
16 Alford Correctional Center located at Stringtown, Oklahoma; the Jim
17 E. Hamilton Correctional Center located at Hodgen, Oklahoma; the
18 Mabel Bassett Correctional Center located at McLoud, Oklahoma; the
19 R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma;
20 the James Crabtree Correctional Center located at Helena, Oklahoma;
21 the Jess Dunn Correctional Center located at Taft, Oklahoma; the
22 John Lilley Correctional Center located at Boley, Oklahoma; the
23 William S. Key Correctional Center located at Fort Supply, Oklahoma;
24 the Dr. Eddie Walter Warrior Correctional Center located at Taft,

1 Oklahoma; the Northeast Oklahoma Correctional Center located at
2 Vinita, Oklahoma; the Clara Waters and Kate Barnard Community
3 Corrections Centers located at Oklahoma City, Oklahoma; the
4 Community Corrections Centers located at Lawton, Enid, Oklahoma City
5 and Union City; the Charles E. "Bill" Johnson Correctional Center,
6 located east of Alva, Oklahoma; the Southern Oklahoma Resource
7 Center located at Pauls Valley, Oklahoma; and other facilities under
8 the jurisdiction and control of the Department of Corrections or
9 hereafter established by the Department of Corrections;

10 ~~6.~~ 5. "Intermediate revocation facility" means a corrections
11 center operated by the Department of Corrections or a private
12 facility or public trust operating pursuant to contract with the
13 Department of Corrections which provides housing and intensive
14 programmatic services for offenders who have violated the terms or
15 conditions of probation as determined by a supervising probation
16 officer. "Intensive programmatic services" offered by the
17 Department of Corrections includes, but shall not be limited to,
18 alcohol and substance abuse counseling and treatment, mental health
19 counseling and treatment and domestic violence courses and treatment
20 programs;

21 ~~7.~~ 6. "Intermediate sanctions facility" means a community
22 corrections center operated by the Department of Corrections or a
23 private facility or public trust operating pursuant to contract with
24 the Department of Corrections which provides for the housing and

1 programmatic services of offenders such as probation or parole
2 violators or community sentenced offenders placed in the facility
3 for disciplinary sanctions, work release offenders, offenders who
4 need intensive programmatic services, or offenders who have
5 demonstrated positive adjustment while in an institutional setting
6 who need additional programmatic services to enhance their reentry
7 into society upon release from a prison term; and

8 ~~8.~~ 7. "Private prison contractor" means:

- 9 a. a nongovernmental entity or public trust which,
10 pursuant to a contract with the Department of
11 Corrections, operates an institution within the
12 Department other than a halfway house or intermediate
13 sanctions facility, or provides for the housing, care,
14 and control of inmates and performs other functions
15 related to these responsibilities within a minimum,
16 medium, or maximum security level facility not owned
17 by the Department but operated by the contractor, or
- 18 b. a nongovernmental entity or public trust which,
19 pursuant to a contract with the United States or
20 another state, provides for the housing, care, and
21 control of minimum or medium security inmates in the
22 custody of the United States or another state, and
23 performs other functions related to these
24 responsibilities other than a halfway house or

1 intermediate sanctions facility within a facility
2 owned or operated by the contractor.

3 SECTION 3. AMENDATORY 57 O.S. 2011, Section 505, is
4 amended to read as follows:

5 Section 505. There is hereby created the Department of
6 Corrections which shall consist of divisions, subdivisions,
7 institutions, and such sections, offices and positions as may be
8 established by the Director, ~~subject to the approval of the Board,~~
9 or by law.

10 SECTION 4. AMENDATORY 57 O.S. 2011, Section 507, is
11 amended to read as follows:

12 Section 507. The Director shall be the executive officer of the
13 Department of Corrections and shall have the following general
14 powers and duties:

15 ~~(a)~~ 1. To supervise the activities of the Department and ~~,~~
16 ~~subject to the~~ establish policies ~~established by the Board,~~ for the
17 Department and to act for the Department in all matters, except as
18 may be otherwise provided in ~~this act.~~ the Oklahoma Corrections Act
19 of 1967;

20 ~~(b)~~ 2. To ~~prescribe~~ adopt and promulgate rules and regulations
21 for the operation of the Department, ~~consistent with the general~~
22 ~~policies established by the Board.~~ including the adoption of an
23 official seal;

1 ~~(e)~~ 3. To appoint and fix the duties and salaries of such
2 personnel for the Department as may be necessary to administer and
3 carry out the provisions of ~~this act~~ the Oklahoma Corrections Act of
4 1967. The Department and the employees thereof, ~~except the members~~
5 ~~of the Board and the Director~~ shall be subject to the provisions of
6 the State Merit System of Personnel Administration, but the Governor
7 may by Executive Order exempt positions therefrom as authorized by
8 Section 802 of Title 74 of the Oklahoma Statutes, except as may be
9 otherwise provided in ~~this act.~~ the Oklahoma Corrections Act of
10 1967;

11 ~~(d)~~ 4. To accept, use, disburse and administer grants,
12 allotments, gifts, devises, bequests, appropriations and other
13 monies and property offered or given to the Department, or any
14 component or agency thereof, by any agency of the federal government
15 or any corporation or individual for the use of the Department;

16 5. To establish and maintain such institutions as are necessary
17 or convenient for the operation of programs for the education,
18 training, vocational education and rehabilitation of prisoners under
19 the jurisdiction of the Department;

20 6. To lease, from time to time, without restriction as to
21 terms, any property which the Director shall determine advisable to
22 more fully carry into effect the operation of prison industries;

23 7. To acquire, construct, extend, improve, maintain and operate
24 any and all facilities of all kinds which in the judgment of the

1 Director shall be necessary or convenient to foster the prison
2 industries program;

3 8. To require other personnel of the Department, when deemed
4 necessary, to give bond for the faithful performance of their
5 duties;

6 9. To enter into contracts with private prison contractors; and

7 10. To provide training to employees of private prison
8 contractors and other governmental entities on a fee basis.

9 SECTION 5. AMENDATORY 57 O.S. 2011, Section 508, as
10 amended by Section 2, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2018,
11 Section 508), is amended to read as follows:

12 Section 508. The Director, ~~subject to the approval of the~~
13 ~~Board,~~ of the Department of Corrections is hereby authorized to
14 create divisions within the Department of Corrections as he or she
15 may deem appropriate to effectively manage the Department. The
16 divisions shall be under the immediate supervision and control of
17 the Director. The Director is hereby authorized to appoint Deputy
18 Directors for the divisions of the Department, who shall be exempt
19 from the Merit System of Personnel Administration Act, and to fix
20 the salaries and duties thereof; provided, the salary ranges of ~~said~~
21 Deputy Directors shall be set by the Legislature in the Department's
22 annual appropriation. The Deputy Directors shall have at least a
23 master's degree from an accredited college or university and at
24 least four (4) years of professional level work experience in

1 corrections; or a bachelor's degree and at least five (5) years of
2 work experience in corrections. Provided, however, that for the
3 position of Deputy Director of administrative services, professional
4 level administrative experience may be substituted for work
5 experience in corrections. The provisions of ~~this act~~ the Oklahoma
6 Corrections Act of 1967 shall not apply to those presently serving
7 as Deputy Director as herein defined.

8 SECTION 6. AMENDATORY 57 O.S. 2011, Section 508.1, is
9 amended to read as follows:

10 Section 508.1. There is hereby created within the Department of
11 Corrections a Legal Division. The Director may employ or contract
12 with attorneys as needed and determine their salaries. These
13 attorneys may advise the Director, ~~the Board of Corrections,~~
14 administrative supervisors of facilities and Department personnel on
15 legal matters and may appear for and represent the Director, ~~the~~
16 ~~Board of Corrections,~~ administrative supervisors of facilities and
17 Department personnel in administrative hearings and other legal
18 actions and proceedings.

19 SECTION 7. AMENDATORY 57 O.S. 2011, Section 508.3, is
20 amended to read as follows:

21 Section 508.3. A. There is hereby created the Construction
22 Division within the Department of Corrections. The purpose of the
23 division shall be to provide inmate construction crews for
24 construction projects of the Department of Corrections.

1 B. The Director of the Department of Corrections shall adopt
2 and promulgate such rules as may be necessary to carry out the
3 duties of the Construction Division and shall appoint a Director of
4 the division who shall administer the activities of the division.

5 C. 1. An inmate working for the Construction Division of the
6 Department of Corrections shall be subject to all rules established
7 for inmate work by the ~~State Board of Corrections~~ Director and
8 subject to all statutes governing the operation of the Construction
9 Division of the Department of Corrections.

10 2. Inmates working for the Construction Division are not state
11 employees, and are specifically forbidden from organizing into
12 unions or other associations in connection with their work or from
13 engaging in any strike, work stoppage, slowdown or collective
14 bargaining process. This prohibition applies to any inmates forming
15 a union local or similar organization at any Construction Division
16 project or location; provided, however, it shall not prohibit any
17 inmate from otherwise achieving or retaining status as a union
18 member.

19 3. The claims of the state against an inmate to cover the costs
20 of incarceration of an inmate shall be prior to the unsecured claims
21 of any creditor.

22 4. The authorization for an inmate to work for the Construction
23 Division is a privilege granted to the inmate by the state which may
24 be revoked by the Director of the Department of Corrections.

1 5. As used in paragraph 3 of this subsection, "costs of
2 incarceration" shall include all costs associated with maintaining
3 an inmate in the custody of the Department of Corrections and shall
4 include costs paid by the state for medical care for the inmate.

5 SECTION 8. AMENDATORY 57 O.S. 2011, Section 510, as last
6 amended by Section 1, Chapter 279, O.S.L. 2018 (57 O.S. Supp. 2018,
7 Section 510), is amended to read as follows:

8 Section 510. A. The Director of the Department of Corrections
9 shall have the following specific powers and duties relating to the
10 penal institutions:

11 1. To appoint, ~~subject to the approval of the State Board of~~
12 ~~Corrections,~~ a warden for each penal institution;

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

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

22 b. possession of a minimum of thirty (30) semester hours
23 from an accredited college or university, or
24 possession of a high school diploma acquired from an

1 accredited high school or GED equivalent testing
2 program,

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

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

13 3. The Director shall designate as correctional peace officers,
14 correctional officers who are employed in job classifications of
15 correctional security officer, correctional security manager,
16 correctional chief of security and chief of security upon
17 satisfactory completion of a basic course of instruction for
18 correctional officers, as provided for in paragraph 4 of this
19 subsection. The peace officer authority of employees designated as
20 correctional peace officers shall be limited to: maintaining
21 custody of prisoners; preventing attempted escapes; pursuing,
22 recapturing and incarcerating escapees and parole or probation
23 violators and arresting such escapees, parole or probation
24 violators; serving warrants; carrying firearms; preventing

1 contraband from entering any penal institutions; arresting
2 individuals who commit crimes at any penal institution; and
3 performing any duties specifically required for the job
4 descriptions. Such powers and duties of correctional peace officers
5 may be exercised for the purpose of maintaining custody, security,
6 and control of any prisoner being transported inside and outside
7 this state as authorized by the Uniform Criminal Extradition Act and
8 the Interstate Corrections Compact. The Director may implement
9 policies that place additional limitations on the authority of
10 correctional peace officers. The Director shall issue an
11 identification card to each correctional peace officer that
12 identifies the person as a correctional peace officer and grants the
13 person the authority to carry a firearm and make arrests pursuant to
14 this paragraph. Should a correctional peace officer terminate
15 employment for any reason, fail to remain qualified as a
16 correctional peace officer or for reasons stated in policies of the
17 Department, the correctional peace officer shall return the
18 identification card to the supervisor of the correctional peace
19 officer immediately;

20 4. To develop and implement, ~~upon approval of the State Board~~
21 ~~of Corrections,~~ a basic course of instruction for correctional
22 officers that consists of a training academy that provides not less
23 than two hundred (200) hours of core curriculum instruction and a
24 firearms training program that provides not less than twenty (20)

1 hours of instruction. The basic course of instruction shall be
2 subject to the following:

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

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

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

23 6. To require any person employed as a correctional security
24 officer, correctional security manager, correctional chief of

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

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

20 8. To maintain such industries, factories, plants, shops,
21 farms, and other enterprises and operations, hereinafter referred to
22 as prison industries, at each penal institution as the ~~State Board~~
23 ~~of Corrections~~ Director deems necessary or appropriate to employ the
24 prisoners or teach skills, or to sustain the penal institution; and

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

16 9. To assign residences at each penal institution to penal
17 institutional personnel and their families;

18 10. To provide for the education, training, vocational
19 education, rehabilitation, and recreation of prisoners;

20 11. To regulate the operation of canteens for prisoners;

21 12. To prescribe rules for the conduct, management, and
22 operation of each penal institution, including rules for the
23 demeanor of prisoners, the punishment of recalcitrant prisoners, the
24 treatment of incorrigible prisoners, and the disposal of property or

1 contraband seized from inmates or offenders under the supervision of
2 the Department;

3 13. To transfer prisoners from one penal institution to
4 another;

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

11 15. To maintain courses of training and instruction for
12 employees of the Department;

13 16. To maintain a program of research and statistics;

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

17 18. To provide, subject to rules established by the ~~State Board~~
18 ~~of Corrections~~ Director, for the utilization of inmate labor for any
19 agency of the state, city, town, or subdivision of this state, upon
20 the duly authorized request for such labor by the agency. The
21 inmate labor shall not be used to reduce employees or replace
22 regular maintenance or operations of the agency. The inmate labor
23 shall be used solely for public or state purposes. No inmate labor
24 shall be used for private use or purpose. Insofar as it is

1 practicable, all inmate labor shall be of such a nature and designed
2 to assist and aid in the rehabilitation of inmates performing the
3 labor;

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

24

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

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

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

22 23. To conduct continual planning and research and periodically
23 evaluate the effectiveness of the various correctional programs
24 instituted by the Department; manage the designing, building, and

1 maintaining of all the capital improvements of the Department;
2 establish and maintain current and efficient business, bookkeeping,
3 and accounting practices and procedures for the operations of all
4 penal institutions and facilities, and for the Department's fiscal
5 affairs; conduct initial orientation and continuing in-service
6 training for the Department employees; provide public information
7 services; inspect and examine the condition and management of state
8 penal and correctional institutions; investigate complaints
9 concerning the management of prisons or alleged mistreatment of
10 inmates thereof; and hear and investigate complaints as to
11 misfeasance or nonfeasance of employees of the Department;

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

22 25. To issue subpoenas to assist or further investigations into
23 allegations of crimes committed in public or private prisons within
24

1 the State of Oklahoma. Subpoenas issued by the Director shall be
2 enforced by the District Court in Oklahoma County, Oklahoma;

3 26. To authorize award of the badge of an employee who dies
4 while employed by the Department to the spouse or next of kin of the
5 deceased employee;

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

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

17 29. To enter into contracts with media or film production
18 companies to allow the Department to authorize a media or film
19 production company to shoot commercial films at penal institutions
20 and other property under the control of the Department. Any funds
21 received pursuant to ~~said~~ the contracts shall be deposited into the
22 Department of Corrections Revolving Fund.

23 B. When an employee of the Department of Corrections has been
24 charged with a violation of the rules of the Department or with a

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

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

14 SECTION 9. AMENDATORY 57 O.S. 2011, Section 525, is
15 amended to read as follows:

16 Section 525. ~~On and after October 1, 1982, the Board of~~
17 ~~Corrections~~ The Director of the Department of Corrections shall
18 provide offices and residences for the wardens at the Oklahoma State
19 Penitentiary and the Oklahoma State Reformatory and shall furnish
20 and maintain them but shall not provide allowance for actual
21 subsistence expenses for their families and guests therein, out of
22 appropriated funds.

