

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 162

By: Anderson

6 AS INTRODUCED

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

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

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

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

21 1. To appoint, subject to the approval of the State Board of
22 Corrections, a warden for each penal institution, who shall qualify
23 for the position by character, knowledge, skill, ability, training,
24 and successful administrative experience in the correctional field;

1 and if the person is not the incumbent warden or superintendent of a
2 penal institution, the person shall have a bachelor's degree from an
3 accredited college or university and six (6) years of professional
4 level work experience in corrections;

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

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

- 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 required for the job descriptions. Such powers and duties of peace

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

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

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

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

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

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

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

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

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

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

23 ~~11.~~ To establish procedures that ensure inmates are educated
24 and provided with the opportunity to execute advance directives for

1 health care in compliance with Section 3101.2 of Title 63 of the
2 Oklahoma Statutes. The procedures shall ensure that any inmate
3 executing an advanced directive for health care is competent and
4 executes the directive with informed consent;

5 ~~12.~~ 11. To maintain courses of training and instruction for
6 employees at each institution;

7 ~~13.~~ 12. To maintain a program of research and statistics;

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

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

22 ~~16.~~ 15. To provide clerical services for, and keep and preserve
23 the files and records of, the Pardon and Parole Board; make
24 investigations and inquiries as to prisoners at the institutions who

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

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

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

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

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

1 public information services; inspect and examine the condition and
2 management of state penal and correctional institutions; investigate
3 complaints concerning the management of prisons or alleged
4 mistreatment of inmates thereof; and hear and investigate complaints
5 as to misfeasance or nonfeasance of employees of the Department;

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

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

21 22. To authorize award of the badge of an employee who dies
22 while employed by the Department to the spouse or next of kin of the
23 deceased employee; and
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1 23. To authorize an expense allowance of One Hundred Dollars
2 (\$100.00) per month for the maintenance and cleaning of uniforms and
3 other related expenses to be paid to all uniformed correctional
4 officers of the Oklahoma Department of Corrections. Employees
5 occupying the following positions shall be eligible for the uniform
6 allowance: Correctional Officer I (Cadet); Correctional Officer II
7 (Officer); Correctional Officer III (Corporal); Correctional Officer
8 IV (Sergeant); Correctional Security Manager I (Lieutenant);
9 Correctional Security Manager II (Captain); Correctional Chief of
10 Security I; Correctional Chief of Security II; and Correctional
11 Chief of Security III. Employees assigned to one of the above
12 positions in a temporary acting capacity shall not be eligible for
13 the full or partial uniform allowance.

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

1 in a court of law, the employee shall be reinstated and shall be
2 entitled to receive all lost pay and benefits.

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

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

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