

**SENATE FLOOR VERSION**

February 24, 2021

SENATE BILL NO. 456

By: Coleman of the Senate

and

Mize of the House

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

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

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

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

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

11 1. Any inmate ~~serving a sentence of more than ten (10) years~~  
12 who has ~~twenty-four (24) months~~ One thousand ninety-five (1,095)  
13 days or more left on the sentence ~~or any inmate serving a sentence~~  
14 ~~of five (5) years or less whose initial custody assessment requires~~  
15 ~~placement above the minimum security level;~~

16 2. Inmates convicted of a violent offense within the previous  
17 ten (10) years or convicted of a violation enumerated in Section  
18 13.1 of Title 21 of the Oklahoma Statutes;

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

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

1        5. Inmates requiring educational, medical or other services or  
2 programs not available in a community setting as determined by the  
3 Department;

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

8        7. Inmates who have outstanding felony warrants or detainers  
9 from another jurisdiction;

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

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

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

17       ~~9.~~ 11. Inmates convicted of racketeering activity as defined in  
18 Section 1402 of Title 22 of the Oklahoma Statutes;

19       ~~10.~~ 12. Inmates convicted pursuant to subsection F of Section  
20 2-401 of Title 63 of the Oklahoma Statutes;

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

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

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

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

1. The inmate discharges the term of the sentence;

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

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

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

E. The Electronic Monitoring Program shall require active supervision of the inmate in a community setting by a correctional officer or other employee of the Department of Corrections with monitoring by a global positioning device approved by the Department

1 under such rules and conditions as may be established by the  
2 Department. If an inmate violates any rule or condition of the  
3 program, the Department may take necessary disciplinary action  
4 consistent with the rules established pursuant to this section,  
5 including reassignment to a higher level of security or removing the  
6 inmate from the program with reassignment to imprisonment in a  
7 correctional facility. Any inmate who escapes from the Electronic  
8 Monitoring Program shall be subject to the provisions of Section 443  
9 of Title 21 of the Oklahoma Statutes.

10 F. Upon an inmate assigned to the Electronic Monitoring Program  
11 becoming eligible for parole consideration, pursuant to Section  
12 332.7 of this title, the Department of Corrections shall deliver the  
13 inmate, in person, to a correctional facility for an interview,  
14 together with any Department records necessary for the Pardon and  
15 Parole Board's investigation. Inmates assigned to the Electronic  
16 Monitoring Program shall not be allowed to waive consideration or  
17 recommendation for parole.

18 G. Prior to placement of any eligible inmate assigned to the  
19 Electronic Monitoring Program being placed in a community setting,  
20 the Department of Corrections shall deliver a written notification  
21 to the sheriff and district attorney of the county, and the chief  
22 law enforcement officer of any incorporated city or town in which  
23 the inmate is to be monitored and supervised under the program. The  
24 Department of Corrections shall provide notice of the projected date

1 of release of an inmate to the designated Oklahoma victim  
2 notification service provider within sixty (60) days but not less  
3 than seven (7) days prior to the projected date of release of the  
4 inmate.

5 H. An inmate assigned to the Electronic Monitoring Program may  
6 be required to pay the Department of Corrections for all or part of  
7 any monitoring equipment or fee, substance abuse treatment program  
8 or follow-up treatment expense, supervision cost<sup>7</sup> or other costs  
9 while assigned to the program. The Department shall determine  
10 whether the inmate has the ability to pay all or part of such fee or  
11 costs.

12 I. The Department of Corrections shall develop policies and  
13 procedures necessary to implement the Electronic Monitoring Program<sup>7</sup>  
14 including but not limited to methods of monitoring and supervision,  
15 disciplinary action, reassignment to higher and lower security  
16 levels, removal from the program<sup>7</sup> and costs of monitoring and  
17 supervision to be paid by the inmate, if any.

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

24

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
February 24, 2021 - DO PASS