23 SECTION 10. AMENDATORY 57 O.S. 2011, Section 528, is
24 amended to read as follows:

1 Section 528. The Director of the Department of Corrections
2 shall appoint and fix the duties and compensation of employees
3 necessary to carry out the duties imposed upon the Department of
4 Corrections by law. The ~~State Board of Corrections~~ Governor shall
5 appoint the Director of the Department of Corrections with the
6 advice and consent of the Senate. The salary of the Director shall
7 be set by the Legislature in the annual appropriation bill.

8 SECTION 11. AMENDATORY 57 O.S. 2011, Section 541, as
9 last amended by Section 1, Chapter 301, O.S.L. 2014 (57 O.S. Supp.
10 2018, Section 541), is amended to read as follows:

11 Section 541. A. There is hereby created in the State Treasury
12 an Industries Revolving Fund for the Department of Corrections.

13 B. The revolving fund shall consist of earnings derived from
14 prison industries operated by the Department of Corrections and from
15 that portion of the prisoner's income apportioned and paid into the
16 prison system to recover the cost of incarceration of the prisoners
17 as provided by law. Funds derived from prisoner wages shall be
18 maintained and accounted for separately in this fund. The
19 Industries Revolving Fund shall be a continuing fund, not subject to
20 fiscal year limitations, and shall be under the control and
21 management of the ~~State Board~~ Director of the Department of
22 Corrections.

23 C. Expenditures from the Industries Revolving Fund shall be
24 budgeted and expended pursuant to the laws of the state and the

1 statutes relating to public finance and to the institution. The
2 fund may be used to purchase, maintain and repair machinery, to
3 purchase materials and supplies for the prison industries and to
4 defray any other expenses necessary to operation of the industries,
5 with first priority being given to repairs, replacement and
6 modernization of industrial or agricultural machinery or equipment.
7 These funds may also be used to support the overall operation of the
8 Department of Corrections subject to approval of the Director of the
9 Department of Corrections. Expenditures from the fund derived from
10 prisoner's income may be used for the maintenance of prisoners in
11 prison institutions and all expenses related thereto under such
12 rules as may be established by the ~~State Board~~ Director of the
13 Department of Corrections. Warrants for expenditures from the
14 Industries Revolving Fund shall be based on claims signed by an
15 authorized employee or employees of the Department, and approved for
16 payment by the Director of the Office of Management and Enterprise
17 Services. The Department shall maintain a separate accounting of
18 receipts and expenditures for each industry for periodic review by
19 the Legislature. The fund may not be used to employ personnel in
20 excess of those authorized by legislative action.

21 D. All funds in the Department of Corrections' Industries
22 Revolving Funds not encumbered or obligated upon the operative date
23 of this section shall be transferred to a single Industries
24 Revolving Fund of the Department of Corrections.

1 E. The Administrator of Industrial Production will determine
2 the prices of all goods produced through the state prison
3 industries, and the Administrator of Agri-Services will determine
4 the prices of all goods produced by Agri-Service units. These
5 prices will be filed with the Budget Office.

6 When industrial or agricultural items or products are furnished
7 to the institutions of the Department, or sold to other governmental
8 agencies, payment therefor shall be made within thirty (30) days for
9 deposit in the revolving account to be used in purchasing expendable
10 items, raw materials or other items needed to produce additional
11 such products or items, and for such other purposes as are
12 authorized by law. The Administrator of Industrial Production or
13 Administrator of Agri-Services may establish higher prices for sale
14 of products to governmental agencies, according to the current
15 market value of each product.

16 F. The Department of Corrections is authorized to pay inmates
17 for productive work in accordance with policies set by the ~~State~~
18 ~~Board~~ Director of the Department of Corrections. The ~~State Board~~
19 Director of the Department of Corrections shall certify the
20 positions to be paid and the rate of pay in accordance with the
21 responsibilities and skills required for the position. The
22 Department of Corrections shall develop policies for payment of
23 inmates in the Industries Program that promote productivity as well
24 as compensate for responsibilities and skills. The Department shall

1 file such policy statements with the Chairs of the appropriate
2 committees of both the Senate and the House of Representatives as
3 designated by the President Pro Tempore of the Senate and the
4 Speaker of the House of Representatives. Any change in this policy
5 by the ~~State Board~~ Director of the Department of Corrections may be
6 voided by legislative action to rescind such policy.

7 SECTION 12. AMENDATORY 57 O.S. 2011, Section 543, is
8 amended to read as follows:

9 Section 543. The Department of Corrections, if authorized by
10 the Legislature, may establish and operate work release centers or
11 community treatment centers, under appropriate statutory authority,
12 and in accordance with rules ~~and regulations~~ as promulgated by the
13 ~~Board~~ Director of the Department of Corrections.

14 SECTION 13. AMENDATORY 57 O.S. 2011, Section 545, is
15 amended to read as follows:

16 Section 545. A. Any inmate employed by any prison industry
17 shall be subject to all rules established for his or her employment
18 by the ~~State Board~~ Director of the Department of Corrections and to
19 all statutes governing the operation of state prison industries as
20 well as by all laws generally governing employment, wages and
21 working conditions except as provided for herein.

22 B. Inmates employed by prison industries are not state
23 employees, and they are specifically forbidden from organizing into
24 unions or other associations in connection with their employment or

1 from engaging in any strike, work stoppage, slowdown or collective
2 bargaining process. This prohibition applies to any inmates forming
3 a union local or similar organization at any prison industry but it
4 shall not prohibit any inmate from otherwise achieving or retaining
5 status as a union member.

6 C. The claims of the state against an inmate to cover the costs
7 of incarceration of an inmate shall be prior to the unsecured claims
8 of any creditor.

9 D. The employment of any inmate by any prison industry is a
10 privilege granted by the state which may be revoked by the Director
11 of the Department of Corrections.

12 E. As used in subsection C of this section, "costs of
13 incarceration" shall include all costs associated with maintaining
14 an inmate in the custody of the Department of Corrections and shall
15 include costs paid by the state for medical care for the inmate.

16 SECTION 14. AMENDATORY 57 O.S. 2011, Section 549, as
17 amended by Section 1, Chapter 265, O.S.L. 2014 (57 O.S. Supp. 2018,
18 Section 549), is amended to read as follows:

19 Section 549. A. The ~~State Board~~ Director of the Department of
20 Corrections shall have the following powers and duties with respect
21 to the operation of prison industries, the Construction Division,
22 and administration of inmate trust funds:

23
24

1 1. The power to make leases or other contracts consistent with
2 the operation of prison industries, and to set aside land or
3 facilities for the use of such industry;

4 2. The power to establish conditions for expenditures by the
5 Department of Corrections from the Industries Revolving Fund;

6 3. The power to negotiate wages and working conditions on
7 behalf of prisoners working in prison industries or prisoners
8 working in the Construction Division. Pay grades for the
9 Construction Division "on-the-job training" inmate crews shall be as
10 follows:

11 a. Pay Grade "A" - Inmate Worker,

12 b. Pay Grade "B" - Inmate Worker,

13 c. Pay Grade "C" - Apprentice,

14 d. Pay Grade "D" - Skilled Craft;

15 4. The power to collect wages and other receipted funds on
16 behalf of the inmate, to apportion inmate wages and funds in
17 accordance with the law; and the duty to preserve those wages and
18 funds reserved for the inmate in an account for his or her benefit,
19 and to establish procedures by which the inmate can draw funds from
20 this account under the conditions and limitations and for the
21 purposes allowed by law;

22 5. The duty to establish the percentages of such wages which
23 shall be available for apportionment to inmate mandatory savings; to
24 the inmate for his or her personal use; to the lawful dependents of

1 the inmate, if any; to the victim of the inmate's crime; for payment
2 of creditors; for payment of costs and expenses for criminal actions
3 against such inmate; and to the Department of Corrections for costs
4 of incarceration. Provided, that not less than twenty percent (20%)
5 of such wages shall be placed in an account, and shall be payable to
6 the prisoner upon his or her discharge; however, inmates with a
7 sentence of life without the possibility of parole shall be exempt
8 from this provision. Funds from this account may be used by the
9 inmate for fees or costs in filing a civil or criminal action as
10 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes
11 or for federal action as defined in Section 1911 et seq. of Title 28
12 of the United States Code, 28 U.S.C., Section 1911 et seq.;

13 6. The power to invest funds held by the Department of
14 Corrections on behalf of each inmate in an interest-bearing account
15 with the interest accruing and payable to the Crime Victims
16 Compensation Revolving Fund, as provided in Section 142.17 of Title
17 21 of the Oklahoma Statutes. The interest from each inmate's
18 savings account shall be payable to the Crime Victims Compensation
19 Revolving Fund, at such intervals as may be determined by the ~~Board~~
20 Director, in addition to any other payments to such fund required by
21 the inmate's sentence or otherwise by law. An inmate shall not have
22 the right, use or control of any interest derived from any funds
23 placed in a mandatory savings account;

24

1 7. The power to invest funds held by the Department of
2 Corrections on behalf of each inmate in a commingled offender
3 interest-bearing account held by the Office of the State Treasurer.
4 The State Treasurer shall post interest to this account monthly.
5 The Department of Corrections, at such intervals as may be
6 determined by the ~~Board~~ Director, will credit interest to the inmate
7 based on the pro rata account balance of the inmate. Deposits into
8 the inmate interest-bearing account will only be allowed when the
9 trust fund draw account of the inmate has a balance in excess of One
10 Hundred Dollars (\$100.00). Inmate mandatory savings account
11 balances will not be used to determine the eligibility of the inmate
12 to participate in the interest-bearing savings account. Inmates who
13 participate in the interest-bearing account will only be allowed to
14 transfer funds from their interest-bearing account to their draw
15 account once every ninety (90) days. All inmate transfers from the
16 interest-bearing account of the inmate to the draw account of the
17 inmate must be approved by appropriate Department staff prior to
18 transfer. All transfers of funds from an inmate interest-bearing
19 account to external recipients must be reviewed and approved by
20 appropriate Department staff prior to transfer. The Department will
21 define in policy those rules and procedures that govern inmate
22 interest-bearing account deposits and funds transfers; and

23 8. The power to invest canteen system, offender restitution and
24 other offender-related collections by the Department of Corrections

1 in a commingled interest-bearing account held by the Office of the
2 State Treasurer and invested as prescribed by Section 89.2 of Title
3 62 of the Oklahoma Statutes. The State Treasurer shall post
4 interest to this account monthly. By the fifteenth day of each
5 month, the proportionate share of the interest from the canteen
6 system, offender restitution and other offender-related collections,
7 excluding that portion of the interest payable to the Victims
8 Compensation Revolving Fund and any interest payable to inmates for
9 the inmate interest-bearing account, shall be remitted to the State
10 Treasurer from the Department of Corrections for deposit into the
11 General Revenue Fund.

12 B. The ~~State Board~~ Director of the Department of Corrections
13 shall cause to be placed in an account income from the inmate's
14 employment and any other income or benefits accruing to or payable
15 to and for the benefit of ~~said~~ the inmate, including any workers'
16 compensation or Social Security benefits.

17 1. From this account the ~~State Board~~ Director of the Department
18 of Corrections may charge for costs of incarceration any inmate
19 working in private prison industries or any other inmate for costs
20 of incarceration not to exceed fifty percent (50%) of any deposits
21 made to ~~said~~ the account, unless ~~said~~ the deposits were from a
22 workers' compensation benefit.

23 2. From this account, the ~~State Board~~ Director of the
24 Department of Corrections may charge any inmate for costs of

1 incarceration, an amount equivalent to one hundred percent (100%) of
2 any deposits from a workers' compensation benefit to ~~said~~ the
3 account.

4 3. The Department of Corrections shall pay into the Crime
5 Victims Compensation Revolving Fund, Section 142.17 of Title 21 of
6 the Oklahoma Statutes, an amount equal to five percent (5%) of the
7 gross wages earned by inmates working in a private prison industries
8 program, ~~said~~ the amount to be paid from the amount deducted for
9 cost of incarceration.

10 4. Withdrawals and deposits shall be made according to rules
11 ~~and regulations~~ established by the ~~State Board~~ Director of the
12 Department of Corrections.

13 C. The Department of Corrections may assess costs of
14 incarceration against all inmates beginning on September 1, 1992.
15 Such costs shall be a debt of the inmate owed to the Department of
16 Corrections and may be collected as provided by law for collection
17 of any other civil debt. In addition to the provisions of this
18 section authorizing expenditure of inmate trust funds for costs of
19 incarceration, any monies received for costs of incarceration shall
20 be deposited in the Department of Corrections Revolving Fund.

21 SECTION 15. AMENDATORY 57 O.S. 2011, Section 549.1, as
22 last amended by Section 2, Chapter 197, O.S.L. 2018 (57 O.S. Supp.
23 2018, Section 549.1), is amended to read as follows:

24

1 Section 549.1. A. The Department of Corrections is authorized
2 to purchase in the manner prescribed by law, facilities, equipment,
3 raw materials and supplies, and to engage the supervisory personnel
4 necessary to establish and maintain for this state at the penal
5 institutions, now or hereafter under the control of the ~~State Board~~
6 Director of the Department of Corrections, industries and
7 agricultural programs for the utilization of services of prisoners
8 in the manufacture, production, processing or assembly of the
9 articles or products as may be needed for the construction,
10 operation, maintenance or use of any office, department, institution
11 or agency supported in whole or in part by this state and the
12 political subdivisions thereof. Upon the request of the Oklahoma
13 Historical Society or the Oklahoma Tourism and Recreation
14 Department, the Department of Corrections shall provide labor for
15 and shall produce or manufacture articles, products or materials
16 needed for the repair, construction and maintenance of historical
17 sites and state parks including, but not limited to, the production
18 of materials and products needed for the reconstruction of historic
19 forts in the state.

20 B. All articles and services provided by the Department of
21 Corrections in the state correctional institutions, and not required
22 for use therein, shall be purchased as required by all offices,
23 departments, institutions, agencies, counties, schools, colleges,
24 universities, or political subdivisions or any agency thereof of

1 this state which are supported in whole or in part by this state, if
2 such article or service is the lowest and best bid, and no such
3 article or product may be purchased by any such office, department,
4 institution, agency, county, school, college, university, or
5 political subdivisions or agency thereof from any other source
6 unless excepted from the provisions as hereinafter provided.
7 Purchases made by the above-described state agencies may be made by
8 submitting the proper requisition through the Office of Management
9 and Enterprise Services or by direct order to the prison industries
10 program of the Department of Corrections.

11 C. If a requisition is received by the Office of Management and
12 Enterprise Services or a direct order is received by the Prison
13 Industries Program of the Department of Corrections from a state
14 agency for any product or service provided by the Department of
15 Corrections and such product or service is also available from a
16 severely handicapped person or a qualified nonprofit agency for the
17 severely handicapped as provided in Section 3001 et seq. of Title 74
18 of the Oklahoma Statutes at a comparable price, then the product or
19 service shall be purchased from such severely handicapped person or
20 qualified nonprofit agency for the severely handicapped. If the
21 product or service is not available within the time period required
22 by the purchasing state agency, then such product or service shall
23 be purchased from the Department of Corrections under the provisions
24 of this section.

1 D. All offices, departments, institutions, agencies, counties,
2 cities, districts or political subdivisions, schools, colleges, or
3 universities, or any agency thereof, or any agencies of the state,
4 which are supported in whole or in part by this state, may purchase
5 the goods or services manufactured, produced, processed or assembled
6 by the prison industries of the Department of Corrections through
7 their properly authorized purchasing authority, or they may place a
8 direct order without competitive bid, with the prison industries of
9 the Department of Corrections.

