

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2893

By: Conley

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 2011, Section 510, as last amended
by Section 1, Chapter 279, O.S.L. 2018 (57 O.S. Supp.
2019, Section 510), which relates to powers of the
Director of the Department of Corrections;
authorizing Director to allow certain employees to
maintain peace officer status; 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 279, O.S.L. 2018 (57 O.S. Supp. 2019,
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;

2. To fix the duties of the wardens and to appoint and fix the
duties and compensation of such other personnel for each penal

1 institution as may be necessary for the proper operation thereof.

2 However, correctional officers hired after November 1, 1995, shall
3 be subject to the following qualifications:

4 a. the minimum age for service shall be twenty (20) years
5 of age. The Director shall have the authority to
6 establish the maximum age for correctional officers
7 entering service,

8 b. possession of a minimum of thirty (30) semester hours
9 from an accredited college or university, or
10 possession of a high school diploma acquired from an
11 accredited high school or GED equivalent testing
12 program,

13 c. satisfactory completion of minimum testing or
14 professional evaluation through the Merit System of
15 Personnel Administration to determine the fitness of
16 the individual to serve in the position. All written
17 evaluations shall be submitted to the Department of
18 Corrections, and

19 d. satisfactory completion of a physical in keeping with
20 the conditions of the job description on an annual
21 basis and along the guidelines as established by the
22 Department of Corrections;

23 3. The Director shall designate as correctional peace officers,
24 correctional officers who are employed in job classifications of

1 correctional security officer, correctional security manager,
2 correctional chief of security and chief of security upon
3 satisfactory completion of a basic course of instruction for
4 correctional officers, as provided for in paragraph 4 of this
5 subsection. The peace officer authority of employees designated as
6 correctional peace officers shall be limited to: maintaining
7 custody of prisoners; preventing attempted escapes; pursuing,
8 recapturing and incarcerating escapees and parole or probation
9 violators and arresting such escapees, parole or probation
10 violators; serving warrants; carrying firearms; preventing
11 contraband from entering any penal institutions; arresting
12 individuals who commit crimes at any penal institution; and
13 performing any duties specifically required for the job
14 descriptions. Such powers and duties of correctional peace officers
15 may be exercised for the purpose of maintaining custody, security,
16 and control of any prisoner being transported inside and outside
17 this state as authorized by the Uniform Criminal Extradition Act and
18 the Interstate Corrections Compact. The Director may implement
19 policies that place additional limitations on the authority of
20 correctional peace officers. The Director shall issue an
21 identification card to each correctional peace officer that
22 identifies the person as a correctional peace officer and grants the
23 person the authority to carry a firearm and make arrests pursuant to
24 this paragraph. Should a correctional peace officer terminate

1 employment for any reason, fail to remain qualified as a
2 correctional peace officer or for reasons stated in policies of the
3 Department, the correctional peace officer shall return the
4 identification card to the supervisor of the correctional peace
5 officer immediately;

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

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

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

9 6. To require any person employed as a correctional security
10 officer, correctional security manager, correctional chief of
11 security and chief of security to remain qualified as a correctional
12 peace officer. Any correctional peace officer who is unable to
13 remain qualified as a correctional peace officer may be offered an
14 available position within the Department in the same or lesser pay
15 grade for which the employee is eligible, or the employee may be
16 terminated. When an employee who is commissioned as a peace officer
17 by the Department voluntarily moves into a position which does not
18 require peace officer status, the Director may allow the employee to
19 maintain their peace officer status;

20 7. To authorize other employees of the Department to carry
21 firearms anywhere in the state to use for self-defense pursuant to
22 and consistent with policies developed by the Department upon
23 satisfactory completion of the firearms training program provided
24 for in paragraph 4 of this subsection. The Director shall issue an

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

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

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

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

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

9 11. To regulate the operation of canteens for prisoners;

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

16 13. To transfer prisoners from one penal institution to
17 another;

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

1 15. To maintain courses of training and instruction for
2 employees of the Department;

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

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

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

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

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

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

21 21. To establish an employee recruitment and referral incentive
22 program and promulgate rules in accordance with the Administrative
23 Procedures Act for the operation of the program. The rules shall
24 include, but not be limited to, program purposes, pay incentives for

1 employees, eligibility requirements, payment conditions and amounts,
2 payment methods, and record keeping;

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

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

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

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

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

18 27. To establish, in conjunction with the Information Services
19 Division of the Office of Management and Enterprise Services, an
20 emergency alert notification system for the public, capable of
21 distributing notifications of facility emergencies or prisoner
22 escapes for all facilities and each facility of the Department of
23 Corrections;

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

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

12 B. When an employee of the Department of Corrections has been
13 charged with a violation of the rules of the Department or with a
14 felony pursuant to the provisions of a state or federal statute, the
15 Director may, in the Director's discretion, suspend the charged
16 employee, in accordance with the Oklahoma Personnel Act and/or the
17 Merit System of Personnel Administration Rules, pending the hearing
18 and final determination of the charges. Notice of suspension shall
19 be given by the Director, in accordance with the provisions of the
20 Oklahoma Personnel Act. If after completion of the investigation of
21 the charges, it is determined that such charges are without merit or
22 are not sustained before the Oklahoma Merit Protection Commission or
23 in a court of law, the employee shall be reinstated and shall be
24 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, 2020.
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