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AS AMENDED

By: Babinec of the House

Fry of the Senate

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1 ~~penal institution, the person shall have a bachelor's degree from an~~
2 ~~accredited college or university and six (6) years of professional~~
3 ~~level work experience in corrections;~~

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

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

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

22 c. ~~be of good moral character,~~

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

1 ~~officers, as prescribed and approved by the State~~
2 ~~Board of Corrections; provided, however, correctional~~
3 ~~officers reinstated within three (3) years of~~
4 ~~separating from the Department shall not be required~~
5 ~~to repeat preservice training. The Director or~~
6 ~~designee may, however, require the correctional~~
7 ~~officers to attend updated training to ensure~~
8 ~~compliance with agency training standards,~~
9 ~~e.~~ satisfactory completion of minimum testing or
10 professional evaluation through the Merit System of
11 Personnel Administration to determine the fitness of
12 the individual to serve in the position. All written
13 evaluations shall be submitted to the Department of
14 Corrections, and
15 ~~f.~~ d. satisfactory completion of a physical in keeping with
16 the conditions of the job description on an annual
17 basis and along the guidelines as established by the
18 Department of Corrections;

19 3. ~~To designate as peace officers qualified personnel in any~~
20 ~~Department of Corrections job classifications.~~ The Director shall
21 designate as correctional peace officers, correctional officers who
22 are employed in ~~positions requiring said designation~~ job
23 classifications of correctional security officer, correctional
24 security manager, correctional chief of security and chief of

1 security upon satisfactory completion of a basic course of
2 instruction for correctional officers, as provided for in paragraph
3 4 of this subsection. The peace officer authority of employees
4 designated as correctional peace officers shall be limited to:
5 maintaining custody of prisoners; preventing attempted escapes;
6 pursuing, recapturing and incarcerating escapees and parole or
7 probation violators and arresting such escapees, parole or probation
8 violators~~;~~ serving warrants; carrying firearms; preventing
9 contraband from entering any penal institutions; arresting
10 individuals who commit crimes at any penal institution; and
11 performing any duties specifically required for the job
12 descriptions. Such powers and duties of correctional peace officers
13 may be exercised for the purpose of maintaining custody, security,
14 and control of any prisoner being transported inside and outside
15 this state as authorized by the Uniform Criminal Extradition Act and
16 the Interstate Corrections Compact. ~~To become qualified for~~
17 ~~designation as peace officers, employees shall meet the training and~~
18 ~~screening requirements conducted by the Department and certified by~~
19 ~~the Council on Law Enforcement Education and Training within twelve~~
20 ~~(12) months of employment or, in the case of employees designated as~~
21 ~~peace officers on or before July 1, 1997, by July 1, 1998, and shall~~
22 ~~not be subject to Section 3311 of Title 70 of the Oklahoma Statutes~~
23 The Director may implement policies that place additional
24 limitations on the authority of correctional peace officers. The

1 Director shall issue an identification card to each correctional
2 peace officer that identifies the person as a correctional peace
3 officer and grants the person the authority to carry a firearm and
4 make arrests pursuant to this paragraph. Should a correctional
5 peace officer terminate employment for any reason, fail to remain
6 qualified as a correctional peace officer or for reasons stated in
7 policies of the Department, the correctional peace officer shall
8 return the identification card to the supervisor of the correctional
9 peace officer immediately;

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

- 17 a. the minimum qualifying score that must be shot to pass
18 the firearms training program shall be equal to the
19 minimum qualifying score required by the Council on
20 Law Enforcement Education and Training for peace
21 officers, and
22 b. the Director may waive any number of hours or courses
23 required to complete the basic course of instruction
24 for any person who, in the opinion of the Director,

1 has received sufficient training or experience that
2 such hours of instruction would be unduly burdensome
3 or duplicative; however, completion of the firearms
4 training program shall not be waived;

5 5. To develop and implement annual in-service training for
6 correctional officers that consists of at least forty (40) hours of
7 continued corrections education and annual recertification of
8 firearms proficiency. The minimum qualifying score that must be
9 shot to requalify for recertification of firearms proficiency shall
10 be equal to the minimum qualifying score required by the Council on
11 Law Enforcement Education and Training for the requalification of
12 peace officers;

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

21 7. To authorize other employees of the Department to carry
22 firearms anywhere in the state to use for self-defense pursuant to
23 and consistent with policies developed by the Department upon
24 satisfactory completion of the firearms training program provided

1 for in paragraph 4 of this subsection. The Director shall issue an
2 identification card to each authorized employee that grants the
3 employee the authority to carry a firearm pursuant to the provisions
4 of this paragraph. Should an authorized employee terminate
5 employment for any reason, fail to remain qualified to carry a
6 firearm, or for reasons stated in the policies of the Department,
7 the authorized employee shall immediately return the identification
8 card to the supervisor of the employee and shall no longer be
9 authorized to carry firearms under the authority of this paragraph;

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

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

6 ~~5.~~ 9. To assign residences at each penal institution to penal
7 institutional personnel and their families;

8 ~~6.~~ 10. To provide for the education, training, vocational
9 education, rehabilitation, and recreation of prisoners;

10 ~~7.~~ 11. To regulate the operation of canteens for prisoners;

