

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 456 By: Coleman of the Senate
3 and
4 Mize of the House
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7 An Act relating to offenders; amending 57 O.S. 2011,
8 Section 510.9, as last amended by Section 1, Chapter
249, O.S.L. 2018 (57 O.S. Supp. 2020, Section 510.9),
9 which relates to the electronic monitoring program;
modifying certain eligibility; and providing an
effective date.
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12 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
and replace with:
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14 "An Act relating to offenders; amending 57 O.S. 2011,
15 Section 510.9, as last amended by Section 1, Chapter
249, O.S.L. 2018 (57 O.S. Supp. 2020, Section
16 510.9), which relates to the electronic monitoring
program; modifying certain eligibility requirements;
and providing an effective date.
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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, as
21 last amended by Section 1, Chapter 249, O.S.L. 2018 (57 O.S. Supp.
22 2020, Section 510.9), is amended to read as follows:

23 Section 510.9 A. There is hereby created the Electronic
24 Monitoring Program for inmates in the custody of the Department of

1 Corrections who are sentenced for a nonviolent offense not included
2 as a violent offense defined in Section 571 of this title. The
3 Department is authorized to use an electronic monitoring global
4 positioning device to satisfy its custody duties and
5 responsibilities.

6 B. After an inmate has been processed and received through a
7 Department Assessment and Reception Center, has a home offer, and
8 has met the criteria established in subsection C of Section 521 of
9 this title, the Director of the Department of Corrections may assign
10 the inmate, if eligible, to the Electronic Monitoring Program.
11 ~~Nothing shall prohibit the Director from assigning an inmate to the~~
12 ~~Electronic Monitoring Program while assigned to the accredited~~
13 ~~halfway house or transitional living facility.~~ The following
14 inmates, youthful offenders, and juveniles shall not be eligible for
15 assignment to the program:

16 1. Any inmate serving a sentence of more than ten (10) years
17 who has ~~twenty-four (24) months~~ one thousand ninety-five (1,095)
18 days or more left on the sentence ~~or any inmate serving a sentence~~
19 ~~of five (5) years or less whose initial custody assessment requires~~
20 ~~placement above the minimum security level;~~

21 2. Inmates convicted of a violent offense within the previous
22 ten (10) years or convicted of a violation enumerated in Section
23 13.1 of Title 21 of the Oklahoma Statutes;

1 3. Inmates convicted pursuant to Section 11-902 of Title 47 of
2 the Oklahoma Statutes who are not receptive to substance abuse
3 treatment and follow-up treatment;

4 4. Inmates deemed by the Department to be a security risk or
5 threat to the public;

6 5. Inmates requiring educational, medical or other services or
7 programs not available in a community setting as determined by the
8 Department;

9 6. Inmates convicted of any ~~violation of subsection C of~~ crime
10 related to domestic abuse as provided for in Section 644 of Title 21
11 of the Oklahoma Statutes or who have an active protection order that
12 was issued under the Protection from Domestic Abuse Act;

13 7. Inmates who have outstanding felony warrants or detainers
14 from another jurisdiction;

15 8. Inmates convicted of a sex offense who, upon release from
16 incarceration, would be required by law to register pursuant to the
17 Sex Offender Registration Act;

18 9. Inmates convicted for any crime against a child or abuse
19 pursuant to Section 843.5 of Title 21 of the Oklahoma Statutes;

20 10. Inmates convicted of exploitation of a vulnerable adult
21 pursuant to Section 843.3 of Title 21 of the Oklahoma Statutes;

22 ~~9.~~ 11. Inmates convicted of racketeering activity as defined in
23 Section 1402 of Title 22 of the Oklahoma Statutes;

1 ~~10.~~ 12. Inmates convicted pursuant to subsection F of Section
2 2-401 of Title 63 of the Oklahoma Statutes;

3 ~~11.~~ 13. Inmates convicted pursuant to Section 650 of Title 21
4 of the Oklahoma Statutes;

5 ~~12.~~ 14. Inmates who have escaped from a medium or maximum
6 custody penal or correctional institution within the previous ten
7 (10) years; or

8 ~~13.~~ 15. Inmates who currently have active misconduct actions on
9 file with the Department of Corrections.

