

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3302

By: Humphrey

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2021, Section 510, which relates to
9 powers and duties of the Director of the Department
10 of Corrections; providing for the suspension of shift
11 supervisors when violating certain provision; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 57 O.S. 2021, Section 510, is
15 amended to read as follows:

16 Section 510. A. The Director of the Department of Corrections
17 shall have the following specific powers and duties relating to the
18 penal institutions:

19 1. To appoint, subject to the approval of the State Board of
20 Corrections, a warden for each penal institution;

21 2. To fix the duties of the wardens and to appoint and fix the
22 duties and compensation of such other personnel for each penal
23 institution as may be necessary for the proper operation thereof.

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

- 1 a. the minimum age for service shall be twenty (20) years
2 of age. The Director shall have the authority to
3 establish the maximum age for correctional officers
4 entering service,
- 5 b. possession of a minimum of thirty (30) semester hours
6 from an accredited college or university, or
7 possession of a high school diploma acquired from an
8 accredited high school or GED equivalent testing
9 program,
- 10 c. satisfactory completion of minimum testing or
11 professional evaluation through the Merit System of
12 Personnel Administration to determine the fitness of
13 the individual to serve in the position. All written
14 evaluations shall be submitted to the Department of
15 Corrections, and
- 16 d. satisfactory completion of a physical in keeping with
17 the conditions of the job description on an annual
18 basis and along the guidelines as established by the
19 Department of Corrections;

20 3. The Director shall designate as correctional peace officers,
21 correctional officers who are employed in job classifications of
22 correctional security officer, correctional security manager,
23 correctional chief of security and chief of security upon
24 satisfactory completion of a basic course of instruction for

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

1 identification card to the supervisor of the correctional peace
2 officer immediately;

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

10 a. the minimum qualifying score that must be shot to pass
11 the firearms training program shall be equal to the
12 minimum qualifying score required by the Council on
13 Law Enforcement Education and Training for peace
14 officers, and

15 b. the Director may waive any number of hours or courses
16 required to complete the basic course of instruction
17 for any person who, in the opinion of the Director,
18 has received sufficient training or experience that
19 such hours of instruction would be unduly burdensome
20 or duplicative; however, completion of the firearms
21 training program shall not be waived;

22 5. To develop and implement annual in-service training for
23 correctional officers that consists of at least forty (40) hours of
24 continued corrections education and annual recertification of

1 firearms proficiency. The minimum qualifying score that must be
2 shot to requalify for recertification of firearms proficiency shall
3 be equal to the minimum qualifying score required by the Council on
4 Law Enforcement Education and Training for the requalification of
5 peace officers;

6 6. To require any person employed as a correctional security
7 officer, correctional security manager, correctional chief of
8 security and chief of security to remain qualified as a correctional
9 peace officer. Any correctional peace officer who is unable to
10 remain qualified as a correctional peace officer may be offered an
11 available position within the Department in the same or lesser pay
12 grade for which the employee is eligible, or the employee may be
13 terminated;

14 7. To authorize other employees of the Department to carry
15 firearms anywhere in the state to use for self-defense pursuant to
16 and consistent with policies developed by the Department upon
17 satisfactory completion of the firearms training program provided
18 for in paragraph 4 of this subsection. The Director shall issue an
19 identification card to each authorized employee that grants the
20 employee the authority to carry a firearm pursuant to the provisions
21 of this paragraph. Should an authorized employee terminate
22 employment for any reason, fail to remain qualified to carry a
23 firearm, or for reasons stated in the policies of the Department,
24 the authorized employee shall immediately return the identification

1 card to the supervisor of the employee and shall no longer be
2 authorized to carry firearms under the authority of this paragraph;