11 ~~8.~~ 12. To prescribe rules for the conduct, management, and
12 operation of each penal institution, including rules for the
13 demeanor of prisoners, the punishment of recalcitrant prisoners, the
14 treatment 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.~~ 13. To transfer prisoners from one penal institution to
18 another;

19 ~~10.~~ 14. To establish procedures that ensure inmates are
20 educated and provided with the opportunity to execute advance
21 directives for health care in compliance with Section 3101.2 of
22 Title 63 of the Oklahoma Statutes. The procedures shall ensure that
23 any inmate executing an advance directive for health care is
24 competent and executes the directive with informed consent;

1 ~~11.~~ 15. To maintain courses of training and instruction for
2 employees ~~at each institution~~ of the Department;

3 ~~12.~~ 16. To maintain a program of research and statistics;

4 ~~13.~~ 17. To provide for the periodic audit, at least once
5 annually, of all funds and accounts of each penal institution and
6 the funds of each prisoner;

7 ~~14.~~ 18. To provide, subject to rules established by the State
8 Board of Corrections, for the utilization of inmate labor for any
9 agency of the state, city, town, or subdivision of this state, upon
10 the duly authorized request for such labor by the agency. The
11 inmate labor shall not be used to reduce employees or replace
12 regular maintenance or operations of the agency. The inmate labor
13 shall be used solely for public or state purposes. No inmate labor
14 shall be used for private use or purpose. Insofar as it is
15 practicable, all inmate labor shall be of such a nature and designed
16 to assist and aid in the rehabilitation of inmates performing the
17 labor;

18 ~~15.~~ 19. To provide clerical services for, and keep and preserve
19 the files and records of, the Pardon and Parole Board; make
20 investigations and inquiries as to prisoners at the penal
21 institutions who are to be, or who might be, considered for parole
22 or other clemency; assist prisoners who are to be, or who might be,
23 considered for parole or discharge in obtaining suitable employment
24 in the event of parole or discharge; report to the Pardon and Parole

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

15 ~~16.~~ 20. To establish an employee tuition assistance program and
16 promulgate rules in accordance with the Administrative Procedures
17 Act for the operation of the program. The rules shall include, but
18 not be limited to, program purposes, eligibility requirements, use
19 of tuition assistance, service commitment to the Department,
20 reimbursement of tuition assistance funds for failure to complete
21 course work or service commitment, amounts of tuition assistance and
22 limitations, and record keeping;

23 ~~17.~~ 21. To establish an employee recruitment and referral
24 incentive program and promulgate rules in accordance with the

1 Administrative Procedures Act for the operation of the program. The
2 rules shall include, but not be limited to, program purposes, pay
3 incentives for employees, eligibility requirements, payment
4 conditions and amounts, payment methods, and record keeping;

5 ~~18.~~ 22. To provide reintegration referral services to any
6 person discharged from the state custody who has volunteered to
7 receive reintegration referral services. The Director may assign
8 staff to refer persons discharged from state custody to services.
9 The Director shall promulgate rules for the referral process. All
10 reintegration referral services shall be subject to the availability
11 of funds;

12 ~~19.~~ 23. To conduct continual planning and research and
13 periodically evaluate the effectiveness of the various correctional
14 programs instituted by the Department; manage the designing,
15 building, and maintaining of all the capital improvements of the
16 Department; establish and maintain current and efficient business,
17 bookkeeping, and accounting practices and procedures for the
18 operations of all penal institutions and facilities, and for the
19 Department's fiscal affairs; conduct initial orientation and
20 continuing in-service training for the Department employees; provide
21 public information services; inspect and examine the condition and
22 management of state penal and correctional institutions; investigate
23 complaints concerning the management of prisons or alleged
24

1 mistreatment of inmates thereof; and hear and investigate complaints
2 as to misfeasance or nonfeasance of employees of the Department;

3 ~~20.~~ 24. To authorize any division of the Department to sell
4 advertising in any Department-approved publication, media production
5 or other informational material produced by the Department;
6 provided, that such advertising shall be approved by the Director or
7 designee prior to acceptance for publication. The sale of
8 advertising and negotiation of rates for the advertising shall not
9 be subject to The Oklahoma Central Purchasing Act or the
10 Administrative Procedures Act. The Department shall promulgate
11 rules establishing criteria for accepting or using advertisements as
12 authorized in this paragraph;

13 ~~21.~~ 25. To issue subpoenas to assist or further investigations
14 into allegations of crimes committed in public or private prisons
15 within the State of Oklahoma. Subpoenas issued by the Director
16 shall be enforced by the District Court in Oklahoma County,
17 Oklahoma;

18 ~~22.~~ 26. To authorize award of the badge of an employee who dies
19 while employed by the Department to the spouse or next of kin of the
20 deceased employee;

21 ~~23.~~ 27. To establish, in conjunction with the Information
22 Services Division of the Office of Management and Enterprise
23 Services, an emergency alert notification system for the public,
24 capable of distributing notifications of facility emergencies or

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

3 ~~24.~~ 28. To declare an emergency when, due to shortage of staff,
4 correctional officers at a facility are required to work more than
5 two double shifts in a seven-day period. As used in this paragraph,
6 "double shift" means two eight-hour shifts in a twenty-four-hour
7 period; and

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

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, 2018.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 April 11, 2018 - DO PASS AS AMENDED
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