

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3758

By: Cantrell

AS INTRODUCED

An Act relating to jail facilities; amending 57 O.S. 2021, Section 563, which relates to correctional facilities; directing that correctional facilities built after the effective date shall be a certain distance from schools; providing clarification on measurements; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 563, is amended to read as follows:

Section 563. A. Except as otherwise authorized by Section 183 of Title 73 of the Oklahoma Statutes, before any correctional facility other than an inmate work center as authorized in subsection B of this section or an inmate drug offender work camp, whether within the Department of Corrections or within any other state agency, may be created or any construction performed which may significantly increase, extend or expand the present facility, such creation or construction shall be approved by the Legislature. Correctional facilities owned or operated by private prison

1 contractors shall not be deemed to be within the Department of
2 Corrections or other state agency.

3 B. The Department of Corrections is hereby authorized to
4 establish inmate work centers in locations where a need for labor to
5 conduct public work projects is determined. The Department shall
6 select the inmate work center locations based on objective
7 comparisons of interested communities in accordance with procedures
8 and criteria established by the Department of Corrections. The
9 procedures, selection criteria and decision case analysis shall be
10 made available to the public upon request.

11 C. No state, county or municipal correctional facility
12 including any inmate work center, inmate drug offender work camp,
13 inmate halfway house, inmate transitional living center and any
14 other place where state, county or municipal inmates are housed,
15 built after November 1, 2024, shall be located within ~~one thousand~~
16 ~~(1,000)~~ two thousand (2,000) feet of any public or private
17 elementary or secondary school nor within two thousand five hundred
18 (2,500) feet of any secure facility for juveniles. The distance
19 shall be measured from the nearest property line of the school to
20 the nearest property line of the correctional facility. The
21 provisions of this subsection shall not apply to any inmate work
22 center, inmate drug offender work camp, inmate halfway house, inmate
23 transitional living center and any other place where state, county
24 or municipal inmates are housed established prior to May 20, 1994.

1 Provided, that the provisions of this subsection shall not apply to
2 state, county, or municipal correctional facilities that are granted
3 permission to operate within the areas restricted by this subsection
4 by a majority vote of the following entities:

5 1. The district board of education of each school district with
6 an affected school; and

7 2. The governing body of each affected private school.

8 D. In addition to the restrictions outlined in subsection C of
9 this section, following the effective date of this act, no privately
10 owned inmate halfway house or inmate transitional living center
11 shall be located in a residential neighborhood inside the corporate
12 limits of a municipality, or a county with planning and/or zoning
13 commissions created pursuant to law, without approval from the local
14 entity with authority over zoning requirements.

15 E. In any county with a population of two hundred fifty
16 thousand (250,000) or more, as determined by the latest Federal
17 Decennial Census, the Department of Corrections shall not cause,
18 permit or require any inmate in the custody of the Department or
19 cause, permit or require any offender under the supervision of the
20 Department to enter, remain or be present in any Department of
21 Corrections facility located within one thousand (1,000) feet of a
22 private or public elementary or secondary school, or on the grounds
23 of such a facility, for any activities involving or relating to
24 processing, training, instructing, interviewing, counseling,
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1 reporting, conferring, imposing discipline, reviewing or
2 adjudicating or any correctional function requiring or permitting
3 the presence of the offender, except offenders may be employed in
4 construction, maintenance or janitorial activities in or on the
5 structures or grounds while under supervision of a correctional
6 employee. The provisions of this subsection shall not apply to any
7 facility established or acquired by the Department of Corrections
8 prior to May 20, 1994.

9 SECTION 2. This act shall become effective November 1, 2024.

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