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

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

- 1 10. To provide for the education, training, vocational
2 education, rehabilitation, and recreation of prisoners;
- 3 11. To regulate the operation of canteens for prisoners;
- 4 12. To prescribe rules for the conduct, management, and
5 operation of each penal institution, including rules for the
6 demeanor of prisoners, the punishment of recalcitrant prisoners, the
7 treatment of incorrigible prisoners, and the disposal of property or
8 contraband seized from inmates or offenders under the supervision of
9 the Department;
- 10 13. To transfer prisoners from one penal institution to
11 another;
- 12 14. To establish procedures that ensure inmates are educated
13 and provided with the opportunity to execute advance directives for
14 health care in compliance with Section 3101.2 of Title 63 of the
15 Oklahoma Statutes. The procedures shall ensure that any inmate
16 executing an advance directive for health care is competent and
17 executes the directive with informed consent;
- 18 15. To maintain courses of training and instruction for
19 employees of the Department;
- 20 16. To maintain a program of research and statistics;
- 21 17. To provide for the periodic audit, at least once annually,
22 of all funds and accounts of each penal institution and the funds of
23 each prisoner;
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1 18. To provide, subject to rules established by the State Board
2 of Corrections, for the utilization of inmate labor for any agency
3 of the state, city, town, or subdivision of this state, upon the
4 duly authorized request for such labor by the agency. The inmate
5 labor shall not be used to reduce employees or replace regular
6 maintenance or operations of the agency. The inmate labor shall be
7 used solely for public or state purposes. No inmate labor shall be
8 used for private use or purpose. Insofar as it is practicable, all
9 inmate labor shall be of such a nature and designed to assist and
10 aid in the rehabilitation of inmates performing the labor;

11 19. To provide clerical services for, and keep and preserve the
12 files and records of, the Pardon and Parole Board; make
13 investigations and inquiries as to prisoners at the penal
14 institutions who are to be, or who might be, considered for parole
15 or other clemency; assist prisoners who are to be, or who might be,
16 considered for parole or discharge in obtaining suitable employment
17 in the event of parole or discharge; report to the Pardon and Parole
18 Board, for recommendation to the Governor, violations of terms and
19 conditions of paroles; upon request of the Governor, make
20 investigations and inquiries as to persons who are to be, or who
21 might be, considered for reprieves or leaves of absence; report to
22 the Pardon and Parole Board, for recommendation to the Governor,
23 whether a parolee is entitled to a pardon, when the terms and
24 conditions of the parole have been completed; make presentence

1 investigations for, and make reports thereof to, trial judges in
2 criminal cases consistent with other laws of the state; supervise
3 persons on felony probation or parole; and develop and operate,
4 subject to the policies and guidelines of the Board, work-release
5 centers, community treatment facilities or prerelease programs at
6 appropriate sites throughout this state;

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

15 21. To establish an employee recruitment and referral incentive
16 program and promulgate rules in accordance with the Administrative
17 Procedures Act for the operation of the program. The rules shall
18 include, but not be limited to, program purposes, pay incentives for
19 employees, eligibility requirements, payment conditions and amounts,
20 payment methods, and record keeping;

21 22. To provide reintegration referral services to any person
22 discharged from the state custody who has volunteered to receive
23 reintegration referral services. The Director may assign staff to
24 refer persons discharged from state custody to services. The

1 Director shall promulgate rules for the referral process. All
2 reintegration referral services shall be subject to the availability
3 of funds;

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

18 24. To authorize any division of the Department to sell
19 advertising in any Department-approved publication, media production
20 or other informational material produced by the Department;
21 provided, that such advertising shall be approved by the Director or
22 designee prior to acceptance for publication. The sale of
23 advertising and negotiation of rates for the advertising shall not
24 be subject to the Oklahoma Central Purchasing Act or the

1 Administrative Procedures Act. The Department shall promulgate
2 rules establishing criteria for accepting or using advertisements as
3 authorized in this paragraph;

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

8 26. To authorize award of the badge of an employee who dies
9 while employed by the Department to the spouse or next of kin of the
10 deceased employee;

11 27. To establish, in conjunction with the Information Services
12 Division of the Office of Management and Enterprise Services, an
13 emergency alert notification system for the public, capable of
14 distributing notifications of facility emergencies or prisoner
15 escapes for all facilities and each facility of the Department of
16 Corrections;

17 28. To declare an emergency when, due to shortage of staff,
18 correctional officers at a facility are required to work more than
19 two double shifts in a seven-day period. As used in this paragraph,
20 "double shift" means two eight-hour shifts in a twenty-four-hour
21 period. When the Director fails to declare an emergency due to
22 shortage of staff and a shift supervisor requires a correctional
23 officer to work more than two double shifts in a seven-day period,
24 the shift supervisor shall be suspended, without pay, for violating

1 the provisions of this paragraph. Notice of suspension shall be
2 given by the Director in accordance with the provisions of the
3 Oklahoma Personnel Act; and

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

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

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

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SECTION 2. This act shall become effective November 1, 2022.

58-2-8589 GRS 12/28/21