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February 23, 2017

By: Boggs

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 510, as last amended by Section 1, Chapter 115, O.S.L. 2016 (57 O.S. Supp. 2016, Section 510), which relates to penal institutions; directing certain action; and providing an effective date.

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 1, Chapter 115, O.S.L. 2016 (57 O.S. Supp. 2016, 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 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. 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 all correctional officers who are CLEET certified 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;

1 pursuing, recapturing and incarcerating escapees and parole or
2 probation violators and arresting such escapees, parole or probation
3 violators7i serving warrants7i and performing any duties
4 specifically required for the job descriptions. Such powers and
5 duties of peace officers may be exercised for the purpose of
6 maintaining custody, security, and control of any prisoner being
7 transported outside this state as authorized by the Uniform Criminal
8 Extradition Act. To become qualified for designation as peace
9 officers, employees shall meet the training and screening
10 requirements conducted by the Department and certified by the
11 Council on Law Enforcement Education and Training within twelve (12)
12 months of employment or, in the case of employees designated as
13 peace officers on or before July 1, 1997, by July 1, 1998, and shall
14 not be subject to Section 3311 of Title 70 of the Oklahoma Statutes;

15 4. To maintain such industries, factories, plants, shops,
16 farms, and other enterprises and operations, hereinafter referred to
17 as prison industries, at each institution as the State Board of
18 Corrections deems necessary or appropriate to employ the prisoners
19 or teach skills, or to sustain the institution; and as provided for
20 by policies established by the State Board of Corrections, to allow
21 compensation for the work of the prisoners, and to provide for
22 apportionment of inmate wages, the amounts thus allowed to be kept
23 in accounts by the Board for the prisoners and given to the inmates
24 upon discharge from the institution, or upon an order paid to their

1 families or dependents or used for the personal needs of the
2 prisoners. Any industry that employs prisoners shall be deemed a
3 "State Prison Industry" if the prisoners are paid from state funds
4 including the proceeds of goods sold as authorized by Section 123f
5 of Title 74 of the Oklahoma Statutes. Any industry in which wages
6 of prisoners are paid by a nongovernmental person, group, or
7 corporation, except those industries employing prisoners in work-
8 release centers under the authority of the Department of Corrections
9 shall be deemed a "Private Prison Industry";

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

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

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

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

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

22 10. To establish procedures that ensure inmates are educated
23 and provided with the opportunity to execute advance directives for
24 health care in compliance with Section 3101.2 of Title 63 of the

1 Oklahoma Statutes. The procedures shall ensure that any inmate
2 executing an advanced directive for health care is competent and
3 executes the directive with informed consent;

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

6 12. To maintain a program of research and statistics;

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

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

20 15. To provide clerical services for, and keep and preserve the
21 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 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;

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

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

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

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

4 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;

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

18 22. 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; and

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

1 escapes for all facilities and each facility of the Department of
2 Corrections.

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

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

18 SECTION 2. This act shall become effective November 1, 2017.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 February 23, 2017 - DO PASS
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