10 E. Not-for-profit corporations or charitable agencies chartered
11 in Oklahoma or other states may purchase such goods and services.
12 Units of the federal government and units of government in other
13 states may also purchase such goods and services. All entities
14 which contract with the state, its political units, its agencies,
15 its public institutions, not-for-profit corporations or charitable
16 agencies chartered in Oklahoma may purchase goods or services from
17 the Department of Corrections which are used in the performance of
18 such contracts. Any church located in the State of Oklahoma may
19 also purchase goods and services manufactured, produced, processed
20 or assembled by the prison industries of the Department of
21 Corrections. Any community action agency or council of governments
22 within this state may purchase housing components produced by the
23 prison industries of the Department of Corrections. Nothing shall
24

1 prohibit the Department from bidding on portions of a state contract
2 which are subcontracted by the primary contractor.

3 F. Others are prohibited from purchasing such goods and
4 services, with the exception that all surplus agricultural products
5 may be sold on the open market or bartered and exchanged for other
6 food, feed or seed products of comparable value. The Department of
7 Corrections shall keep complete and accurate records of any such
8 barters or exchanges in such form and manner as the Office of
9 Management and Enterprise Services may prescribe. A copy of such
10 records shall be filed with the Office of Management and Enterprise
11 Services no later than March 1 of each year for all barters or
12 exchanges occurring in the previous calendar year. When
13 practicable, the Department of Corrections may accept and process
14 agricultural products from the public and may export the resulting
15 products to foreign markets.

16 G. Products manufactured, produced, processed or assembled by
17 the Department of Corrections shall be of styles, patterns, designs
18 and quantities specified by the Department of Corrections except
19 where the same have been or may be specified by the Office of
20 Management and Enterprise Services. Products shall be provided at a
21 fair market price for comparable quality.

22 H. State agencies shall make maximum utilization of such
23 products and no similar products shall be purchased by state
24 agencies from any other source than the Department of Corrections

1 except as provided in subsection C of this section, unless the
2 Department of Corrections certifies to the State Purchasing Director
3 that it is not able to provide products, and no claim therefor shall
4 be paid without such certification.

5 I. Exceptions from the mandatory provisions hereof may be made
6 in any case where, in the opinion of the Office of Management and
7 Enterprise Services, the article or product does not meet the
8 reasonable requirements of or for such offices, departments,
9 institutions or agencies, or in any case where the requisitions made
10 cannot be reasonably complied with. No such offices, departments,
11 institutions or agencies, shall be allowed to evade the intent and
12 meaning of this section by slight variations from standards adopted
13 by the Office of Management and Enterprise Services, when the
14 articles, services or products produced, manufactured, processed or
15 assembled by the Department of Corrections, in accordance with
16 established standards, are reasonably adapted to the actual needs of
17 such offices, departments, institutions or agencies.

18 J. In the event of disagreement between the Department of
19 Corrections and the State Purchasing Director on fairness of price,
20 ability to comply to specifications, reasonableness of
21 specifications and timeliness of delivery of products the matter
22 will be resolved by the Purchasing Director of the Office of
23 Management and Enterprise Services.

24

1 K. The Office of Management and Enterprise Services shall
2 cooperate with the Department of Corrections in seeking to promote
3 for use in state agencies and by all other eligible customers, the
4 products manufactured and services provided by the prison
5 industries.

6 L. The Department of Corrections shall prepare catalogs
7 containing the description of all goods and services provided, with
8 the pricing of each item. Copies of such catalog shall be sent by
9 the Department of Corrections to all offices, departments,
10 institutions and agencies of this state, and shall be available for
11 distribution to all other eligible customers. In lieu of preparing
12 and distributing catalogs, the Department of Corrections may
13 maintain a website that contains a description of all goods and
14 services provided, with the pricing of each item.

15 M. The Department of Corrections may keep confidential:

16 1. Business plans, feasibility studies, financing proposals,
17 marketing plans, financial statements or trade secrets submitted by
18 a person or entity seeking a corrections industries partnership with
19 the Department of Corrections;

20 2. Proprietary information of the business submitted to the
21 Department for the purposes of a corrections industries partnership,
22 and related confidentiality agreements detailing the information or
23 records designated as confidential; and

24

1 3. The Department of Corrections may not keep confidential
2 information when and to the extent that the person or entity
3 submitting the information consents to disclosure.

4 SECTION 16. AMENDATORY 57 O.S. 2011, Section 550, is
5 amended to read as follows:

6 Section 550. In exercising the powers and duties granted to the
7 ~~Board~~ Director of the Department of Corrections under ~~this act~~ the
8 Oklahoma Corrections Act of 1967, the ~~Board~~ Director is hereby
9 authorized to designate such person or persons as it may deem
10 necessary to perform those functions on its behalf.

11 SECTION 17. AMENDATORY 57 O.S. 2011, Section 559, is
12 amended to read as follows:

13 Section 559. Beginning July 1, 1983, all monies received by the
14 Department of Corrections for prison rodeos and other special events
15 for inmates shall be deposited in the State Treasury to the credit
16 of the Department of Corrections Revolving Fund and expenditures for
17 prison rodeos, and other special events for inmates shall be made
18 from ~~said~~ the fund. The ~~Board~~ Director of the Department of
19 Corrections may also authorize expenditures from ~~said~~ the fund for
20 inmate recreation if ~~said~~ the expenditures are in excess of the
21 amount required to support special events and the prison rodeos, and
22 if the fund can support such additional expenditures. ~~On July 1,~~
23 ~~1983, any cash remaining in the Department of Corrections Rodeo and~~
24 ~~Special Events Revolving Fund in excess of allotment balances or~~

1 ~~encumbrances for the fiscal year ending June 30, 1983, shall be~~
2 ~~transferred to the Department of Corrections Revolving Fund and on~~
3 ~~November 15, 1983, all cash remaining in the Department of~~
4 ~~Corrections Rodeo and Special Events Revolving Fund shall be~~
5 ~~transferred to the Department of Corrections Revolving Fund.~~

6 SECTION 18. AMENDATORY 57 O.S. 2011, Section 561, as
7 amended by Section 255, Chapter 304, O.S.L. 2012 (57 O.S. Supp.
8 2018, Section 561), is amended to read as follows:

9 Section 561. A. The Department of Corrections is hereby
10 authorized to provide for incarceration, supervision, and
11 residential treatment at facilities other than those operated by the
12 Department of Corrections. Services offered for persons under the
13 custody or supervision of the Department are to include, but not be
14 limited to, housing, alcoholism or drug treatment, mental health
15 services, nursing home care, or halfway house placement. Such
16 services must meet standards prescribed and established by the ~~State~~
17 ~~Board~~ Director of the Department of Corrections for implementing
18 such a program, including but not limited to standards concerning
19 internal and perimeter security, discipline of inmates, educational
20 and vocational training programs, employment of inmates, and proper
21 food, clothing, housing, and medical care. Such services must be
22 contracted for in accordance with Section 85.7 of Title 74 of the
23 Oklahoma Statutes. Such services, if provided by private prison
24 contractors, shall be contracted for as required by this section.

1 B. The Department of Corrections is authorized to lease
2 existing facilities or portions thereof from private prison
3 contractors, counties or other governmental entities and operate
4 such facilities or portions thereof in the same manner as other
5 state owned and operated prison facilities. All lease agreements
6 entered into pursuant to this section shall be negotiated between
7 the Department and the lessor. The Office of Management and
8 Enterprise Services shall assist in the negotiations if requested by
9 the Department of Corrections.

10 C. Subject to the requirements of this section and Section
11 561.1 of this title, the Department of Corrections is hereby
12 authorized to provide for the construction or operation or both
13 construction and operation of correctional institutions of the
14 Department of Corrections by private prison contractors. Such
15 operation shall meet standards prescribed by the ~~State Board~~
16 Director of the Department of Corrections, including but not limited
17 to, standards concerning internal and perimeter security, discipline
18 of inmates, educational and vocational training programs, and proper
19 food, clothing, housing, transportation, and medical care. Such
20 services shall be contracted for in accordance with the provisions
21 of Section 561.1 of this title and the provisions of this section.

22 D. A comprehensive file for all private prison contractors
23 interested in and capable of operating an institution within the
24 Department of Corrections or providing for the housing, care, and

1 control of inmates in a facility owned and operated by the
2 contractor shall be maintained by the Department. These files shall
3 include:

- 4 1. A completed application form;
- 5 2. A resume of the contractor's staff and capability;
- 6 3. A completed performance evaluation form for past projects on
7 which the contractor has provided private prison services;
- 8 4. A list of past contracts with this state;
- 9 5. A list of contracts to provide similar services to other
10 states or to the United States; and
- 11 6. The mailing address of each private prison contractor.

12 Any person or firm wishing to be a private prison contractor may
13 request at any time to be included in the comprehensive file, and
14 shall be provided necessary forms within twenty (20) days of the
15 request and the Department shall add such contractor to the list
16 within twenty (20) days of receipt of a properly completed
17 application.

18 The Department may solicit evaluation of work done by private
19 prison contractors from members of the private sector, which
20 evaluation shall be part of the comprehensive file.

21 E. If the Department intends to secure the services of a
22 private prison contractor, all persons and firms included in the
23 file shall be notified through the mail of such intent. Such
24 notification shall contain the following information:

- 1 1. Description and scope of the project or projects;
- 2 2. Estimated time schedule for project;
- 3 3. Last date for submitting notice of interest in performing
- 4 services to the Director; and
- 5 4. Other pertinent data.

6 Private prison contractors desiring consideration shall meet the
7 requirements of this section and to be considered shall submit a
8 letter expressing interest in the project to the Department within
9 thirty (30) days of the postmark date of the letter of notification
10 mailed by the Department. Contractors shall file an updated
11 application form at the request of the Department.

12 F. The Department shall define the scope of a proposed project,
13 determine the various project components, phases and timetables, and
14 prepare detailed project descriptions to guide prospective
15 contractors. Before the Department awards a contract to a private
16 prison contractor, the plans shall be approved by the ~~State Board~~
17 Director of the Department of Corrections.

18 G. The Department shall review the files of the private prison
19 contractors desiring consideration for the project. After
20 performing the analysis required by Section 561.1 of this title, the
21 Department shall select no less than three and no more than five
22 contractors for more detailed consideration. In the event
23 interviews for more than one contract are being considered at the
24 same time, the number of contractors selected for more detailed

1 consideration should be at least twice the number of contracts
2 contemplated. This initial screening should consider the
3 requirements of the project, as well as the following factors to be
4 determined from the comprehensive file, and replies to inquiries to
5 former clients:

- 6 1. Specialized experience in the type of work contemplated;
- 7 2. Capacity of the contractor to accomplish the work in the
8 required time; and
- 9 3. Past performance, from the performance evaluation form.

10 H. A full report of the evaluation procedures and
11 recommendations of the Department shall be prepared by the
12 Department and submitted to the ~~State Board~~ Director of the
13 Department of Corrections for the independent review of the entire
14 process.

15 I. 1. The Department shall select the contractor whose
16 qualifications and project proposal most substantially meet the
17 criteria of the project description.

18 2. The Department shall execute the contract with the selected
19 contractor, which contract shall include a fair and reasonable fee.

20 3. The negotiated scope and fee shall be reported to the ~~Board~~
21 Director for the approval of the award of the contract.

22 J. The Office of Management and Enterprise Services shall
23 render assistance to the Department of Corrections in implementing
24 the contracting procedures provided for in this section. The Office

1 of Management and Enterprise Services may have a representative at
2 any meeting involving negotiations of a contract between the
3 Department and a private prison contractor. Before submission of
4 the proposed contract to the Council on Bond Oversight, and prior to
5 the date as of which the proposed contract is executed by the ~~State~~
6 ~~Board~~ Director of the Department of Corrections, the Attorney
7 General and the Director of the Office of Management and Enterprise
8 Services shall review the proposed final version of the contract.
9 The Attorney General and the Director of the Office of Management
10 and Enterprise Services shall have a period of fifteen (15) days
11 from receipt of the proposed final version of the contract to
12 approve the contract and execute the document. If either the
13 Attorney General or the Director of the Office of Management and
14 Enterprise Services has objections to the proposed contract, the
15 objections shall be communicated in writing to the Department of
16 Corrections. The Department of Corrections shall take appropriate
17 action regarding the objections and shall resubmit the proposed
18 contract for additional review. The Attorney General and the Office
19 of Management and Enterprise Services shall have an additional
20 fifteen-day period to approve the proposed contract and to execute
21 the document. Failure of the Attorney General or the Director of
22 the Office of Management and Enterprise Services, respectively, to
23 act within the fifteen-day period shall constitute approval of the
24 respective official to the proposed final version of the contract.

1 The contract shall contain a separate signature block or line for
2 signature by the Attorney General and the Office of Management and
3 Enterprise Services. The contract shall contain a statement to be
4 executed by the Attorney General and the Director of the Office of
5 Management and Enterprise Services that each one of them,
6 respectively, has reviewed the proposed contract for compliance with
7 the provisions of this section and Section 561.1 of this title, and
8 all other applicable provisions of law and that the contract
9 conforms with those requirements. Neither the private prison
10 contractor nor the ~~State Board~~ Director of the Department of
11 Corrections shall execute the contract until the document has been
12 executed by the Attorney General and the Director of the Office of
13 Management and Enterprise Services as required by this subsection
14 unless the approval of the respective official has been made as a
15 result of failure to take action within the fifteen-day period
16 prescribed by this subsection.

17 K. The Director of the Office of Management and Enterprise
18 Services is authorized to lease real property and improvements
19 thereon to a private prison contractor in conjunction with a
20 contract for private management of a state correctional institution
21 located or to be built on the property. ~~Said~~ The lease may be
22 entered into for one (1) year periods, renewable at the sole option
23 of the State of Oklahoma, but not to exceed a cumulative period of
24 fifty (50) years.

1 L. Contracts awarded to private prison contractors pursuant to
2 the provisions of this section shall be entered into for a period
3 specified in each contract, subject to availability of funds
4 annually appropriated by the Legislature for that purpose. No
5 contract awarded pursuant to this section shall provide for the
6 encumbrance of funds beyond the amount available for a fiscal year.

7 M. No contract authorized by the provisions of this section
8 shall be awarded until the private prison contractor demonstrates to
9 the satisfaction of the ~~State Board~~ Director of the Department of
10 Corrections:

11 1. That the contractor possesses the necessary qualifications
12 and experience to provide the services specified in the contract;

13 2. That the contractor can provide the necessary qualified
14 personnel to implement the terms of the contract;

15 3. That the financial condition of the contractor is such that
16 the terms of the contract can be fulfilled;

17 4. That the contractor has the ability to comply with
18 applicable court orders and corrections standards; and

19 5. That, in the case of a contractor who will be providing the
20 services in a nondepartmental facility operated by ~~said~~ the
21 contractor, the contractor shall be able to meet accreditation
22 standards and receive accreditation, as required by the terms of the
23 contract pursuant to subsection C of Section 561.1 of this title.
24

1 N. No contract authorized by the provisions of this section
2 shall be awarded until the private prison contractor demonstrates to
3 the satisfaction of the ~~Board~~ Director that the contractor can
4 obtain insurance or provide self-insurance to:

5 1. Indemnify the state against possible lawsuits arising from
6 the operation of prison facilities by the contractor; and

7 2. Compensate the state for any property damage or expenses
8 incurred due to the operation of prison facilities.

9 O. A private prison contractor shall not be bound by state laws
10 or other legislative enactments governing the appointment,
11 qualifications, duties, salaries, or benefits of wardens,
12 superintendents, or other correctional employees, except that any
13 personnel authorized to carry and use firearms shall comply with the
14 certification standards required by the provisions of Section 3311
15 of Title 70 of the Oklahoma Statutes and be authorized to use
16 firearms only to prevent a felony, to prevent escape from custody,
17 or to prevent an act which would cause death or serious bodily
18 injury to the personnel or to another person.

19 P. Any offense which would be a crime if committed within a
20 state correctional institution also shall be a crime if committed in
21 an institution or facility operated by a private prison contractor.

