

# An Act

ENROLLED HOUSE  
BILL NO. 2631

By: Babinec of the House

and

Bergstrom of the Senate

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

SUBJECT: Duties of the Director of the Department of Corrections

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 510, as last amended by Section 20, Chapter 42, O.S.L. 2017 (57 O.S. Supp. 2017, 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 accredited college or university and six (6) years of professional level work experience in corrections;~~

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

- a. the minimum age for service shall be twenty (20) years of age. The Director shall have the authority to establish the maximum age for correctional officers entering service,
- b. possession of a minimum of thirty (30) semester hours from an accredited college or university, or possession of a high school diploma acquired from an accredited high school or GED equivalent testing program ~~and graduation from a training course conducted by or approved by the Department and certified by the Council on Law Enforcement Education and Training either prior to employment or during the 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; provided, however, correctional officers reinstated within three (3) years of separating from the Department shall not be required to repeat preservice training. The Director or designee may, however, require the correctional officers to attend updated training to ensure compliance with agency training standards,
- 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. All written evaluations shall be submitted to the Department of Corrections, and
- ~~f.~~ d. 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 correctional peace officers, correctional officers who are employed in ~~positions requiring said designation~~ job classifications of correctional security officer, correctional security manager, correctional chief of security and chief of security upon satisfactory completion of a basic course of instruction for correctional officers, as provided for in paragraph 4 of this subsection. The peace officer authority of employees designated as correctional 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; carrying firearms; preventing contraband from entering any penal institutions; arresting individuals who commit crimes at any penal institution; and performing any duties specifically required for the job descriptions. Such powers and duties of correctional peace officers may be exercised for the purpose of maintaining custody, security, and control of any prisoner being transported inside and outside this state as authorized by the Uniform Criminal Extradition Act and the Interstate Corrections Compact. ~~To become qualified for~~

~~designation as peace officers, employees shall meet the training and screening requirements conducted by the Department and certified by the Council on Law Enforcement Education and Training within twelve (12) months of employment or, in the case of employees designated as peace officers on or before July 1, 1997, by July 1, 1998, and shall not be subject to Section 3311 of Title 70 of the Oklahoma Statutes~~  
The Director may implement policies that place additional limitations on the authority of correctional peace officers. The Director shall issue an identification card to each correctional peace officer that identifies the person as a correctional peace officer and grants the person the authority to carry a firearm and make arrests pursuant to this paragraph. Should a correctional peace officer terminate employment for any reason, fail to remain qualified as a correctional peace officer or for reasons stated in policies of the Department, the correctional peace officer shall return the identification card to the supervisor of the correctional peace officer immediately;

4. To develop and implement, upon approval of the State Board of Corrections, a basic course of instruction for correctional officers that consists of a training academy that provides not less than two hundred (200) hours of core curriculum instruction and a firearms training program that provides not less than twenty (20) hours of instruction. The basic course of instruction shall be subject to the following:

- a. the minimum qualifying score that must be shot to pass the firearms training program shall be equal to the minimum qualifying score required by the Council on Law Enforcement Education and Training for peace officers, and
- b. the Director may waive any number of hours or courses required to complete the basic course of instruction for any person who, in the opinion of the Director, has received sufficient training or experience that such hours of instruction would be unduly burdensome or duplicative; however, completion of the firearms training program shall not be waived;

5. To develop and implement annual in-service training for correctional officers that consists of at least forty (40) hours of continued corrections education and annual recertification of firearms proficiency. The minimum qualifying score that must be shot to requalify for recertification of firearms proficiency shall

be equal to the minimum qualifying score required by the Council on Law Enforcement Education and Training for the requalification of peace officers;

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

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

8. To maintain such industries, factories, plants, shops, farms, and other enterprises and operations, hereinafter referred to as prison industries, at each penal institution as the State Board of Corrections deems necessary or appropriate to employ the prisoners or teach skills, or to sustain the penal institution; and as provided for by policies established by the State Board of Corrections, to allow compensation for the work of the prisoners, and to provide for apportionment of inmate wages, the amounts thus allowed to be kept in accounts by the Board for the prisoners and given to the inmates upon discharge from the penal institution, or upon an order paid to their families or dependents or used for the personal needs of the prisoners. Any industry that employs prisoners shall be deemed a "State Prison Industry" if the prisoners are paid from state funds including the proceeds of goods sold as authorized by Section 123f of Title 74 of the Oklahoma Statutes. Any industry in which wages of prisoners are paid by a nongovernmental person, group, or corporation, except those industries employing prisoners in work-release centers under the

authority of the Department of Corrections shall be deemed a "Private Prison Industry";

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

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

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

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

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

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

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

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

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

~~14.~~ 18. To provide, subject to rules established by the State Board of Corrections, for the utilization of inmate labor for any agency of the state, city, town, or subdivision of this state, upon the duly authorized request for such labor by the agency. The inmate labor shall not be used to reduce employees or replace regular maintenance or operations of the agency. The inmate labor shall be used solely for public or state purposes. No inmate labor shall be used for private use or purpose. Insofar as it is

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

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

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

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

~~18.~~ 22. To provide reintegration referral services to any person discharged from the state custody who has volunteered to receive reintegration referral services. The Director may assign

staff to refer persons discharged from state custody to services. The Director shall promulgate rules for the referral process. All reintegration referral services shall be subject to the availability of funds;

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

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

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

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

~~23.~~ 27. To establish, in conjunction with the Information Services Division of the Office of Management and Enterprise Services, an emergency alert notification system for the public, capable of distributing notifications of facility emergencies or



prisoner escapes for all facilities and each facility of the Department of Corrections; ~~and~~

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

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

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

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

SECTION 2. This act shall become effective November 1, 2018.

Passed the House of Representatives the 3rd day of May, 2018.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 3rd day of May, 2018.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
By: \_\_\_\_\_