

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3086

By: Hardin

6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2021, Section 219, which relates to
9 the Prisoners Public Works Act; requiring State Board
10 of Corrections approval for jurisdiction over
11 prisoners; amending 57 O.S. 2021, Sections 504, 507,
12 508.1, 508.3, 510, as amended by Section 1, Chapter
13 202, O.S.L. 2022 and 528 (57 O.S. Supp. 2025, Section
14 510), which relate to the Oklahoma Corrections Act of
15 1967; requiring approval by the State Board of
16 Corrections when executing powers and duties as the
17 Director; requiring the Director to assist the
18 Oklahoma State Bureau of Investigation in certain
19 investigations; assigning investigatory duties of
20 certain employee conduct to the Bureau; and providing
21 an effective date.

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

23 SECTION 1. AMENDATORY 57 O.S. 2021, Section 219, is
24 amended to read as follows:

25 Section 219. The Subject to the approval of the State Board of
26 Corrections, the Director shall have full jurisdiction at all times
27 over the discipline and control of prisoners performing work under
28 this article.

1 SECTION 2. AMENDATORY 57 O.S. 2021, Section 504, is
2 amended to read as follows:

3 Section 504. ~~(a)~~ A. The State Board of Corrections shall elect
4 from its members a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair and a
5 secretary. ~~It~~ The Board shall adopt rules and regulations for its
6 government and may adopt an official seal for the Department.
7 Members shall be reimbursed for travel expenses, as provided in the
8 State Travel Reimbursement Act, while attending meetings of the
9 Board or while performing other official duties.

10 ~~(b)~~ The B. In addition to the powers and duties enumerated in
11 Section 510 of this title, the Board shall have the following powers
12 and duties:

13 ~~(1)~~ 1. To establish policies for the operation of the
14 Department;

15 ~~(2)~~ 2. To establish and maintain such institutions as are
16 necessary or convenient for the operation of programs for the
17 education, training, vocational education, and rehabilitation of
18 prisoners under the jurisdiction of the Department;

19 ~~(3)~~ 3. To lease, from time to time, without restriction as to
20 terms, any property which said Board shall determine advisable to
21 more fully carry into effect the operation of prison industries;

22 ~~(4)~~ 4. To acquire, construct, extend, improve, maintain and
23 operate any and all facilities of all kinds which in the judgment of

1 the Board shall be necessary or convenient to foster the prison
2 industries program;

3 ~~(5)~~ 5. To require the Director and any other personnel of the
4 Department, when deemed necessary by the Board, to give bond for the
5 faithful performance of their duties;

6 ~~(6)~~ 6. To appoint and fix the salary of the Director;

7 ~~(7)~~ 7. To enter into contracts with private prison contractors;
8 and

9 ~~(8)~~ 8. To provide training to employees of private prison
10 contractors and other governmental entities on a fee basis.

11 SECTION 3. AMENDATORY 57 O.S. 2021, Section 507, is
12 amended to read as follows:

13 Section 507. The Director shall be the executive officer of the
14 Department and shall have the following general powers and duties:

15 ~~(a)~~ 1. To supervise the activities of the Department and,
16 subject to the policies established by the State Board of
17 Corrections, to act for the Department in all matters, except as may
18 be otherwise provided in this act.

19 ~~(b);~~

20 2. To prescribe rules and regulations for the operation of the
21 Department, consistent with the general policies established by the
22 Board.

23 ~~(c) To;~~

1 3. Subject to the approval of the Board, appoint and fix the
2 duties and salaries of such personnel for the Department as may be
3 necessary to administer and carry out the provisions of this act.
4 The Department and the employees thereof, except the members of the
5 Board and the Director, shall be subject to the provisions of the
6 State Merit System of Personnel Administration, but the Governor may
7 by Executive Order exempt positions therefrom ~~as authorized by~~
8 ~~Section 802 of Title 74 of the Oklahoma Statutes~~, except as may be
9 otherwise provided in this act.

10 (d) ~~To;~~ and

11 4. Subject to the approval of the Board, accept, use, disburse
12 and administer grants, allotments, gifts, devises, bequests,
13 appropriations and other monies and property offered or given to the
14 Department, or any component or agency thereof, by any agency of the
15 federal government or any corporation or individual for the use of
16 the Department.

