

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 ENGROSSED SENATE
5 BILL NO. 162

By: Anderson of the Senate

and

Billy of the House

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10 An Act relating to the Director of the Department of
11 Corrections; amending 57 O.S. 2011, Section 510, as
12 amended by Section 3, Chapter 267, O.S.L. 2012 (57
13 O.S. Supp. 2012, Section 510), which relates to
14 powers and duties; modifying certain powers and
15 duties; authorizing the Director to award certain
16 badge under certain circumstances; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510, as
20 amended by Section 3, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2012,
21 Section 510), is amended to read as follows:

22 Section 510. A. The Director of the Department of Corrections
23 shall have the following specific powers and duties relating to the
24 penal institutions:

1. To appoint, subject to the approval of the State Board of
Corrections, a warden for each penal institution, who shall qualify

1 for the position by character, knowledge, skill, ability, training,
2 and successful administrative experience in the correctional field;
3 and if the person is not the incumbent warden or superintendent of a
4 penal institution, the person shall have a bachelor's degree from an
5 accredited college or university and six (6) years of professional
6 level work experience in corrections;

7 2. To fix the duties of the wardens and superintendents and to
8 appoint and fix the duties and compensation of such other personnel
9 for each institution as may be necessary for the proper operation
10 thereof. However, correctional officers hired after November 1,
11 1995, shall be subject to the following qualifications:

- 12 a. the minimum age for service shall be twenty (20) years
13 of age. The Director shall have the authority to
14 establish the maximum age for correctional officers
15 entering service,
- 16 b. possession of a minimum of thirty (30) semester hours
17 from an accredited college or university, or
18 possession of a high school diploma acquired from an
19 accredited high school or GED equivalent testing
20 program and graduation from a training course
21 conducted by or approved by the Department and
22 certified by the Council on Law Enforcement Education
23 and Training either prior to employment or during the
24 first six (6) months of employment,

- c. be of good moral character,
- d. before going on duty alone, satisfactory completion of an adequate training program for correctional officers, as prescribed and approved by the State Board of Corrections,
- e. satisfactory completion of minimum testing or professional evaluation through the Merit System of Personnel Administration to determine the fitness of the individual to serve in the position written evaluations shall be submitted to the Department of Corrections, and
- f. satisfactory completion of a physical in keeping with the conditions of the job description on an annual basis and along the guidelines as established by the Department of Corrections;

3. To designate as peace officers qualified personnel in any Department of Corrections job classifications. The Director shall designate as peace officers correctional officers who are employed in positions requiring said designation. The peace officer authority of employees designated as peace officers shall be limited to: maintaining custody of prisoners; preventing attempted escapes; pursuing, recapturing and incarcerating escapees and parole or probation violators and arresting such escapees, parole or probation violators, serving warrants, and performing any duties specifically

1 required for the job descriptions. Such powers and duties of peace
2 officers may be exercised for the purpose of maintaining custody,
3 security, and control of any prisoner being transported outside this
4 state as authorized by the Uniform Criminal Extradition Act. To
5 become qualified for designation as peace officers, employees shall
6 meet the training and screening requirements conducted by the
7 Department and certified by the Council on Law Enforcement Education
8 and Training within twelve (12) months of employment or, in the case
9 of employees designated as peace officers on or before July 1, 1997,
10 by July 1, 1998, and shall not be subject to Section 3311 of Title
11 70 of the Oklahoma Statutes;

12 4. To maintain such industries, factories, plants, shops,
13 farms, and other enterprises and operations, hereinafter referred to
14 as prison industries, at each institution as the State Board of
15 Corrections deems necessary or appropriate to employ the prisoners
16 or teach skills, or to sustain the institution; and as provided for
17 by policies established by the State Board of Corrections, to allow
18 compensation for the work of the prisoners, and to provide for
19 apportionment of inmate wages, the amounts thus allowed to be kept
20 in accounts by the Board for the prisoners and given to the inmates
21 upon discharge from the institution, or upon an order paid to their
22 families or dependents or used for the personal needs of the
23 prisoners. Any industry that employs prisoners shall be deemed a
24 "State Prison Industry" if the prisoners are paid from state funds

1 including the proceeds of goods sold as authorized by Section 123f
2 of Title 74 of the Oklahoma Statutes. Any industry in which wages
3 of prisoners are paid by a nongovernmental person, group, or
4 corporation, except those industries employing prisoners in work-
5 release centers under the authority of the Department of Corrections
6 shall be deemed a "Private Prison Industry";

7 5. To assign residences at each institution to institutional
8 personnel and their families;

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

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

12 8. To prescribe rules for the conduct, management, and
13 operation of each institution, including rules for the demeanor of
14 prisoners, the punishment of recalcitrant prisoners, the treatment
15 of incorrigible prisoners, and the disposal of property or
16 contraband seized from inmates or offenders under the supervision of
17 the Department;

18 9. To transfer prisoners from one institution to another;

19 ~~10. To transfer to a state hospital for the mentally ill for~~
20 ~~care and treatment, any prisoner who appears to be mentally ill.~~

21 ~~The prisoner shall be returned to the institution when the~~
22 ~~superintendent of the hospital certifies that the prisoner has been~~
23 ~~restored to mental health.~~