22 Q. The Director or his designee shall monitor the performance
23 of the contractor.
24

1 SECTION 19. AMENDATORY 57 O.S. 2011, Section 561.1, as
2 last amended by Section 1, Chapter 84, O.S.L. 2014 (57 O.S. Supp.
3 2018, Section 561.1), is amended to read as follows:

4 Section 561.1. A. Except as otherwise provided by subsection K
5 of this section, prior to entering into a contract with any private
6 prison contractor for construction or operation, or both, of a
7 correctional facility, the Department of Corrections shall establish
8 a process for requesting proposals or negotiated contracts from such
9 contractors. The Department of Corrections shall develop criteria
10 for the process by which a contractor for the construction or
11 operation, or both, of a private prison is to be awarded a contract.
12 The criteria shall be subject to approval by the ~~State Board~~
13 Director of the Department of Corrections. The criteria for
14 selection of a site for a proposed facility to be constructed or
15 operated, or both, by a private contractor shall include, but shall
16 not be limited to, the availability of medical services, support
17 services, transportation services and the availability of potential
18 employees who would be qualified to perform required functions at a
19 state correctional facility.

20 B. Any contract between the Department of Corrections and a
21 private prison contractor, whereby the contractor provides for the
22 housing, care, and control of inmates in a nondepartmental facility
23 operated by the contractor, shall contain, in addition to other
24 provisions, terms and conditions:

1 1. Requiring the contractor to provide ~~said~~ the services in a
2 facility which meets accreditation standards established by the
3 American Correctional Association;

4 2. Requiring the contractor to receive accreditation for ~~said~~
5 the facility from the American Correctional Association, within
6 three (3) years of commencement of operations of the facility;

7 3. Requiring the contractor to obtain written authorization
8 from the governing board of any municipality in which the facility
9 is to be located, or if the facility is not to be located within a
10 municipality, written authorization from the board of county
11 commissioners of the county in which the facility is to be located;
12 and

13 4. Granting the Department the option at the beginning of each
14 fiscal year pursuant to an agreement, to purchase any such facility,
15 with or without inventory or other personal property, at a
16 predetermined price, which shall be negotiated and included in a
17 schedule or a formula to be contained in the original agreement.
18 Such agreements relating to a correctional facility, the
19 construction of which was financed or is to be financed by
20 obligations issued from a local governmental entity the repayment of
21 which is to be made in whole or in part from rentals from the State
22 of Oklahoma or the Department of Corrections, shall be submitted to
23 the Council on Bond Oversight as provided in subsection I of this
24 section.

1 C. A contractor proposing to enter a contract with the
2 Department of Corrections for construction or operation, or both, of
3 a correctional facility pursuant to this section must demonstrate:

4 1. The qualifications and the operations and management
5 experience to carry out the terms of the contract; and

6 2. The ability to comply with the standards of the American
7 Correctional Association and with specific court orders.

8 D. In addition to meeting the requirements specified in the
9 requests for proposals, a proposal for the construction and
10 operation of a correctional facility must:

11 1. Provide for regular, on-site monitoring by the Department of
12 Corrections;

13 2. Acknowledge that payment by the state is subject to the
14 availability of appropriations;

15 3. Provide for payment of a maximum amount per fiscal year;

16 4. Demonstrate a cost benefit to the State of Oklahoma when
17 compared to the level and quality of programs provided by state-
18 operated facilities that have similar types of inmates at an
19 operational cost not more than the cost of housing inmates in
20 similar facilities and providing similar programs to those types of
21 inmates in state-operated facilities. The Department of Corrections
22 shall be responsible for determining the cost/benefit of the
23 proposal;

24 5. Permit the state to terminate the contract for cause;

1 6. Contain a proposed per diem operational cost per inmate for
2 the initial year and subsequent years of operations;

3 7. Subject to appropriations, provide that cost adjustments may
4 be made only once each fiscal year, to take effect at the beginning
5 of the next fiscal year using as the maximum percentage increase, if
6 any, an increase not to exceed the previous year's Consumer Price
7 Index for All Urban Consumers (CPI-U) as prepared by the United
8 States Bureau of Labor Statistics, except as otherwise provided by
9 subsection K of this section;

10 8. Have an initial contract term of not more than one (1) year,
11 with an option to renew for additional periods not to exceed twenty
12 (20) years;

13 9. If the proposal includes construction of a facility, contain
14 a performance bond approved by the Department that is adequate and
15 appropriate for the proposed contract;

16 10. Provide for assumption of liability by the private vendor
17 for all claims arising from the services performed under the
18 contract by the private vendor;

19 11. Provide for an adequate plan of insurance for the private
20 vendor and its officers, employees, and agents against all claims,
21 including claims based on violations of civil rights arising from
22 the services performed under the contract by the private vendor;

23 12. Provide for an adequate plan of insurance to protect the
24 state against all claims arising from the services performed under

1 the contract by the private vendor and to protect the state from
2 actions by a third party against the private vendor, its officers,
3 employees, and agents as a result of the contract;

4 13. Provide plans for the purchase and assumption of operations
5 by the state in the event of the bankruptcy of the private vendor;
6 and

7 14. Contain comprehensive standards for conditions of
8 confinement.

9 E. At the beginning of each fiscal year, the Department of
10 Corrections shall determine the budgeted average daily cost per
11 inmate. The budgeted average daily cost per inmate shall include
12 all direct and indirect costs incurred by the Department. There
13 shall be a separate computation of budgeted average daily cost for
14 maximum security, medium security, minimum security, and community
15 facilities. This information shall be presented to the ~~State Board~~
16 Director of the Department of Corrections for informational purposes
17 only. After the close of each fiscal year, the Department shall
18 determine the actual average daily cost per inmate for the
19 operational costs at each major category of correctional facility.
20 The actual average daily cost per inmate shall include all direct
21 and indirect costs incurred by the Department. There shall be a
22 separate computation of the average daily rate for maximum security,
23 medium security, minimum security, and community facilities. The
24 Department shall present to the ~~State Board~~ Director of the

1 Department of Corrections at its January meeting comparative data on
2 budgeted daily cost versus actual daily cost, and, after appropriate
3 review and analysis, the ~~Board~~ Director shall adopt as a final
4 action of the ~~Board~~ Director an average daily cost per inmate by
5 facility category for the immediately preceding fiscal year.

6 F. If a request for proposal process is utilized and no
7 proposals conform to the established criteria, the Department shall
8 prepare an additional request for proposals. The Department of
9 Corrections shall evaluate the proposals within thirty (30) days of
10 receipt from the prospective contractor. The Department of
11 Corrections shall specifically determine whether a proposal meets
12 the requirements of paragraph 4 of subsection D of this section by
13 comparing the daily rate for housing and care of inmates pursuant to
14 any proposed contract with a private contractor to the daily rate
15 for housing and care of inmates at the comparable type of facility
16 operated by the Department of Corrections using the information
17 provided pursuant to paragraph 6 of subsection D of this section.
18 The Department shall evaluate proposals taking into account any
19 direct or indirect costs that would continue to be paid by the
20 Department of Corrections including, but not limited to,
21 transportation, records management, discipline, general
22 administration, management of inmate trust funds, and major medical
23 coverage. Such costs shall be added to the proposed per diem of the
24

1 private vendor when comparing the total per diem costs of the state
2 operating facilities.

3 G. If the Department of Corrections proposes to enter into a
4 contract for the construction or the operation, or both, of a
5 private prison, the Department shall compare both the capital costs
6 and the operating costs for the facility to the imputed capital
7 costs and the projected operating costs of a comparable facility
8 constructed and operated by the Department of Corrections.

9 H. The Director of the Department of Corrections shall ~~deliver~~
10 ~~to the State Board of Corrections~~ identify the top three qualified
11 prospective private prison contractors identified pursuant to this
12 section and pursuant to Section 561 of this title together with the
13 information reviewed and analyzed by the Department of Corrections
14 during analysis of the proposals as required by this section. The
15 ~~Board~~ Director of Corrections shall evaluate the information
16 provided and shall make a final decision selecting the contractor
17 within fifteen (15) days of receipt of the information.

18 I. Any contract subject to the provisions of this section
19 entered into by the ~~Board of~~ Director of the Department of
20 Corrections shall be subject to the approval of the Council on Bond
21 Oversight in the same manner as provided by law for the review of
22 issuance of obligations by State Governmental Entities as prescribed
23 by Section 695.8 of Title 62 of the Oklahoma Statutes.

24

1 J. Before submission of the proposed contract to the Council on
2 Bond Oversight, and prior to the date as of which the proposed
3 contract is executed by the ~~Board~~ Director of the Department of
4 Corrections, the Attorney General and the Director of the Office of
5 Management and Enterprise Services shall review the proposed final
6 version of the contract. The Attorney General and the Director of
7 the Office of Management and Enterprise Services shall have a period
8 of fifteen (15) days from receipt of the proposed final version of
9 the contract to approve the contract and execute the document. If
10 either the Attorney General or the Director of the Office of
11 Management and Enterprise Services has objections to the proposed
12 contract, the objections shall be communicated in writing to the
13 Department of Corrections. The Department of Corrections shall take
14 appropriate action regarding the objections and shall resubmit the
15 proposed contract for additional review. The Attorney General and
16 the Office of Management and Enterprise Services shall have an
17 additional fifteen-day period to approve the proposed contract and
18 to execute the document. Failure of the Attorney General or the
19 Director of the Office of Management and Enterprise Services,
20 respectively, to act within the fifteen-day period shall constitute
21 approval of the respective official to the proposed final version of
22 the contract. The contract shall contain a separate signature block
23 or line for signature by the Attorney General and the Office of
24 Management and Enterprise Services. The contract shall contain a

1 statement to be executed by the Attorney General and the Director of
2 the Office of Management and Enterprise Services that each one of
3 them, respectively, has reviewed the proposed contract for
4 compliance with the provisions of this section and Section 561 of
5 this title, and all other applicable provisions of law and that the
6 contract conforms with those requirements. Neither the private
7 prison contractor nor the ~~State Board~~ Director of the Department of
8 Corrections shall execute the contract until the document has been
9 executed by the Attorney General and the Director of the Office of
10 Management and Enterprise Services as required by this subsection
11 unless the approval of the respective official has been made as a
12 result of failure to take action within the fifteen-day period
13 prescribed by this subsection.

14 K. ~~The State Board of Corrections may renew a private prison~~
15 ~~contract which is in effect for any time period during the fiscal~~
16 ~~year ending June 30, 2009, if the Board determines that the renewal~~
17 ~~of such contract will result in a reduced per diem in the fiscal~~
18 ~~year ending June 30, 2010. If the State Board of Corrections makes~~
19 ~~such determination, the contract shall not be subject to the~~
20 ~~restrictions of paragraph 7 of subsection D of this section and the~~
21 ~~Board shall negotiate the contract based upon such terms as the~~
22 ~~Board deems to be in the best interest of operational efficiency,~~
23 ~~including the inmate population, per inmate cost, public safety and~~
24 ~~such other terms as the State Board of Corrections determines to be~~

1 ~~relevant to such contract.~~ The ~~State Board~~ Director of the
2 Department of Corrections shall have the authority to negotiate the
3 term of any contract executed pursuant to the provisions of this
4 ~~subsection~~ section subject to the availability of appropriations to
5 the Department of Corrections each year.

6 SECTION 20. AMENDATORY 57 O.S. 2011, Section 561.2, as
7 amended by Section 257, Chapter 304, O.S.L. 2012 (57 O.S. Supp.
8 2018, Section 561.2), is amended to read as follows:

9 Section 561.2. A. The Department of Corrections shall develop
10 criteria for selection of a site upon which to construct the
11 correctional facilities described in subsection B of Section 183 of
12 Title 73 of the Oklahoma Statutes. The criteria shall include, but
13 shall not be limited to, the availability of medical services,
14 support services, transportation services, the availability of
15 potential employees who would be qualified to perform required
16 functions at a state correctional facility and any benefits or
17 incentives offered by the applicant. The criteria shall be subject
18 to approval by the ~~State Board~~ Director of the Department of
19 Corrections.

20 B. The Department of Corrections shall establish a process for
21 requesting proposals to construct a correctional facility built with
22 the funds authorized pursuant to Section 183 of Title 73 of the
23 Oklahoma Statutes.

24

1 C. Proposals shall be submitted not later than thirty (30) days
2 after receipt of the request. The Department shall identify the
3 proposals meeting the criteria approved pursuant to subsection A of
4 this section within thirty (30) days after receipt of the proposals.
5 The Department of Corrections shall identify by appropriate review
6 and analysis the proposals submitted and shall select a maximum of
7 three proposals which conform to the criteria set out in subsection
8 A of this section and shall forward the proposals meeting criteria
9 to the ~~State Board~~ Director of the Department of Corrections.

10 D. The Director of the Department of Corrections shall ~~deliver~~
11 ~~to the State Board of Corrections~~ identify the top three qualified
12 proposals identified pursuant to this section together with the
13 information reviewed and analyzed by the Department of Corrections
14 during analysis of the proposals as required by this section. The
15 ~~State Board~~ Director of the Department of Corrections shall evaluate
16 the information provided and shall make a final decision selecting
17 the best site for the correctional facility within fifteen (15) days
18 of receipt of the information.

19 E. Any plans developed pursuant to the process for selection of
20 a contractor for construction of a facility authorized pursuant to
21 Section 183 of Title 73 of the Oklahoma Statutes shall become the
22 nonexclusive property of the State of Oklahoma as a condition of the
23 award of the final contract for construction of the facility. The
24 State of Oklahoma shall not be obligated to obtain any further

1 permission for use of the plans or to make payment to any person or
2 other legal entity for the further use of the plans as may be needed
3 for additional projects for site adaptation for buildings,
4 structures, or both, for use by the Department of Corrections.

5 F. The Office of Management and Enterprise Services shall be
6 responsible for any changes or updates of such plans for
7 construction of any additional correctional facility constructed
8 using the plans described in subsection E of this section. The
9 Department of Transportation and the Office of Management and
10 Enterprise Services shall provide such architectural, engineering
11 and consulting services as the Department of Corrections may require
12 in order to adapt existing plans for use in construction of
13 additional correctional facilities.

14 G. If the Department of Corrections requires architectural,
15 engineering or other consulting services in addition to those
16 services authorized by subsection F of this section, the Office of
17 Management and Enterprise Services shall be authorized to enter into
18 a contract with an architect, engineer or for other necessary
19 services, as may be required in order to adapt existing plans for
20 new sites for additional correctional facilities. The costs of any
21 such services shall be paid by the Department of Corrections.

22 SECTION 21. AMENDATORY 57 O.S. 2011, Section 561.3, is
23 amended to read as follows:

24

1 Section 561.3. Every contract entered into on and after July 1,
2 2000, between the Department of Corrections and a private prison
3 operator which provides for the housing of inmates under the custody
4 or supervision of the Department of Corrections, shall require that
5 the private prison operator furnish medical care for such inmates as
6 part of the contract price. Such care shall meet standards prepared
7 and established by the ~~State Board~~ Director of the Department of
8 Corrections for inmate medical care.

9 SECTION 22. AMENDATORY 57 O.S. 2011, Section 563.1, is
10 amended to read as follows:

11 Section 563.1. A. The location of any prison facility which is
12 not operated by the Department of Corrections, a county, or a city:

13 1. Shall be subject to the nondiscriminatory zoning ordinances
14 of the town or city in which located; and

15 2. Is specifically prohibited within one (1) mile of any public
16 or private elementary or secondary school. The provision of this
17 paragraph shall not apply to:

18 a. any private medium secure juvenile facility which was
19 established and housed juveniles prior to July 1,
20 1999,

21 b. any prison facility which was used as a prison
22 facility prior to the establishment of a public or
23 private elementary or secondary school within the one-

24

- 1 mile radius of the prison facility as long as the
2 prison facility remains in continuous use as a prison,
3 c. any prison or juvenile facility established within the
4 prohibited distance from a private elementary or
5 secondary school prior to May 20, 1994, or within the
6 prohibited distance from a public elementary or
7 secondary school prior to July 1, 1987,
8 d. any other juvenile facilities, or
9 e. a correctional facility not operated by the Department
10 of Corrections that is granted permission to operate
11 within the areas restricted by this subsection by a
12 majority vote of the following entities:
13 (1) the district board of education of each school
14 district with an affected school, and
15 (2) the equivalent governing body of each affected
16 private school.

17 B. The distance indicated in this section shall be measured
18 from the nearest property line of the school to the nearest property
19 line of the prison facility.

20 C. 1. Prior to the establishment of any prison facility which
21 is not operated by the Department of Corrections, a private prison
22 contractor shall obtain written authorization to establish the
23 facility from the governing body of any municipality in which the
24 facility is to be located, or if the facility is not to be located

1 within the incorporated limits of a municipality, from the board of
2 county commissioners of the county in which the facility is to be
3 located.

4 2. The authorization shall be submitted to the ~~Board~~ Director
5 of the Department of Corrections before any contract between the
6 Department of Corrections and the private prison contractor is
7 awarded.

8 D. The term "prison or prison facility" means any facility
9 operated by a private prison contractor as such term is defined in
10 Section 502 of this title.

11 SECTION 23. AMENDATORY 57 O.S. 2011, Section 563.3, as
12 amended by Section 2, Chapter 268, O.S.L. 2015 (57 O.S. Supp. 2018,
13 Section 563.3), is amended to read as follows:

14 Section 563.3. A. All private prison contractors and vendors
15 operating in Oklahoma shall provide construction plans to the
16 Department of Corrections for approval prior to commencement of
17 construction of any new physical plant or addition to existing
18 facilities. Approval shall be based on applicable American
19 Correctional Association construction standards. Any private prison
20 contractor or vendor that fails to comply with the requirements of
21 this subsection shall be penalized according to the provisions of
22 subsection E of this section.

23 B. A private prison contractor which does not have a contract
24 with the Department of Corrections, but which houses federal inmates

1 or inmates of another state, within two (2) months of commencing
2 operations and thereafter as required by the Department of
3 Corrections, shall:

4 1. Obtain from the Department of Corrections approval of all
5 emergency response plans and the internal and perimeter security of
6 the facility of the private prison contractor. All emergency plans
7 for the private prison facility shall be approved by the Department
8 of Corrections annually on July 1 and within thirty (30) days of any
9 subsequent change or modification to any plan. Such approval shall
10 be given only if the Director of the Department of Corrections
11 determines that the security and emergency response plan are
12 adequate to protect the public;

13 2. Show, to the satisfaction of the Department of Corrections,
14 that adequate food, housing and medical care shall be available for
15 inmates, that the facility will have the necessary qualified
16 personnel to operate the facility, that the financial condition of
17 the private prison contractor is such that the facility can be
18 operated adequately, and that the facility has the ability to comply
19 with applicable court orders and American Correctional Association
20 standards;

21 3. Furnish to the Department of Corrections satisfactory proof
22 that the private prison contractor has obtained insurance or is
23 self-insured, in such a manner and in such an amount as the Director
24 of the Department of Corrections, after consulting with the Risk

1 Management Administration, may deem necessary and adequate to
2 reimburse this state or a political subdivision of this state, for
3 expenses arising from any incident which occurs at ~~said~~ the prison
4 or which requires intervention by this state or a political
5 subdivision of this state. Such insurance, in addition, shall be in
6 an amount sufficient to indemnify this state and its officers and
7 employees, for any liability or other loss, including property
8 damage, judgments, costs, attorney fees or other expenses arising
9 from the operation of the facility, and such facility shall in any
10 event and regardless of the amount of insurance available indemnify
11 and hold harmless this state and its officers and employees, for any
12 and all acts of prison inmates, and/or all officers, employees and
13 stockholders of such private prison contractor for any liability
14 arising out of acts of ~~said~~ the inmates, officers, employees and
15 stockholders of such private prison contractor in relation to the
16 operation of the facility. The insurance required by this paragraph
17 shall not provide coverage for more than one facility. If the
18 private prison contractor owns or operates more than one facility,
19 separate insurance coverage shall be obtained or provided for each
20 facility;

21 4. Obtain written authorization from the governing board of any
22 municipality in which the facility is to be located, or if the
23 facility is not to be located within a municipality, written
24

1 authorization from the board of county commissioners of the county
2 in which the facility is to be located; and

3 5. Ensure every employee or prospective employee of the private
4 prison contractor has submitted through the Department of
5 Corrections a national criminal history records check, as defined by
6 Section 150.9 of Title 74 of the Oklahoma Statutes. The private
7 prison contractor is hereby authorized to reimburse employees for
8 the cost of the search. The record required by this paragraph shall
9 include the name of the person, whether or not ~~said~~ the person has
10 been convicted of any felony offense, a list of any felony
11 convictions, and the dates of such convictions. The search records
12 from national criminal history records checks shall be maintained by
13 the Department of Corrections. The Department of Corrections shall
14 not disseminate any national criminal history records information to
15 a private entity.

16 C. A private prison contractor which does not have a contract
17 with the Department of Corrections, but which houses federal inmates
18 or inmates of another state shall attain accreditation by the
19 American Correctional Association within three (3) years of
20 commencing operation of the facility and thereafter shall maintain
21 such accreditation.

22 D. The Department of Corrections shall monitor the performance
23 of the private prison contractor and the continued compliance of the
24 private prison contractor with the provisions of this section and

1 Section 563.2 of this title. If at any time after commencing
2 operations, a private prison contractor, that is subject to the
3 provisions of subsection B of this section, fails to comply with any
4 of ~~said~~ the provisions, the Director of the Department of
5 Corrections may order the facility to cease operations. If a
6 private prison contractor fails to attain or maintain the
7 accreditation required by subsection C of this section, the Director
8 of the Department of Corrections shall order the facility to take
9 corrective action pursuant to the Department of Corrections
10 monitoring plan and, if corrective action is not pursued with due
11 diligence, shall order the facility to cease operations. This order
12 may be enforced by injunction issued by a district court of this
13 state.

14 E. If the requirements provided for in this section are not
15 followed, the Director may recommend ~~that the State Board of~~
16 ~~Corrections assess~~ an assessment on the private prison contractor of
17 at least one-half (1/2) the per diem rate up to but not to exceed
18 the full per diem rate paid by the jurisdiction or jurisdictions to
19 the private prison contractor for the period of time a violation of
20 subsection A of this section continues and is not corrected with due
21 diligence or when the Department of Corrections has identified other
22 physical plant security deficiencies based on American Correctional
23 Association standards and such deficiencies continue and are not
24 corrected with due diligence. The penalty provided for in this

1 subsection shall not preclude the Director from ordering the
2 facility to cease operations.

3 F. The Department of Corrections may charge the private prison
4 contractor a reasonable fee for any services provided by the
5 Department staff to include, but not limited to, the costs of
6 monitoring compliance with the provisions of paragraphs 1 and 2 of
7 subsection B of this section. The fee shall not exceed the cost
8 incurred in performing the monitoring.

9 G. The Department of Corrections shall promulgate and adopt
10 rules for the implementation of this section.

11 H. All fees collected by the Department of Corrections pursuant
12 to this section shall be deposited with the State Treasurer to the
13 credit of the Department of Corrections Revolving Fund.

14 I. The provisions of subsections B through H of this section
15 shall not apply to a private prison contractor that has a direct
16 contract with the Federal Bureau of Prisons of the United States
17 Department of Justice for a facility that houses federal inmates and
18 is monitored on-site by federal agency staff.

19 SECTION 24. AMENDATORY 57 O.S. 2011, Section 566.4, is
20 amended to read as follows:

21 Section 566.4. A. No action may be brought in a court of this
22 state by a prisoner or former prisoner for mental or emotional
23 injury allegedly suffered while under arrest, being detained, or in
24

1 custody or incarcerated without a prior showing of actual physical
2 injury.

3 B. 1. Neither the state, any of its agencies or boards, the
4 Department of Corrections, any county jail, city jail, private
5 correctional company, nor their members, agents, servants or
6 employees shall be liable for any form of civil claim or action
7 alleged to have arisen from any theory of contract law. No arrest
8 or conviction resulting in detention or incarceration shall create
9 any contractual obligation, either actual, implied or at common law,
10 between the prisoner and the state, any of its agencies or boards,
11 the Department of Corrections, any county jail, city jail nor their
12 members, agents, servants or employees. No policy or internal
13 management procedure issued for the management of the prison or jail
14 shall constitute any contractual relationship or obligation between
15 the state, agency, board, commission, prison, jail, or any of its
16 officers, members, servants or employees, and the prisoner or any
17 visitor to the prison or jail.

18 2. No tort action or civil claim may be filed against any
19 employee, agent, or servant of the state, the Department of
20 Corrections, private correctional company, or any county jail or any
21 city jail alleging acts related to the duties of the employee, agent
22 or servant, until all of the notice provisions of the Governmental
23 Tort Claims Act have been fully complied with by the claimant. This
24 requirement shall apply to any claim against an employee of the

1 state, the Department of Corrections, or any county jail or city
2 jail in either their official or individual capacity, and to any
3 claim against a private correctional contractor and its employees
4 for actions taken pursuant to or in connection with a governmental
5 contract.

6 C. No civil action of any type may be brought seeking an
7 injunction or temporary restraining order against any city, county
8 or state agency, or any officer or employee thereof, brought by a
9 plaintiff who is currently incarcerated in any jail, state prison or
10 private prison in the state if the claim alleges matters arising
11 from the incarceration of the plaintiff and related to management of
12 the prison, including but not limited to, prison transfers, cell
13 assignments, prison job or work assignments and disciplinary action.

14 D. In any complaint or allegation made by a prisoner against
15 any person holding a license to any state court, agency, board,
16 commission or association which issues any form of license, in which
17 the state court, agency, board, commission or association has made a
18 determination that the complaint of the prisoner is frivolous,
19 malicious or without merit, the state court, agency, board,
20 commission or association may sanction the prisoner as provided for
21 by law.

22 E. No prisoner of any city or county jail or of any state,
23 federal or private prison in Oklahoma or any person on parole or
24 probation may obtain any public records maintained by any government

1 entity and pertaining in any manner to any public employee, officer
2 or to any citizen, or any criminal history record of any convicted
3 felon. No prisoner, probationer or parolee may obtain without
4 prepayment of the required fees and costs any other public record
5 subject to release. The Director of the Department of Corrections
6 shall promulgate a rule for the release of criminal history records
7 available to the public which shall include the requirement that
8 requests for criminal history records include the name of the person
9 whose record is being requested and shall charge Fifteen Dollars
10 (\$15.00) for each completed request responded to in any form of
11 written communication by the Department.

12 F. No default judgment shall be rendered against any person,
13 city, county or state agency, or any officer or employee thereof, in
14 any form of civil action brought by a plaintiff who is currently
15 incarcerated in any jail, state prison or private prison in the
16 state.

17 G. Venue for tort actions filed by a prisoner or a former
18 prisoner of any state prison in the state shall be as follows:

19 1. Venue for actions filed by any prisoner of any state prison
20 or private prison in which the state, the Department of Corrections,
21 ~~the Board of Corrections as a whole or individual members,~~ or any
22 officer or employee that has multicounty responsibilities is named
23 as a party shall be in the county of the official residence of the
24 Department of Corrections; and

1 2. Venue for tort actions filed by prisoners of a county jail
2 or city jail, and not involving the Department of Corrections, but
3 against the sheriff, jailer, county officials or employees, or city
4 officials or employees shall be in the county where the jail is
5 located.

6 The limitations on venue set out in this section shall also
7 apply to tort actions filed by former prisoners, if ~~said~~ the tort
8 action is based on facts that occurred while the plaintiff was a
9 prisoner.

10 H. The Attorney General, district attorneys and the general
11 counsel of the Department of Corrections shall notify the Pardon and
12 Parole Board of all lawsuits filed by any prisoner in which a
13 determination was made by a court that the lawsuit was either
14 frivolous or malicious.

15 I. The Department of Corrections may assess an administrative
16 fee not to exceed Five Dollars (\$5.00) for the processing of any
17 grievance or disciplinary report that has been appealed to the
18 Director and shall charge prisoners for the costs of any supplies,
19 materials or services provided to the inmate at the request of the
20 inmate. Any fees collected pursuant to this subsection shall be
21 deposited into the Department of Corrections Revolving Fund. If the
22 appeal of the grievance or the disciplinary report results in a
23 finding in favor of the prisoner, all fees and costs collected
24 pursuant to this section shall be returned to the prisoner.

1 J. Judgments rendered against prisoners and received by the
2 Department of Corrections for, but not limited to, monetary damages,
3 child support, transportation costs, filing fees, court costs,
4 sanctions or attorney fees may be withdrawn by the Department from
5 any funds deposited into a prison trust account of the prisoner and
6 forwarded to the prevailing party.

7 K. Upon motion of the defendant or the court for a special
8 report in any civil action filed by a prisoner or former prisoner or
9 attorney of the prisoner against any party, the court shall stay all
10 proceedings in the case and order the custodian or appropriate party
11 to prepare a special report to the court prior to defendants being
12 required to answer. The special report will order corrections
13 officials or the appropriate party to undertake a review of the
14 subject matter of the petition in order to provide the court with
15 additional information for the processing of the claim of the
16 prisoner, to ascertain the facts and circumstances, to consider
17 whether any action can and should be taken by the institution or
18 other appropriate officials to resolve the subject matter of the
19 petition and to determine whether other like matters, whether
20 pending in this court or elsewhere, are related to this matter and
21 should be taken up and considered together. All reports made in the
22 course of the review shall be attached to and filed with the special
23 report, and a date the special report is due to the court shall be
24 set. All pending motions are stricken without prejudice to their

1 being reasserted after the special report is filed. All discovery
2 under the Oklahoma Rules of Civil Procedure is stayed until the
3 special report has been filed and any dispositive motions based on
4 the special report are ruled upon. A copy of the special report
5 shall be sent to the respective parties by the agency or person
6 preparing the special report. Upon receipt of the special report,
7 dispositive motions may be filed by the parties and the district
8 court may properly dismiss the petition as being frivolous or
9 malicious or for failure to state a claim, may grant summary
10 judgment or order that the case may proceed under the Oklahoma Rules
11 of Civil Procedure.

12 L. Notwithstanding any other provision of law, appeal of a
13 decision of the district court in a civil action related to a
14 person's incarceration or supervision while in custody of the
15 Department of Corrections, a county or municipal jail, or a private
16 prison, adverse to a municipal, county or state employee or a person
17 employed by a private prison, shall be appealed directly to the
18 appropriate appellate court without further motions.