10 C. Every eligible inmate assigned to the Electronic Monitoring
11 Program shall remain in such program until one of the following
12 conditions has been met:

13 1. The inmate discharges the term of the sentence;

14 2. The inmate is removed from the Electronic Monitoring Program
15 for violation of any rule or condition of the program and reassigned
16 to imprisonment in a correctional facility; or

17 3. The inmate is paroled by the Governor pursuant to Section
18 332.7 of this title.

19 D. After an inmate has been assigned to the Electronic
20 Monitoring Program, denial of parole pursuant to Section 332.7 of
21 this title, shall not be cause for removal from the program,
22 provided the inmate has not violated the rules or conditions of the
23 program. The inmate may remain assigned to the program, if
24 otherwise eligible, until the completion of the sentence.

1 E. The Electronic Monitoring Program shall require active
2 supervision of the inmate in a community setting by a correctional
3 officer or other employee of the Department of Corrections with
4 monitoring by a global positioning device approved by the Department
5 under such rules and conditions as may be established by the
6 Department. If an inmate violates any rule or condition of the
7 program, the Department may take necessary disciplinary action
8 consistent with the rules established pursuant to this section,
9 including reassignment to a higher level of security or removing the
10 inmate from the program with reassignment to imprisonment in a
11 correctional facility. Any inmate who escapes from the Electronic
12 Monitoring Program shall be subject to the provisions of Section 443
13 of Title 21 of the Oklahoma Statutes.

14 F. Upon an inmate assigned to the Electronic Monitoring Program
15 becoming eligible for parole consideration, pursuant to Section
16 332.7 of this title, the Department of Corrections shall deliver the
17 inmate, in person, to a correctional facility for an interview,
18 together with any Department records necessary for the Pardon and
19 Parole Board's investigation. Inmates assigned to the Electronic
20 Monitoring Program shall not be allowed to waive consideration or
21 recommendation for parole.

22 G. Prior to placement of any eligible inmate assigned to the
23 Electronic Monitoring Program being placed in a community setting,
24 the Department of Corrections shall deliver a written notification

1 to the sheriff and district attorney of the county, and the chief
2 law enforcement officer of any incorporated city or town in which
3 the inmate is to be monitored and supervised under the program. The
4 Department of Corrections shall provide notice of the projected date
5 of release of an inmate to the designated Oklahoma victim
6 notification service provider within sixty (60) days but not less
7 than seven (7) days prior to the projected date of release of the
8 inmate.

9 H. An inmate assigned to the Electronic Monitoring Program may
10 be required to pay the Department of Corrections for all or part of
11 any monitoring equipment or fee, substance abuse treatment program
12 or follow-up treatment expense, supervision cost, or other costs
13 while assigned to the program. The Department shall determine
14 whether the inmate has the ability to pay all or part of such fee or
15 costs.

16 I. The Department of Corrections shall develop policies and
17 procedures necessary to implement the Electronic Monitoring Program,
18 including but not limited to methods of monitoring and supervision,
19 disciplinary action, reassignment to higher and lower security
20 levels, removal from the program, and costs of monitoring and
21 supervision to be paid by the inmate, if any.

22 J. An inmate assigned to the Electronic Monitoring Program
23 shall, within thirty (30) days of being placed in a community
24 setting, report to the court clerk and the district attorney of the

1 county from which the judgment and sentence resulting in
2 incarceration arose to address payment of any fines, costs,
3 restitution and assessments owed by the inmate, if any.

4 SECTION 2. This act shall become effective November 1, 2021."

5 Passed the House of Representatives the 22nd day of April, 2021.

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Presiding Officer of the House of
Representatives

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10 Passed the Senate the ____ day of _____, 2021.

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Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 456

By: Coleman of the Senate

3 and

4 Mize of the House

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6 An Act relating to offenders; amending 57 O.S. 2011,
7 Section 510.9, as last amended by Section 1, Chapter
8 249, O.S.L. 2018 (57 O.S. Supp. 2020, Section 510.9),
9 which relates to the electronic monitoring program;
10 modifying certain eligibility; and providing an
11 effective date.