1 ~~11.~~ To establish procedures that ensure inmates are educated
2 and provided with the opportunity to execute advance directives for
3 health care in compliance with Section 3101.2 of Title 63 of the
4 Oklahoma Statutes. The procedures shall ensure that any inmate
5 executing an advanced directive for health care is competent and
6 executes the directive with informed consent;

7 ~~12.~~ 11. To maintain courses of training and instruction for
8 employees at each institution;

9 ~~13.~~ 12. To maintain a program of research and statistics;

10 ~~14.~~ 13. To provide for the periodic audit, at least once
11 annually, of all funds and accounts of each institution and the
12 funds of each prisoner;

13 ~~15.~~ 14. To provide, subject to rules established by the State
14 Board of Corrections, for the utilization of inmate labor for any
15 agency of the state, city, town, or subdivision of this state, upon
16 the duly authorized request for such labor by the agency. The
17 inmate labor shall not be used to reduce employees or replace
18 regular maintenance or operations of the agency. The inmate labor
19 shall be used solely for public or state purposes. No inmate labor
20 shall be used for private use or purpose. Insofar as it is
21 practicable, all inmate labor shall be of such a nature and designed
22 to assist and aid in the rehabilitation of inmates performing the
23 labor;

1 ~~16.~~ 15. To provide clerical services for, and keep and preserve
2 the files and records of, the Pardon and Parole Board; make
3 investigations and inquiries as to prisoners at the institutions who
4 are to be, or who might be, considered for parole or other clemency;
5 assist prisoners who are to be, or who might be, considered for
6 parole or discharge in obtaining suitable employment in the event of
7 parole or discharge; report to the Pardon and Parole Board, for
8 recommendation to the Governor, violations of terms and conditions
9 of paroles; upon request of the Governor, make investigations and
10 inquiries as to persons who are to be, or who might be, considered
11 for reprieves or leaves of absence; report to the Pardon and Parole
12 Board, for recommendation to the Governor, whether a parolee is
13 entitled to a pardon, when the terms and conditions of the parole
14 have been completed; make presentence investigations for, and make
15 reports thereof to, trial judges in criminal cases before sentences
16 are pronounced; supervise persons undergoing suspended sentences, or
17 who are on probation or parole; and develop and operate, subject to
18 the policies and guidelines of the Board, work-release centers,
19 community treatment facilities or prerelease programs at appropriate
20 sites throughout this state;

21 ~~17.~~ 16. To establish an employee tuition assistance program and
22 promulgate rules in accordance with the Administrative Procedures
23 Act for the operation of the program. The rules shall include, but
24 not be limited to, program purposes, eligibility requirements, use

1 of tuition assistance, service commitment to the Department,
2 reimbursement of tuition assistance funds for failure to complete
3 course work or service commitment, amounts of tuition assistance and
4 limitations, and record keeping;

5 ~~18.~~ 17. To establish an employee recruitment and referral
6 incentive program and promulgate rules in accordance with the
7 Administrative Procedures Act for the operation of the program. The
8 rules shall include, but not be limited to, program purposes, pay
9 incentives for employees, eligibility requirements, payment
10 conditions and amounts, payment methods, and record keeping;

11 ~~19.~~ 18. To provide reintegration referral services to any
12 person discharged from the state custody who has volunteered to
13 receive reintegration referral services. The Director may assign
14 staff to refer persons discharged from state custody to services.
15 The Director shall promulgate rules for the referral process. All
16 reintegration referral services shall be subject to the availability
17 of funds;

18 ~~20.~~ 19. To conduct continual planning and research and
19 periodically evaluate the effectiveness of the various correctional
20 programs instituted by the Department; manage the designing,
21 building, and maintaining of all the capital improvements of the
22 Department; establish and maintain current and efficient business,
23 bookkeeping, and accounting practices and procedures for the
24 operations of all institutions and facilities, and for the

1 Department's fiscal affairs; conduct initial orientation and
2 continuing in-service training for the Department employees; provide
3 public information services; inspect and examine the condition and
4 management of state penal and correctional institutions; investigate
5 complaints concerning the management of prisons or alleged
6 mistreatment of inmates thereof; and hear and investigate complaints
7 as to misfeasance or nonfeasance of employees of the Department;

8 ~~21.~~ 20. To authorize any division of the Department to sell
9 advertising in any Department-approved publication, media production
10 or other informational material produced by the Department;
11 provided, that such advertising shall be approved by the Director or
12 designee prior to acceptance for publication. The sale of
13 advertising and negotiation of rates for the advertising shall not
14 be subject to The Oklahoma Central Purchasing Act or the
15 Administrative Procedures Act. The Department shall promulgate
16 rules establishing criteria for accepting or using advertisements as
17 authorized in this paragraph; and

18 ~~22.~~ 21. To issue subpoenas to assist or further investigations
19 into allegations of crimes committed in public or private prisons
20 within the State of Oklahoma. Subpoenas issued by the Director
21 shall be enforced by the District Court in Oklahoma County,
22 Oklahoma; and
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1 22. To authorize award of the badge of an employee who dies
2 while employed by the Department to the spouse or next of kin of the
3 deceased employee.

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

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

19 SECTION 2. This act shall become effective November 1, 2013.

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21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/27/2013 -
22 DO PASS.
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