19 SECTION 25. AMENDATORY 57 O.S. 2011, Section 571, as
20 last amended by Section 4, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
21 2018, Section 571), is amended to read as follows:

22 Section 571. As used in the Oklahoma Statutes, unless another
23 definition is specified:

24

1 1. "Capacity" means the actual available bedspace as certified
2 by the ~~State Board~~ Director of the Department of Corrections subject
3 to applicable federal and state laws and the rules and regulations
4 promulgated under such laws;

5 2. "Violent crime" means any of the following felony offenses
6 and any attempts to commit or conspiracy or solicitation to commit
7 the following crimes:

8 a. assault, battery, or assault and battery with a
9 dangerous or deadly weapon, as provided for in
10 Sections 645 and 652 of Title 21 of the Oklahoma
11 Statutes,

12 b. assault, battery, or assault and battery with a deadly
13 weapon or by other means likely to produce death or
14 great bodily harm, as provided for in Section 652 of
15 Title 21 of the Oklahoma Statutes,

16 c. aggravated assault and battery on a police officer,
17 sheriff, highway patrolman, or any other officer of
18 the law, as provided for in Section 650 of Title 21 of
19 the Oklahoma Statutes,

20 d. poisoning with intent to kill, as provided for in
21 Section 651 of Title 21 of the Oklahoma Statutes,

22 e. shooting with intent to kill, as provided for in
23 Section 652 of Title 21 of the Oklahoma Statutes,
24

- 1 f. assault with intent to kill, as provided for in
2 Section 653 of Title 21 of the Oklahoma Statutes,
3 g. assault with intent to commit a felony, as provided
4 for in Section 681 of Title 21 of the Oklahoma
5 Statutes,
6 h. assaults with a dangerous weapon while masked or
7 disguised, as provided for in Section 1303 of Title 21
8 of the Oklahoma Statutes,
9 i. murder in the first degree, as provided for in Section
10 701.7 of Title 21 of the Oklahoma Statutes,
11 j. murder in the second degree, as provided for in
12 Section 701.8 of Title 21 of the Oklahoma Statutes,
13 k. manslaughter in the first degree, as provided for in
14 Section 711 of Title 21 of the Oklahoma Statutes,
15 l. manslaughter in the second degree, as provided for in
16 Section 716 of Title 21 of the Oklahoma Statutes,
17 m. kidnapping, as provided for in Section 741 of Title 21
18 of the Oklahoma Statutes,
19 n. burglary in the first degree, as provided for in
20 Section 1431 of Title 21 of the Oklahoma Statutes,
21 o. burglary with explosives, as provided for in Section
22 1441 of Title 21 of the Oklahoma Statutes,
23 p. kidnapping for extortion, as provided for in Section
24 745 of Title 21 of the Oklahoma Statutes,

- 1 q. maiming, as provided for in Section 751 of Title 21 of
2 the Oklahoma Statutes,
- 3 r. robbery, as provided for in Section 791 of Title 21 of
4 the Oklahoma Statutes,
- 5 s. robbery in the first degree, as provided for in
6 Section 797 et seq. of Title 21 of the Oklahoma
7 Statutes,
- 8 t. robbery in the second degree, as provided for in
9 Section 797 et seq. of Title 21 of the Oklahoma
10 Statutes,
- 11 u. armed robbery, as provided for in Section 801 of Title
12 21 of the Oklahoma Statutes,
- 13 v. robbery by two or more persons, as provided for in
14 Section 800 of Title 21 of the Oklahoma Statutes,
- 15 w. robbery with dangerous weapon or imitation firearm, as
16 provided for in Section 801 of Title 21 of the
17 Oklahoma Statutes,
- 18 x. child abuse, as provided for in Section 843.5 of Title
19 21 of the Oklahoma Statutes,
- 20 y. wiring any equipment, vehicle or structure with
21 explosives, as provided for in Section 849 of Title 21
22 of the Oklahoma Statutes,
- 23 z. forcible sodomy, as provided for in Section 888 of
24 Title 21 of the Oklahoma Statutes,

- 1 aa. rape in the first degree, as provided for in Section
2 1114 of Title 21 of the Oklahoma Statutes,
3 bb. rape in the second degree, as provided for in Section
4 1114 of Title 21 of the Oklahoma Statutes,
5 cc. rape by instrumentation, as provided for in Section
6 1111.1 of Title 21 of the Oklahoma Statutes,
7 dd. lewd or indecent proposition or lewd or indecent act
8 with a child under sixteen (16) years of age, as
9 provided for in Section 1123 of Title 21 of the
10 Oklahoma Statutes,
11 ee. use of a firearm or offensive weapon to commit or
12 attempt to commit a felony, as provided for in Section
13 1287 of Title 21 of the Oklahoma Statutes,
14 ff. pointing firearms, as provided for in Section 1279 of
15 Title 21 of the Oklahoma Statutes,
16 gg. rioting, as provided for in Section 1311 of Title 21
17 of the Oklahoma Statutes,
18 hh. inciting to riot, as provided for in Section 1320.2 of
19 Title 21 of the Oklahoma Statutes,
20 ii. arson in the first degree, as provided for in Section
21 1401 of Title 21 of the Oklahoma Statutes,
22 jj. injuring or burning public buildings, as provided for
23 in Section 349 of Title 21 of the Oklahoma Statutes,
24

- 1 kk. sabotage, as provided for in Section 1262 of Title 21
2 of the Oklahoma Statutes,
- 3 ll. criminal syndicalism, as provided for in Section 1261
4 of Title 21 of the Oklahoma Statutes,
- 5 mm. extortion, as provided for in Section 1481 of Title 21
6 of the Oklahoma Statutes,
- 7 nn. obtaining signature by extortion, as provided for in
8 Section 1485 of Title 21 of the Oklahoma Statutes,
- 9 oo. seizure of a bus, discharging firearm or hurling
10 missile at bus, as provided for in Section 1903 of
11 Title 21 of the Oklahoma Statutes,
- 12 pp. mistreatment of a mental patient, as provided for in
13 Section 843.1 of Title 21 of the Oklahoma Statutes,
- 14 qq. using a vehicle to facilitate the discharge of a
15 weapon pursuant to Section 652 of Title 21 of the
16 Oklahoma Statutes,
- 17 rr. bombing offenses as defined in Section 1767.1 of Title
18 21 of the Oklahoma Statutes,
- 19 ss. child pornography or aggravated child pornography as
20 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
21 of Title 21 of the Oklahoma Statutes,
- 22 tt. child prostitution as defined in Section 1030 of Title
23 21 of the Oklahoma Statutes,
24

- 1 uu. abuse of a vulnerable adult as defined in Section 10-
2 103 of Title 43A of the Oklahoma Statutes who is a
3 resident of a nursing facility,
4 vv. aggravated trafficking as provided for in subsection C
5 of Section 2-415 of Title 63 of the Oklahoma Statutes,
6 ww. aggravated assault and battery upon any person
7 defending another person from assault and battery, as
8 provided for in Section 646 of Title 21 of the
9 Oklahoma Statutes,
10 xx. human trafficking as provided for in Section 748 of
11 Title 21 of the Oklahoma Statutes, or
12 yy. terrorism crimes as provided in Section 1268 et seq.
13 of Title 21 of the Oklahoma Statutes.

14 Such offenses shall constitute exceptions to nonviolent offenses
15 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

16 SECTION 26. AMENDATORY 57 O.S. 2011, Section 216, is
17 amended to read as follows:

18 Section 216. In ~~this act~~ Prisoners Public Works Act, unless the
19 context otherwise requires:

20 1. "Director" shall mean the Director of the Department of
21 Corrections.

22 2. "Public works project" means a project that has been
23 determined by the ~~State Board~~ Director of the Department of
24 Corrections to be of necessity for the public well-being conducive

1 to rehabilitation and the reduction of recidivism among
2 participating inmates by the written request of a majority of the
3 board of county commissioners, the governing body of any
4 municipality or any agency of the State of Oklahoma or of the United
5 States or any subdivision thereof.

6 3. "Prisoner" shall mean any person who is under the custody
7 and control of the Department of Corrections. No prisoner shall be
8 assigned to any public works project if the inmate:

- 9 a. is deemed by the Director to be a threat to public
10 safety,
- 11 b. has escaped or attempted to escape from a correctional
12 institution within the last ten (10) years, or
- 13 c. has been convicted, whether upon a verdict or plea of
14 guilty or upon a plea of nolo contendere, or received
15 a suspended sentence or any probationary term for a
16 crime or an attempt to commit a crime provided for in
17 Section 843.5 of Title 21 of the Oklahoma Statutes if
18 the offense involved sexual abuse or sexual
19 exploitation as those terms are defined in Section 1-
20 1-105 of Title 10A of the Oklahoma Statutes or Section
21 741, 843.1, if the offense included sexual abuse or
22 sexual exploitation, 865 through 869, 885, 886, 888,
23 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087,

24

1 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
2 Statutes.

3 SECTION 27. AMENDATORY 57 O.S. 2011, Section 217, is
4 amended to read as follows:

5 Section 217. ~~Upon approval by the Board of Corrections, the~~ The
6 Director of the Department of Corrections shall determine which
7 prisoners shall be eligible for ~~said~~ the public project, and shall
8 establish and may modify lists of prisoners eligible for the ~~said~~
9 the public projects. ~~Upon the approval of said project by the Board~~
10 ~~of Corrections, the~~ The Director may send to the place and at the
11 time designated the number of prisoners mutually agreed upon as
12 necessary for the timely completion of ~~said~~ the project.

13 SECTION 28. AMENDATORY 57 O.S. 2011, Section 332.7, as
14 last amended by Section 2, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
15 2018, Section 332.7), is amended to read as follows:

16 Section 332.7. A. For a crime committed prior to July 1, 1998,
17 any person in the custody of the Department of Corrections shall be
18 eligible for consideration for parole at the earliest of the
19 following dates:

- 20 1. Has completed serving one-third (1/3) of the sentence;
- 21 2. Has reached at least sixty (60) years of age and also has
22 served at least fifty percent (50%) of the time of imprisonment that
23 would have been imposed for that offense pursuant to the applicable
24 matrix, provided in Sections 598 through 601, Chapter 133, O.S.L.

1 1997; provided, however, no inmate serving a sentence for crimes
2 listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133,
3 O.S.L. 1997, or serving a sentence of life imprisonment without
4 parole shall be eligible to be considered for parole pursuant to
5 this paragraph;

6 3. Has reached eighty-five percent (85%) of the midpoint of the
7 time of imprisonment that would have been imposed for an offense
8 that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of
9 Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable
10 matrix; provided, however, no inmate serving a sentence of life
11 imprisonment without parole shall be eligible to be considered for
12 parole pursuant to this paragraph; or

13 4. Has reached seventy-five percent (75%) of the midpoint of
14 the time of imprisonment that would have been imposed for an offense
15 that is listed in any other schedule, pursuant to the applicable
16 matrix; provided, however, no inmate serving a sentence of life
17 imprisonment without parole shall be eligible to be considered for
18 parole pursuant to this paragraph.

19 B. For a crime committed on or after July 1, 1998, and before
20 November 1, 2018, any person in the custody of the Department of
21 Corrections shall be eligible for consideration for parole who has
22 completed serving one-third (1/3) of the sentence; provided,
23 however, no inmate serving a sentence of life imprisonment without
24

1 parole shall be eligible to be considered for parole pursuant to
2 this subsection.

3 C. For a crime committed on or after November 1, 2018, any
4 person in the custody of the Department of Corrections shall be
5 eligible for parole after serving one-fourth (1/4) of the sentence
6 or consecutive sentences imposed, according to the following
7 criteria:

8 1. A person eligible for parole under this subsection shall be
9 eligible for administrative parole under subsection R of this
10 section once the person serves one-fourth (1/4) of the sentence or
11 consecutive sentences imposed; provided, however, no inmate serving
12 a sentence of life imprisonment without parole, a sentence for a
13 violent crime as set forth in Section 571 of this title or any crime
14 enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes
15 shall be eligible for administrative parole.

16 2. A person eligible for parole under this subsection shall be
17 eligible for parole once the person serves one-fourth (1/4) of the
18 sentence or consecutive sentences imposed; provided, however no
19 inmate serving a sentence of life imprisonment without parole is
20 eligible for parole.

21 D. The parole hearings conducted for persons pursuant to
22 paragraph 3 of subsection A of this section or for any person who
23 was convicted of a violent crime as set forth in Section 571 of this
24 title and who is eligible for parole consideration pursuant to

1 paragraph 1 of subsection A of this section, subsection B or
2 paragraph 2 of subsection C of this section shall be conducted in
3 two stages, as follows:

4 1. At the initial hearing, the Pardon and Parole Board shall
5 review the completed report submitted by the staff of the Board and
6 shall conduct a vote regarding whether, based upon that report, the
7 Board decides to consider the person for parole at a subsequent
8 meeting of the Board; and

9 2. At the subsequent meeting, the Board shall hear from any
10 victim or representatives of the victim that want to contest the
11 granting of parole to that person and shall conduct a vote regarding
12 whether parole should be recommended for that person.

13 E. Any inmate who has parole consideration dates calculated
14 pursuant to subsection A, B or C of this section may be considered
15 up to two (2) months prior to the parole eligibility date. Except
16 as otherwise directed by the Pardon and Parole Board, any person who
17 has been considered for parole and was denied parole or who has
18 waived consideration shall not be reconsidered for parole:

19 1. Within three (3) years of the denial or waiver, if the
20 person was convicted of a violent crime, as set forth in Section 571
21 of this title, and was eligible for consideration pursuant to
22 paragraph 1 of subsection A of this section, subsection B of this
23 section or paragraph 2 of subsection C of this section, unless the
24 person is within one (1) year of discharge; or

1 2. Until the person has served at least one-third (1/3) of the
2 sentence imposed, if the person was eligible for consideration
3 pursuant to paragraph 3 of subsection A of this section. Thereafter
4 the person shall not be considered more frequently than once every
5 three (3) years, unless the person is within one (1) year of
6 discharge.

7 F. Any person in the custody of the Department of Corrections
8 for a crime committed prior to July 1, 1998, who has been considered
9 for parole on a docket created for a type of parole consideration
10 that has been abolished by the Legislature shall not be considered
11 for parole except in accordance with this section.

12 G. The Pardon and Parole Board shall promulgate rules for the
13 implementation of subsections A, B and C of this section. The rules
14 shall include, but not be limited to, procedures for reconsideration
15 of persons denied parole under this section and procedure for
16 determining what sentence a person eligible for parole consideration
17 pursuant to subsection A of this section would have received under
18 the applicable matrix.

19 H. The Pardon and Parole Board shall not recommend to the
20 Governor any person who has been convicted of three or more felonies
21 arising out of separate and distinct transactions, with three or
22 more incarcerations for such felonies, unless such person shall have
23 served the lesser of at least one-third (1/3) of the sentence
24 imposed, or ten (10) years; provided, that whenever the population

1 of the prison system exceeds ninety-five percent (95%) of the
2 capacity as certified by the ~~State Board~~ Director of the Department
3 of Corrections, the Pardon and Parole Board may, at its discretion,
4 recommend to the Governor for parole any person who is incarcerated
5 for a nonviolent offense not involving injury to a person and who is
6 within six (6) months of his or her statutory parole eligibility
7 date.

8 I. Inmates sentenced to consecutive sentences shall not be
9 eligible for parole consideration on any such consecutive sentence
10 until one-third (1/3) of the consecutive sentence has been served or
11 where parole has been otherwise limited by law, until the minimum
12 term of incarceration has been served as required by law. Unless
13 otherwise ordered by the sentencing court, any credit for jail time
14 served shall be credited to only one offense.

15 J. The Pardon and Parole Board shall consider the prior
16 criminal record of inmates under consideration for parole
17 recommendation or granting of parole.

18 K. In the event the Board grants parole for a nonviolent
19 offender who has previously been convicted of an offense enumerated
20 in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571
21 of this title, such offender shall be subject to nine (9) months
22 postimprisonment supervision upon release.

23 L. It shall be the duty of the Pardon and Parole Board to cause
24 an examination to be made at the penal institution where the person

1 is assigned, and to make inquiry into the conduct and the record of
2 the ~~said~~ the person during his custody in the Department of
3 Corrections, which shall be considered as a basis for consideration
4 of ~~said~~ the person for recommendation to the Governor for parole.
5 However, the Pardon and Parole Board shall not be required to
6 consider for parole any person who has completed the time period
7 provided for in this subsection if the person has participated in a
8 riot or in the taking of hostages, or has been placed on escape
9 status, while in the custody of the Department of Corrections. The
10 Pardon and Parole Board shall adopt policies and procedures
11 governing parole consideration for such persons.