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

13 SECTION 3. AMENDATORY 57 O.S. 2011, Section 510.9, as
14 last amended by Section 1, Chapter 249, O.S.L. 2018 (57 O.S. Supp.
15 2020, Section 510.9), is amended to read as follows:

16 Section 510.9. A. There is hereby created the Electronic
17 Monitoring Program for inmates in the custody of the Department of
18 Corrections who are sentenced for a nonviolent offense not included
19 as a violent offense defined in Section 571 of this title. The
20 Department is authorized to use an electronic monitoring global
21 positioning device to satisfy its custody duties and
22 responsibilities.

23 B. After an inmate has been processed and received through a
24 Department Assessment and Reception Center, and has a home offer,
~~and has met the criteria established in subsection C of Section 521~~

1 ~~of this title,~~ the Director of the Department of Corrections may
2 assign the inmate, if eligible, to the Electronic Monitoring
3 Program. ~~Nothing shall prohibit the Director from assigning an~~
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5 ~~accredited halfway house or transitional living facility.~~ The
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7 eligible for assignment to the program:

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9 who has ~~twenty-four (24) months~~ One thousand ninety-five (1,095)
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16 3. Inmates convicted pursuant to Section 11-902 of Title 47 of
17 the Oklahoma Statutes who are not receptive to substance abuse
18 treatment and follow-up treatment;

19 4. Inmates deemed by the Department to be a security risk or
20 threat to the public;

21 5. Inmates requiring educational, medical or other services or
22 programs not available in a community setting as determined by the
23 Department;

1 6. Inmates convicted of any violation of subsection C of
2 Section 644 of Title 21 of the Oklahoma Statutes or who have an
3 active protection order that was issued under the Protection from
4 Domestic Abuse Act;

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6 from another jurisdiction;

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8 incarceration, would be required by law to register pursuant to the
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19 of the Oklahoma Statutes;

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21 custody penal or correctional institution within the previous ten
22 (10) years; or

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7 to imprisonment in a correctional facility; or

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10 D. After an inmate has been assigned to the Electronic
11 Monitoring Program, denial of parole pursuant to Section 332.7 of
12 this title, shall not be cause for removal from the program,
13 provided the inmate has not violated the rules or conditions of the
14 program. The inmate may remain assigned to the program, if
15 otherwise eligible, until the completion of the sentence.

16 E. The Electronic Monitoring Program shall require active
17 supervision of the inmate in a community setting by a correctional
18 officer or other employee of the Department of Corrections with
19 monitoring by a global positioning device approved by the Department
20 under such rules and conditions as may be established by the
21 Department. If an inmate violates any rule or condition of the
22 program, the Department may take necessary disciplinary action
23 consistent with the rules established pursuant to this section,
24 including reassignment to a higher level of security or removing the

1 inmate from the program with reassignment to imprisonment in a
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13 G. Prior to placement of any eligible inmate assigned to the
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17 law enforcement officer of any incorporated city or town in which
18 the inmate is to be monitored and supervised under the program. The
19 Department of Corrections shall provide notice of the projected date
20 of release of an inmate to the designated Oklahoma victim
21 notification service provider within sixty (60) days but not less
22 than seven (7) days prior to the projected date of release of the
23 inmate.

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6 whether the inmate has the ability to pay all or part of such fee or
7 costs.

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9 procedures necessary to implement the Electronic Monitoring Program,
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11 disciplinary action, reassignment to higher and lower security
12 levels, removal from the program, and costs of monitoring and
13 supervision to be paid by the inmate, if any.

14 J. An inmate assigned to the Electronic Monitoring Program
15 shall, within thirty (30) days of being placed in a community
16 setting, report to the court clerk and the district attorney of the
17 county from which the judgment and sentence resulting in
18 incarceration arose to address payment of any fines, costs,
19 restitution and assessments owed by the inmate, if any.

20 SECTION 4. This act shall become effective November 1, 2021.
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1 Passed the Senate the 2nd day of March, 2021.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives