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February 27, 2013

**AS AMENDED**

SENATE BILL NO. 162

By: Anderson of the Senate

and

Billy of the House

[ Director of the Department of Corrections - powers  
and duties - expense allowance to certain employees -  
effective date ]

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

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

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

1. To appoint, subject to the approval of the State Board of Corrections, a warden for each penal institution, who shall qualify for the position by character, knowledge, skill, ability, training, and successful administrative experience in the correctional field; and if the person is not the incumbent warden or superintendent of a penal institution, the person shall have a bachelor's degree from an

1 accredited college or university and six (6) years of professional  
2 level work experience in corrections;

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

8 a. the minimum age for service shall be twenty (20) years  
9 of age. The Director shall have the authority to  
10 establish the maximum age for correctional officers  
11 entering service,

12 b. possession of a minimum of thirty (30) semester hours  
13 from an accredited college or university, or  
14 possession of a high school diploma acquired from an  
15 accredited high school or GED equivalent testing  
16 program and graduation from a training course  
17 conducted by or approved by the Department and  
18 certified by the Council on Law Enforcement Education  
19 and Training either prior to employment or during the  
20 first six (6) months of employment,

21 c. be of good moral character,

22 d. before going on duty alone, satisfactory completion of  
23 an adequate training program for correctional  
24

1           officers, as prescribed and approved by the State  
2           Board of Corrections,

3           e.   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 written  
7           evaluations shall be submitted to the Department of  
8           Corrections, and

9           f.   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.   To designate as peace officers qualified personnel in any  
14         Department of Corrections job classifications. The Director shall  
15         designate as peace officers correctional officers who are employed  
16         in positions requiring said designation. The peace officer  
17         authority of employees designated as peace officers shall be limited  
18         to: maintaining custody of prisoners; preventing attempted escapes;  
19         pursuing, recapturing and incarcerating escapees and parole or  
20         probation violators and arresting such escapees, parole or probation  
21         violators, serving warrants, and performing any duties specifically  
22         required for the job descriptions. Such powers and duties of peace  
23         officers may be exercised for the purpose of maintaining custody,  
24         security, and control of any prisoner being transported outside this

1 state as authorized by the Uniform Criminal Extradition Act. To  
2 become qualified for designation as peace officers, employees shall  
3 meet the training and screening requirements conducted by the  
4 Department and certified by the Council on Law Enforcement Education  
5 and Training within twelve (12) months of employment or, in the case  
6 of employees designated as peace officers on or before July 1, 1997,  
7 by July 1, 1998, and shall not be subject to Section 3311 of Title  
8 70 of the Oklahoma Statutes;

9 4. To maintain such industries, factories, plants, shops,  
10 farms, and other enterprises and operations, hereinafter referred to  
11 as prison industries, at each institution as the State Board of  
12 Corrections deems necessary or appropriate to employ the prisoners  
13 or teach skills, or to sustain the institution; and as provided for  
14 by policies established by the State Board of Corrections, to allow  
15 compensation for the work of the prisoners, and to provide for  
16 apportionment of inmate wages, the amounts thus allowed to be kept  
17 in accounts by the Board for the prisoners and given to the inmates  
18 upon discharge from the institution, or upon an order paid to their  
19 families or dependents or used for the personal needs of the  
20 prisoners. Any industry that employs prisoners shall be deemed a  
21 "State Prison Industry" if the prisoners are paid from state funds  
22 including the proceeds of goods sold as authorized by Section 123f  
23 of Title 74 of the Oklahoma Statutes. Any industry in which wages  
24 of prisoners are paid by a nongovernmental person, group, or

1 corporation, except those industries employing prisoners in work-  
2 release centers under the authority of the Department of Corrections  
3 shall be deemed a "Private Prison Industry";

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

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

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

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

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

16 ~~10. To transfer to a state hospital for the mentally ill for~~  
17 ~~care and treatment, any prisoner who appears to be mentally ill.~~  
18 ~~The prisoner shall be returned to the institution when the~~  
19 ~~superintendent of the hospital certifies that the prisoner has been~~  
20 ~~restored to mental health;~~

21 ~~11.~~ To establish procedures that ensure inmates are educated  
22 and provided with the opportunity to execute advance directives for  
23 health care in compliance with Section 3101.2 of Title 63 of the  
24 Oklahoma Statutes. The procedures shall ensure that any inmate

1 executing an advanced directive for health care is competent and  
2 executes the directive with informed consent;

3 ~~12.~~ 11. To maintain courses of training and instruction for  
4 employees at each institution;

5 ~~13.~~ 12. To maintain a program of research and statistics;

6 ~~14.~~ 13. To provide for the periodic audit, at least once  
7 annually, of all funds and accounts of each institution and the  
8 funds of each prisoner;

9 ~~15.~~ 14. To provide, subject to rules established by the State  
10 Board of Corrections, for the utilization of inmate labor for any  
11 agency of the state, city, town, or subdivision of this state, upon  
12 the duly authorized request for such labor by the agency. The  
13 inmate labor shall not be used to reduce employees or replace  
14 regular maintenance or operations of the agency. The inmate labor  
15 shall be used solely for public or state purposes. No inmate labor  
16 shall be used for private use or purpose. Insofar as it is  
17 practicable, all inmate labor shall be of such a nature and designed  
18 to assist and aid in the rehabilitation of inmates performing the  
19 labor;

20 ~~16.~~ 15. To provide clerical services for, and keep and preserve  
21 the files and records of, the Pardon and Parole Board; make  
22 investigations and inquiries as to prisoners at the institutions who  
23 are to be, or who might be, considered for parole or other clemency;  
24 assist prisoners who are to be, or who might be, considered for

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

16 ~~17.~~ 16. To establish an employee tuition assistance program and  
17 promulgate rules in accordance with the Administrative Procedures  
18 Act for the operation of the program. The rules shall include, but  
19 not be limited to, program purposes, eligibility requirements, use  
20 of tuition assistance, service commitment to the Department,  
21 reimbursement of tuition assistance funds for failure to complete  
22 course work or service commitment, amounts of tuition assistance and  
23 limitations, and record keeping;

24

1       ~~18.~~ 17. To establish an employee recruitment and referral  
2 incentive program and promulgate rules in accordance with the  
3 Administrative Procedures Act for the operation of the program. The  
4 rules shall include, but not be limited to, program purposes, pay  
5 incentives for employees, eligibility requirements, payment  
6 conditions and amounts, payment methods, and record keeping;

7       ~~19.~~ 18. To provide reintegration referral services to any  
8 person discharged from the state custody who has volunteered to  
9 receive reintegration referral services. The Director may assign  
10 staff to refer persons discharged from state custody to services.  
11 The Director shall promulgate rules for the referral process. All  
12 reintegration referral services shall be subject to the availability  
13 of funds;

14       ~~20.~~ 19. To conduct continual planning and research and  
15 periodically evaluate the effectiveness of the various correctional  
16 programs instituted by the Department; manage the designing,  
17 building, and maintaining of all the capital improvements of the  
18 Department; establish and maintain current and efficient business,  
19 bookkeeping, and accounting practices and procedures for the  
20 operations of all institutions and facilities, and for the  
21 Department's fiscal affairs; conduct initial orientation and  
22 continuing in-service training for the Department employees; provide  
23 public information services; inspect and examine the condition and  
24 management of state penal and correctional institutions; investigate



1 complaints concerning the management of prisons or alleged  
2 mistreatment of inmates thereof; and hear and investigate complaints  
3 as to misfeasance or nonfeasance of employees of the Department;

4 ~~21.~~ 20. To authorize any division of the Department to sell  
5 advertising in any Department-approved publication, media production  
6 or other informational material produced by the Department;  
7 provided, that such advertising shall be approved by the Director or  
8 designee prior to acceptance for publication. The sale of  
9 advertising and negotiation of rates for the advertising shall not  
10 be subject to The Oklahoma Central Purchasing Act or the  
11 Administrative Procedures Act. The Department shall promulgate  
12 rules establishing criteria for accepting or using advertisements as  
13 authorized in this paragraph; ~~and~~

14 ~~22.~~ 21. To issue subpoenas to assist or further investigations  
15 into allegations of crimes committed in public or private prisons  
16 within the State of Oklahoma. Subpoenas issued by the Director  
17 shall be enforced by the District Court in Oklahoma County,  
18 Oklahoma;

19 22. To authorize award of the badge of an employee who dies  
20 while employed by the Department to the spouse or next of kin of the  
21 deceased employee; and

22 23. To authorize an expense allowance of One Hundred Dollars  
23 (\$100.00) per month for the maintenance and cleaning of uniforms and  
24 other related expenses to be paid to all uniformed correctional

1 officers of the Oklahoma Department of Corrections. Employees  
2 occupying the following positions shall be eligible for the uniform  
3 allowance: Correctional Officer I (Cadet); Correctional Officer II  
4 (Officer); Correctional Officer III (Corporal); Correctional Officer  
5 IV (Sergeant); Correctional Security Manager I (Lieutenant);  
6 Correctional Security Manager II (Captain); Correctional Chief of  
7 Security I; Correctional Chief of Security II; and Correctional  
8 Chief of Security III. Employees assigned to one of the above  
9 positions in a temporary acting capacity shall not be eligible for  
10 the full or partial uniform allowance.

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
5 February 27, 2013 - DO PASS AS AMENDED  
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