12 M. Any person in the custody of the Department of Corrections
13 who is convicted of an offense not designated as a violent offense
14 by Section 571 of this title, is not a citizen of the United States
15 and is subject to or becomes subject to a final order of deportation
16 issued by the United States Department of Justice shall be
17 considered for parole to the custody of the United States
18 Immigration and Naturalization Service for continuation of
19 deportation proceedings at any time subsequent to reception and
20 processing through the Department of Corrections. No person shall
21 be considered for parole under this subsection without the
22 concurrence of at least three members of the Pardon and Parole
23 Board. The vote on whether or not to consider such person for
24 parole and the names of the concurring Board members shall be set

1 | forth in the written minutes of the meeting of the Board at which
2 | the issue is considered.

3 | N. Upon application of any person convicted and sentenced by a
4 | court of this state and relinquished to the custody of another state
5 | or federal authorities pursuant to Section 61.2 of Title 21 of the
6 | Oklahoma Statutes, the Pardon and Parole Board may determine a
7 | parole consideration date consistent with the provisions of this
8 | section and criteria established by the Pardon and Parole Board.

9 | O. All references in this section to matrices or schedules
10 | shall be construed with reference to the provisions of Sections 6,
11 | 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

12 | P. Any person in the custody of the Department of Corrections
13 | who is convicted of a felony sex offense pursuant to Section 582 of
14 | this title who is paroled shall immediately be placed on intensive
15 | supervision.

16 | Q. A person in the custody of the Department of Corrections
17 | whose parole consideration date is calculated pursuant to subsection
18 | B or C of this section, and is not serving a sentence of life
19 | imprisonment without parole or who is not convicted of an offense
20 | designated as a violent offense by Section 571 of this title or any
21 | crime enumerated in Section 13.1 of Title 21 of the Oklahoma
22 | Statutes shall be eligible for administrative parole under
23 | subsection R of this section.

24 |

1 R. The Pardon and Parole Board shall, by majority vote, grant
2 administrative parole to any person in the custody of the Department
3 of Corrections if:

4 1. The person has substantially complied with the requirements
5 of the case plan established pursuant to Section 512 of this title;

6 2. A victim, as defined in Section 332.2 of this title, or the
7 district attorney speaking on behalf of a victim, has not submitted
8 an objection;

9 3. The person has not received a primary class X infraction
10 within two (2) years of the parole eligibility date;

11 4. The person has not received a secondary class X infraction
12 within one (1) year of the parole eligibility date; or

13 5. The person has not received a class A infraction within six
14 (6) months of the parole eligibility date.

15 S. Any person granted parole pursuant to subsection R of this
16 section shall be released from the institution at the time of the
17 parole eligibility date of the person as calculated under subsection
18 B or C of this section.

19 T. No less than ninety (90) days prior to the parole
20 eligibility date of the person, the Department shall notify the
21 Pardon and Parole Board in writing of the compliance or
22 noncompliance of the person with the case plan and any infractions
23 committed by the person.

24

1 U. The Pardon and Parole Board shall not be required to conduct
2 a hearing before granting administrative parole pursuant to
3 subsection R of this section.

4 V. Any person who is not granted administrative parole shall be
5 otherwise eligible for parole pursuant to this section.

6 W. Any person who is granted administrative parole under
7 subsection R of this section shall be supervised and managed by the
8 Department of Corrections in the same manner as a parolee who has
9 been granted parole pursuant to this section. The person shall be
10 subject to all of the rules and regulations of parole.

11 SECTION 29. AMENDATORY 12 O.S. 2011, Section 1653, is
12 amended to read as follows:

13 Section 1653. A. When a declaratory relief is sought, all
14 persons shall be made parties who have or claim any interest which
15 would be affected by the declaration, and no declaration shall
16 prejudice the rights of persons not parties to the proceeding.

17 B. The venue of the action shall be established by existing
18 statutes; provided, however, where the action involves an individual
19 defendant, the venue shall be in the county of the defendant's
20 residence or where the defendant may be served with summons. If the
21 action involves two or more defendants who reside in different
22 counties, the venue shall be in any county where any defendant
23 resides or may be served with summons. Where the action has as a
24 defendant the Department of Corrections, ~~the Board of Corrections or~~

1 ~~any of the agents, officers or employees of the Department or Board,~~
2 the venue shall be in the county of the official residence of the
3 Department ~~or Board~~.

4 C. In any proceeding which involves the validity of a municipal
5 ordinance or regulation, the municipality shall be made a party, and
6 shall be entitled to be heard, and if a statute or regulation is
7 alleged to be unconstitutional, the Attorney General of the state
8 shall also be served with a copy of the proceeding and be entitled
9 to be heard.

10 SECTION 30. AMENDATORY 61 O.S. 2011, Section 65, as last
11 amended by Section 5, Chapter 302, O.S.L. 2013 (61 O.S. Supp. 2018,
12 Section 65), is amended to read as follows:

13 Section 65. A. In addition to the conditions prescribed
14 pursuant to subsections C and D of this section, the provisions of
15 Section 62 of this title shall not apply whenever the Department of
16 Real Estate Services of the Office of Management and Enterprise
17 Services with concurrence of the chief administrative officer of the
18 public agency affected declares that an emergency exists. The
19 construction manager or consultant shall be selected by the State
20 Facilities Director of the Department of Real Estate Services of the
21 Office of Management and Enterprise Services. The resulting
22 construction manager or consultant contract shall not exceed Fifty
23 Thousand Dollars (\$50,000.00). The reasons for the emergency shall
24 be recorded in the official records of the Department.

1 B. Emergency as used in this section shall be limited to
2 conditions resulting from any of the following:

3 1. A sudden unexpected happening or unforeseen occurrence if it
4 is impossible for the provisions of Section 62 of this title to be
5 observed because of the time factor and if the public health or
6 safety is endangered; and

7 2. A condition or situation which, if allowed to continue,
8 would lead to economic loss to the state or to further damage of
9 state property.

10 C. The provisions of Section 62 of this title shall not apply
11 to the process for construction of a correctional facility whenever
12 the ~~State Board~~ Director of the Department of Corrections informs
13 the Department that an emergency condition threatens the security of
14 the state correctional system, including inmate population growth,
15 and the condition requires expeditious treatment for the review,
16 approval and bid process as it relates to construction or expansion
17 of correctional facilities. The Department and the Department of
18 Corrections are authorized to implement an expedited competitive bid
19 process for the contracting of construction managers or consultants
20 and construction of new or expanded correctional facilities that
21 adequately respond to the emergency. The ~~State Board~~ Director of
22 the Department of Corrections shall provide written notification to
23 the Governor, the Speaker of the House of Representatives and to the
24 President Pro Tempore of the Senate of the emergency conditions.

1 D. The provisions of Section 62 of this title shall not apply
2 to CompSource Oklahoma if CompSource Oklahoma is operating pursuant
3 to a pilot program authorized by Sections 3316 and 3317 of Title 74
4 of the Oklahoma Statutes.

5 SECTION 31. AMENDATORY 61 O.S. 2011, Section 130, as
6 last amended by Section 1, Chapter 293, O.S.L. 2016 (61 O.S. Supp.
7 2018, Section 130), is amended to read as follows:

8 Section 130. A. The provisions of the Public Competitive
9 Bidding Act of 1974 with reference to notice and bids shall not
10 apply to an emergency if:

11 1. The governing body of a public agency declares by a two-
12 thirds (2/3) majority vote of all of the members of the governing
13 body that an emergency exists;

14 2. The Transportation Commission and the Oklahoma Tourism and
15 Recreation Commission, by majority vote of all the members of each
16 Commission, declare that an emergency exists; or

17 3. The chief administrative officer of a public agency without
18 a governing body declares that an emergency exists.

19 B. The governing body of a public agency may, upon approval of
20 two-thirds (2/3) majority of all of the members of the governing
21 body, delegate to the chief administrative officer of a public
22 agency the authority to declare an emergency whereby the provisions
23 of the Public Competitive Bidding Act of 1974 with reference to
24 notice and bids shall not apply to contracts less than Seventy-five

1 Thousand Dollars (\$75,000.00) in amount; provided, such authority of
2 the Department of Transportation and the Oklahoma Turnpike Authority
3 shall not extend to any contract exceeding Seven Hundred Fifty
4 Thousand Dollars (\$750,000.00) in amount and such authority of the
5 Department of Corrections shall not extend to any contract exceeding
6 Two Hundred Fifty Thousand Dollars (\$250,000.00) in amount for
7 situations in which the emergency impacts the conditions of
8 confinement, health and safety of correctional officers and inmates
9 in the custody of the Department of Corrections.

10 C. Upon approval of a two-thirds (2/3) majority vote, the
11 Oklahoma Conservation Commission may delegate to the Executive
12 Director the authority to declare an emergency and set a monetary
13 limit for the declaration. The provisions of this subsection may
14 only be used for the purpose of responding to an emergency involving
15 the reclamation of abandoned coal mines or the repair of damaged
16 upstream floodwater retarding structures.

17 D. An emergency declared by the ~~Board~~ Director of the
18 Department of Corrections pursuant to subsection C of Section 65 of
19 this title shall exempt the Department of Corrections from the
20 limits which would otherwise be imposed pursuant to subsection B of
21 this section for the contracting and construction of new or expanded
22 correctional facilities.

23 E. The chief administrative officer of a public agency with a
24 governing body shall notify the governing body within ten (10) days

1 of the declaration of an emergency if the governing body did not
2 approve the emergency. The notification shall contain a statement
3 of the reasons for the action, and shall be recorded in the official
4 minutes of the governing body.

5 F. Emergency as used in this section shall be limited to
6 conditions resulting from a sudden unexpected happening or
7 unforeseen occurrence or condition whereby the public health or
8 safety is endangered.

9 G. The chief administrative officer of a public agency shall
10 report an emergency within ten (10) days of the emergency
11 declaration and include the official minutes of the governing body
12 of the public agency, if applicable, to the State Construction
13 Administrator of the Construction and Properties Division of the
14 Office of Management and Enterprise Services who shall compile an
15 annual report detailing all emergencies declared pursuant to this
16 section during the previous calendar year. The report shall be
17 submitted to the Governor, the President Pro Tempore of the Senate,
18 and the Speaker of the House of Representatives.

19 SECTION 32. AMENDATORY 63 O.S. 2011, Section 1-502.1, as
20 amended by Section 1, Chapter 246, O.S.L. 2013 (63 O.S. Supp. 2018,
21 Section 1-502.1), is amended to read as follows:

22 Section 1-502.1. A. All agencies and organizations that
23 regularly employ emergency medical technicians, paramedics,
24 firefighters, peace officers, as defined in Section 648 of Title 21

1 of the Oklahoma Statutes, correctional officers and employees, or
2 health care workers, all mental health or mentally retarded
3 treatment or evaluation programs that employ persons involved with
4 providing care for patients, the J.D. McCarty Center for Children
5 with Developmental Disabilities, and all juvenile institutions of
6 the Department of Human Services shall implement the universal
7 precautions for the prevention of the transmission of communicable
8 diseases published by the Centers for Disease Control, U.S. Public
9 Health Service, in the Morbidity and Mortality Weekly Report, Volume
10 36, Number 2S or as subsequently amended.

11 B. The State Board of Health shall promulgate rules and
12 guidelines that will implement a system of notification of emergency
13 medical technicians, paramedics, firefighters, health care workers,
14 funeral directors, peace officers, and any person who in good faith
15 renders aid in accordance with the Good Samaritan Act relating to
16 risk exposures during health care activities, emergency response
17 activities or funeral preparations. Risk exposure shall be defined
18 by the State Board of Health to be exposure that is
19 epidemiologically demonstrated to have the potential for
20 transmitting a communicable disease.

21 C. The Board of Mental Health and Substance Abuse Services,
22 Department of Human Services, Oklahoma Cerebral Palsy Commission,
23 and ~~State Board~~ Director of the Department of Corrections shall each
24

1 promulgate rules, guidelines or policies to provide for such
2 notification of risk exposures to persons employed by such agencies.

3 SECTION 33. AMENDATORY 73 O.S. 2011, Section 183, is
4 amended to read as follows:

5 Section 183. A. Upon authorization by the Legislature, the
6 Oklahoma Capitol Improvement Authority shall acquire real property,
7 and construct improvements and facilities located thereon, and
8 personal property to be used for purposes of the construction or
9 operation of correctional facilities.

10 B. The correctional facilities authorized herein may consist
11 of:

12 1. One or more facilities of medium security level or higher of
13 not less than nine hundred beds nor more than two thousand five
14 hundred beds for male inmates;

15 2. One or more facilities of medium security level or higher of
16 not less than five hundred beds nor more than one thousand five
17 hundred beds for female inmates; and

18 3. Other inmate facilities with such security levels and size
19 as may be designated by the Legislature.

20 C. Construction of the facilities described in subsection B of
21 this section may be undertaken in phases as described in the
22 proposal.

23 D. Prior to the construction of the facilities, the ~~Board~~
24 Director of the Department of Corrections shall approve the site for

1 each of the facilities in the manner provided by Section ~~80~~ of this
2 act 561.2 of Title 57 of the Oklahoma Statutes.

3 E. The Authority may hold title to the real property and
4 personal property and improvements until such time as any
5 obligations issued for this purpose are retired or defeased and may
6 lease the real property and personal property and improvements to
7 the Oklahoma Department of Corrections. Upon final redemption or
8 defeasance of the obligations created pursuant to this section,
9 title to the real property and personal property and improvements
10 shall be transferred from the Oklahoma Capitol Improvement Authority
11 to the Oklahoma Department of Corrections.

12 F. For the purpose of paying the costs for acquisition of the
13 real property and improvements and personal property authorized in
14 subsections A and B of this section, and for the purpose authorized
15 in subsection G of this section, the Authority is hereby authorized
16 to borrow monies on the credit of the income and revenues to be
17 derived from the leasing of such real property, personal property
18 and improvements and, in anticipation of the collection of such
19 income and revenues, to issue negotiable obligations in an amount
20 not to exceed the amount required to provide for construction of
21 facilities described in subsection B of this section. It is the
22 intent of the Legislature to appropriate to the Oklahoma Department
23 of Corrections sufficient monies to make rental payments for the
24 purposes of retiring the obligations created pursuant to this

1 section. The costs for acquisition of the real property or
2 improvements or both and personal property authorized in subsections
3 A and B of this section shall not exceed the amount required to
4 provide for the purchase of real and personal property and
5 construction of facilities described in subsection B of this
6 section.

7 G. To the extent funds are available from the proceeds of the
8 borrowing authorized by subsection F of this section, the Oklahoma
9 Capitol Improvement Authority shall provide for the payment of
10 professional fees and associated costs approved by the Oklahoma
11 Department of Corrections. The Oklahoma Capitol Improvement
12 Authority shall use the resources of the State Bond Advisor, the
13 Attorney General and the State Treasurer in order to evaluate the
14 costs and expenses associated with the issuance of its obligations
15 and shall use such information as may be required to reduce the
16 costs associated with the issuance of the obligations.

17 H. The Authority may issue obligations in one or more series
18 and in conjunction with other issues of the Authority. The
19 Authority is authorized to hire bond counsel, financial consultants,
20 and such other professionals as it may deem necessary to provide for
21 the efficient sale of the obligations and may utilize a portion of
22 the proceeds of any borrowing to create such reserves as may be
23 deemed necessary and to pay costs associated with the issuance and
24 administration of such obligations.

1 I. The obligations authorized under this section may be sold at
2 either competitive or negotiated sale, as determined by the
3 Authority, and in such form and at such prices as may be authorized
4 by the Authority. The Authority may enter into agreements with such
5 credit enhancers and liquidity providers as may be determined
6 necessary to efficiently market the obligations. The obligations
7 may mature and have such provisions for redemption as shall be
8 determined by the Authority, but in no event shall the final
9 maturity of such obligations occur later than thirty (30) years from
10 the first principal maturity date. The State Treasurer shall be
11 authorized to purchase the obligations as an investment of public
12 funds under the State Treasurer's control.

13 J. Any interest earnings on funds or accounts created for the
14 purposes of this section may be utilized as partial payment of the
15 annual debt service or for the purposes directed by the Authority.

16 K. The obligations issued under this section, the transfer
17 thereof and the interest earned on such obligations, including any
18 profit derived from the sale thereof, shall not be subject to
19 taxation of any kind by the State of Oklahoma, or by any county,
20 municipality or political subdivision therein.

21 L. The Authority may direct the investment of all monies in any
22 funds or accounts created in connection with the offering of the
23 obligations authorized under this section. Such investments shall
24 be made in a manner consistent with the investment guidelines of the

1 State Treasurer. The Authority may place additional restrictions on
2 the investment of such monies if necessary to enhance the
3 marketability of the obligations.

4 SECTION 34. AMENDATORY 73 O.S. 2011, Section 185, is
5 amended to read as follows:

6 Section 185. A. The Oklahoma Capitol Improvement Authority is
7 authorized to construct improvements and facilities upon property
8 under the control of the Department of Corrections suitable for use
9 as a district probation and parole office.

10 B. Prior to the construction of the facilities, the ~~State Board~~
11 Director of the Department of Corrections shall approve the site for
12 such facility.

13 C. The Authority may hold title to the personal property and
14 improvements until such time as any obligations issued for this
15 purpose are retired or defeased and may lease the personal property
16 and improvements to the Department of Corrections. Upon final
17 redemption or defeasance of the obligations created pursuant to this
18 section, title to the personal property and improvements shall be
19 transferred from the Oklahoma Capitol Improvement Authority to the
20 Department of Corrections.

21 D. For the purpose of paying the costs of the improvements and
22 facilities authorized in subsection A of this section, and for the
23 purpose authorized in subsection E of this section, the Authority is
24 hereby authorized to borrow monies on the credit of the income and

1 revenues to be derived from the leasing of such facility and, in
2 anticipation of the collection of such income and revenues, to issue
3 negotiable obligations in an amount not to exceed Three Hundred
4 Thirty Thousand Dollars (\$330,000.00). It is the intent of the
5 Legislature to appropriate to the Department of Corrections
6 sufficient monies to make rental payments for the purposes of
7 retiring the obligations created pursuant to this section.

8 E. To the extent funds are available from the proceeds of the
9 borrowing authorized by subsection D of this section, the Oklahoma
10 Capitol Improvement Authority shall provide for the payment of
11 professional fees and associated costs approved by the Department of
12 Corrections. The Oklahoma Capitol Improvement Authority shall use
13 the resources of the Oklahoma State Bond Advisor, the Attorney
14 General and the State Treasurer in order to evaluate the costs and
15 expenses associated with the issuance of its obligations and shall
16 use such information as may be required to reduce the costs
17 associated with the issuance of the obligations.

18 F. The Authority may issue obligations in conjunction with
19 other issues of the Authority. The Authority is authorized to hire
20 bond counsel, financial consultants, and such other professionals as
21 it may deem necessary to provide for the efficient sale of the
22 obligations and may utilize a portion of the proceeds of any
23 borrowing to create such reserves as may be deemed necessary and to
24

1 pay costs associated with the issuance and administration of such
2 obligations.

3 G. The obligations authorized under this section may be sold at
4 either competitive or negotiated sale, as determined by the
5 Authority, and in such form and at such prices as may be authorized
6 by the Authority. The Authority may enter into agreements with such
7 credit enhancers and liquidity providers as may be determined
8 necessary to efficiently market the obligations. The obligations
9 may mature and have such provisions for redemption as shall be
10 determined by the Authority, but in no event shall the final
11 maturity of such obligations occur later than thirty (30) years from
12 the first principal maturity date. The State Treasurer shall be
13 authorized to purchase the obligations as an investment of public
14 funds under the State Treasurer's control.

15 H. Any interest earnings on funds or accounts created for the
16 purposes of this section may be utilized as partial payment of the
17 annual debt service or for the purposes directed by the Authority.

18 I. The obligations issued under this section, the transfer
19 thereof and the interest earned on such obligations, including any
20 profit derived from the sale thereof, shall not be subject to
21 taxation of any kind by the State of Oklahoma, or by any county,
22 municipality or political subdivision therein.

23 J. The Authority may direct the investment of all monies in any
24 funds or accounts created in connection with the offering of the

1 obligations authorized under this section. Such investments shall
2 be made in a manner consistent with the investment guidelines of the
3 State Treasurer. The Authority may place additional restrictions on
4 the investment of such monies if necessary to enhance the
5 marketability of the obligations.

6 SECTION 35. AMENDATORY 74 O.S. 2011, Section 18c, as
7 last amended by Section 1, Chapter 31, O.S.L. 2016 (74 O.S. Supp.
8 2018, Section 18c), is amended to read as follows:

9 Section 18c. A. 1. Except as otherwise provided by this
10 subsection, no state officer, board or commission shall have
11 authority to employ or appoint attorneys to advise or represent ~~said~~
12 the officer, board or commission in any matter.

13 2. The provisions of this subsection shall not apply to the
14 Corporation Commission, the Council on Law Enforcement Education and
15 Training, the Consumer Credit Commission, the Board of Managers of
16 the State Insurance Fund, the Oklahoma Tax Commission, the
17 Commissioners of the Land Office, the Oklahoma Public Welfare
18 Commission also known as the Commission for Human Services, the
19 ~~State Board~~ Department of Corrections, the Oklahoma Health Care
20 Authority, the Department of Public Safety, the Oklahoma State
21 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
22 Beverage Laws Enforcement Commission, the Transportation Commission,
23 the Oklahoma Energy Resources Board, the Oklahoma Merit Protection
24 Commission, the Office of Management and Enterprise Services, the

1 Oklahoma Water Resources Board, the Department of Labor, the
2 Department of Agriculture, Food, and Forestry, the Northeast
3 Oklahoma Public Facilities Authority, the Oklahoma Firefighters
4 Pension and Retirement System, the Oklahoma Public Employees
5 Retirement System, the Uniform Retirement System for Justices and
6 Judges, the Oklahoma Conservation Commission, the Office of Juvenile
7 Affairs, the State Board of Pharmacy, and until January 1, 2022,
8 the Oklahoma Department of Veterans Affairs.

9 3. The provisions of paragraph 2 of this subsection shall not
10 be construed to authorize the Office of Juvenile Affairs to employ
11 any attorneys that are not specifically authorized by law.

12 4. All the legal duties of such officer, board or commission
13 shall devolve upon and are hereby vested in the Attorney General;
14 provided that:

15 a. the Governor shall have authority to employ special
16 counsel to protect the rights or interest of the state
17 as provided in Section 6 of this title, and

18 b. liquidation agents of banks shall have the authority
19 to employ local counsel, with the consent of the Bank
20 Commissioner and the Attorney General and the approval
21 of the district court.

22 B. At the request of any state officer, board or commission,
23 except the Corporation Commission, the Board of Managers of the
24 CompSource Oklahoma, Oklahoma Tax Commission and the Commissioners

1 of the Land Office, the Grand River Dam Authority, the Oklahoma
2 State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
3 Beverage Laws Enforcement Commission, the Oklahoma Firefighters
4 Pension and Retirement System, the Oklahoma Public Employees
5 Retirement System, the Uniform Retirement System for Justices and
6 Judges and the Interstate Oil and Gas Compact Commission, the
7 Attorney General shall defend any action in which they may be sued
8 in their official capacity. At the request of any such state
9 officer, board or commission, the Attorney General shall have
10 authority to institute suits in the name of the State of Oklahoma on
11 their relation, if after investigation the Attorney General is
12 convinced there is sufficient legal merit to justify the action.

13 C. Any officer, board, or commission which has the authority to
14 employ or appoint attorneys may request that the Attorney General
15 defend any action arising pursuant to the provisions of The
16 Governmental Tort Claims Act.

17 D. Nothing in this section shall be construed to repeal or
18 affect the provisions of the statutes of this state pertaining to
19 attorneys and legal advisors of the several commissions and
20 departments of state specified in subsection B of this section, and
21 all acts and parts of acts pertaining thereto shall be and remain in
22 full force and effect.

23

24

1 SECTION 36. AMENDATORY 75 O.S. 2011, Section 250.4, as
2 last amended by Section 12, Chapter 430, O.S.L. 2014 (75 O.S. Supp.
3 2018, Section 250.4), is amended to read as follows:

4 Section 250.4. A. 1. Except as is otherwise specifically
5 provided in this subsection, each agency is required to comply with
6 Article I of the Administrative Procedures Act.

7 2. The Corporation Commission shall be required to comply with
8 the provisions of Article I of the Administrative Procedures Act
9 except for subsections A, B, C and E of Section 303 of this title
10 and Section 306 of this title. To the extent of any conflict or
11 inconsistency with Article I of the Administrative Procedures Act,
12 pursuant to Section 35 of Article IX of the Oklahoma Constitution,
13 it is expressly declared that Article I of the Administrative
14 Procedures Act is an amendment to and alteration of Sections 18
15 through 34 of Article IX of the Oklahoma Constitution.

16 3. The Oklahoma Military Department shall be exempt from the
17 provisions of Article I of the Administrative Procedures Act to the
18 extent it exercises its responsibility for military affairs.

19 4. The Oklahoma Ordnance Works Authority, the Northeast
20 Oklahoma Public Facilities Authority, the Oklahoma Office of
21 Homeland Security and the Board of Trustees of the Oklahoma College
22 Savings Plan shall be exempt from Article I of the Administrative
23 Procedures Act.
24

1 5. The Transportation Commission and the Department of
2 Transportation shall be exempt from Article I of the Administrative
3 Procedures Act to the extent they exercise their authority in
4 adopting standard specifications, special provisions, plans, design
5 standards, testing procedures, federally imposed requirements and
6 generally recognized standards, project planning and programming,
7 and the operation and control of the State Highway System.

8 6. The Oklahoma State Regents for Higher Education shall be
9 exempt from Article I of the Administrative Procedures Act with
10 respect to:

- 11 a. prescribing standards of higher education,
- 12 b. prescribing functions and courses of study in each
13 institution to conform to the standards,
- 14 c. granting of degrees and other forms of academic
15 recognition for completion of the prescribed courses,
- 16 d. allocation of state-appropriated funds, and
- 17 e. fees within the limits prescribed by the Legislature.

18 7. Institutional governing boards within The Oklahoma State
19 System of Higher Education shall be exempt from Article I of the
20 Administrative Procedures Act.

21 8. a. The Commissioner of Public Safety shall be exempt from
22 Sections 303.1, 304, 307.1, 308 and 308.1 of this
23 title insofar as it is necessary to promulgate rules
24 pursuant to the Oklahoma Motor Carrier Safety and

1 Hazardous Materials Transportation Act, to maintain a
2 current incorporation of federal motor carrier safety
3 and hazardous material regulations, or pursuant to
4 Chapter 6 of Title 47 of the Oklahoma Statutes, to
5 maintain a current incorporation of federal commercial
6 driver license regulations, for which the Commissioner
7 has no discretion when the state is mandated to
8 promulgate rules identical to federal rules and
9 regulations.

10 b. Such rules may be adopted by the Commissioner and
11 shall be deemed promulgated twenty (20) days after
12 notice of adoption is published in "The Oklahoma
13 Register". Such publication need not set forth the
14 full text of the rule but may incorporate the federal
15 rules and regulations by reference.

16 c. Such copies of promulgated rules shall be filed with
17 the Secretary as required by Section 251 of this
18 title.

19 d. For any rules for which the Commissioner has
20 discretion to allow variances, tolerances or
21 modifications from the federal rules and regulations,
22 the Commissioner shall fully comply with Article I of
23 the Administrative Procedures Act.
24

1 9. The Council on Judicial Complaints shall be exempt from
2 Section 306 of Article I of the Administrative Procedures Act, with
3 respect to review of the validity or applicability of a rule by an
4 action for declaratory judgment, or any other relief based upon the
5 validity or applicability of a rule, in the district court or by an
6 appellate court. A party aggrieved by the validity or applicability
7 of a rule made by the Council on Judicial Complaints may petition
8 the Court on the Judiciary to review the rules and issue opinions
9 based upon them.

10 10. The Department of Corrections, ~~State Board of Corrections,~~
11 and county sheriffs and managers of city jails shall be exempt from
12 Article I of the Administrative Procedures Act with respect to:

- 13 a. prescribing internal management procedures for the
14 management of the state prisons, county jails and city
15 jails and for the management, supervision and control
16 of all incarcerated prisoners, and
- 17 b. prescribing internal management procedures for the
18 management of the probation and parole unit of the
19 Department of Corrections and for the supervision of
20 probationers and parolees.

21 11. The State Board of Education shall be exempt from Article I
22 of the Administrative Procedures Act with respect to prescribing
23 subject matter standards as provided for in Section 11-103.6a of
24 Title 70 of the Oklahoma Statutes.

1 B. As specified, the following agencies or classes of agency
2 activities are not required to comply with the provisions of Article
3 II of the Administrative Procedures Act:

- 4 1. The Oklahoma Tax Commission;
- 5 2. The Commission for Human Services;
- 6 3. The Oklahoma Ordnance Works Authority;
- 7 4. The Corporation Commission;
- 8 5. The Pardon and Parole Board;
- 9 6. The Midwestern Oklahoma Development Authority;
- 10 7. The Grand River Dam Authority;
- 11 8. The Northeast Oklahoma Public Facilities Authority;
- 12 9. The Council on Judicial Complaints;
- 13 10. The Board of Trustees of the Oklahoma College Savings Plan;
- 14 11. The supervisory or administrative agency of any penal,
15 mental, medical or eleemosynary institution, only with respect to
16 the institutional supervision, custody, control, care or treatment
17 of inmates, prisoners or patients therein; provided, that the
18 provisions of Article II shall apply to and govern all
19 administrative actions of the Oklahoma Alcohol Prevention, Training,
20 Treatment and Rehabilitation Authority;
- 21 12. The Board of Regents or employees of any university,
22 college, or other institution of higher learning;
- 23 13. The Oklahoma Horse Racing Commission, its employees or
24 agents only with respect to hearing and notice requirements on the

1 following classes of violations which are an imminent peril to the
2 public health, safety and welfare:

- 3 a. any rule regarding the running of a race,
- 4 b. any violation of medication laws and rules,
- 5 c. any suspension or revocation of an occupation license
6 by any racing jurisdiction recognized by the
7 Commission,
- 8 d. any assault or other destructive acts within
9 Commission-licensed premises,
- 10 e. any violation of prohibited devices, laws and rules,
11 or
- 12 f. any filing of false information;

13 14. The Commissioner of Public Safety only with respect to
14 driver license hearings and hearings conducted pursuant to the
15 provisions of Section 2-115 of Title 47 of the Oklahoma Statutes;

16 15. The Administrator of the Department of Securities only with
17 respect to hearings conducted pursuant to provisions of the Oklahoma
18 Take-over Disclosure Act of 1985;

19 16. Hearings conducted by a public agency pursuant to Section
20 962 of Title 47 of the Oklahoma Statutes;

21 17. The Oklahoma Military Department;

22 18. The University Hospitals Authority, including all hospitals
23 or other institutions operated by the University Hospitals
24 Authority;

1 19. The Oklahoma Health Care Authority Board and the
2 Administrator of the Oklahoma Health Care Authority; and

3 20. The Oklahoma Office of Homeland Security.

4 SECTION 37. REPEALER 57 O.S. 2011, Sections 503 and 504,
5 are hereby repealed.

6 SECTION 38. It being immediately necessary for the preservation
7 of the public peace, health or 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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