17 SECTION 4. AMENDATORY 57 O.S. 2021, Section 508.1, is

18 amended to read as follows:

19 Section 508.1. There is hereby created within the Department of
20 Corrections a Legal Division. ~~The~~ Subject to the approval of the
21 State Board of Corrections, the Director may employ or contract with
22 attorneys as needed and determine their salaries. These attorneys
23 may advise the Director, the ~~Board of Corrections~~, administrative
24 supervisors of facilities and Department personnel on legal matters

1 and may appear for and represent the Director, the Board of
2 ~~Corrections~~, administrative supervisors of facilities and Department
3 personnel in administrative hearings and other legal actions and
4 proceedings.

5 SECTION 5. AMENDATORY 57 O.S. 2021, Section 508.3, is
6 amended to read as follows:

7 Section 508.3. A. There is hereby created the Construction
8 Division within the Department of Corrections. The purpose of the
9 division shall be to provide inmate construction crews for
10 construction projects of the Department of Corrections.

11 B. The Subject to the approval of the State Board of
12 Corrections, the Director of the Department of Corrections shall
13 adopt:

14 1. Adopt and promulgate such rules as may be necessary to carry
15 out the duties of the Construction Division; and ~~shall appoint~~

16 2. Appoint a Director of the division who shall administer the
17 activities of the division.

18 C. 1. An inmate working for the Construction Division of the
19 Department of Corrections shall be subject to all rules established
20 for inmate work by the State Board of Corrections and subject to all
21 statutes governing the operation of the Construction Division of the
22 Department of Corrections.

23 2. Inmates working for the Construction Division are not state
24 employees, and are specifically forbidden from organizing into

1 unions or other associations in connection with their work or from
2 engaging in any strike, work stoppage, slowdown or collective
3 bargaining process. This prohibition applies to any inmates forming
4 a union local or similar organization at any Construction Division
5 project or location; provided, however, it shall not prohibit any
6 inmate from otherwise achieving or retaining status as a union
7 member.

8 3. The claims of the state against an inmate to cover the costs
9 of incarceration of an inmate shall be prior to the unsecured claims
10 of any creditor.

11 4. The authorization for an inmate to work for the Construction
12 Division is a privilege granted to the inmate by the state which may
13 be revoked by the Director of the Department of Corrections.

14 5. As used in paragraph 3 of this subsection, "costs of
15 incarceration" shall include all costs associated with maintaining
16 an inmate in the custody of the Department of Corrections and shall
17 include costs paid by the state for medical care for the inmate.

18 SECTION 6. AMENDATORY 57 O.S. 2021, Section 510, as
19 amended by Section 1, Chapter 202, O.S.L. 2022 (57 O.S. Supp. 2025,
20 Section 510), is amended to read as follows:

21 Section 510. A. The Director of the Department of Corrections
22 shall have the following specific powers and duties relating to the
23 penal institutions:

24

1 1. To appoint, subject to the approval of the State Board of
2 Corrections, a warden for each penal institution;
3 2. To fix the duties of the wardens and to appoint and fix the
4 duties and compensation of such other personnel, subject to the
5 approval of the Board, for each penal institution as may be
6 necessary for the proper operation thereof. However, correctional
7 officers hired after November 1, 1995, shall be subject to the
8 following qualifications:

- 9 a. the minimum age for service shall be twenty (20) years
10 of age. The Director shall have the authority to
11 establish the maximum age for correctional officers
12 entering service,
- 13 b. possession of a minimum of thirty (30) semester hours
14 from an accredited college or university, or
15 possession of a high school diploma acquired from an
16 accredited high school or GED equivalent testing
17 program,
- 18 c. satisfactory completion of minimum testing or
19 professional evaluation through the Merit System of
20 Personnel Administration to determine the fitness of
21 the individual to serve in the position. All written
22 evaluations shall be submitted to the Department of
23 Corrections, and

1 d. satisfactory completion of a physical in keeping with
2 the conditions of the job description on an annual
3 basis and along the guidelines as established by the
4 Department of Corrections;

5 3. The Director Board shall designate as correctional peace
6 officers, correctional officers who are employed in job
7 classifications of correctional security officer, correctional
8 security manager, correctional chief of security, and chief of
9 security, upon satisfactory completion of a basic course of
10 instruction for correctional officers, as provided for in paragraph
11 4 of this subsection. The peace officer authority of employees
12 designated as correctional peace officers shall be limited to:
13 maintaining custody of prisoners; preventing attempted escapes;
14 pursuing, recapturing and incarcerating escapees and parole or
15 probation violators and arresting such escapees, parole or probation
16 violators; serving warrants; carrying firearms; preventing
17 contraband from entering any penal institution; arresting
18 individuals who commit crimes at any penal institution; and
19 performing any duties specifically required for the job
20 descriptions. Such powers and duties of correctional peace officers
21 may be exercised for the purpose of maintaining custody, security,
22 and control of any prisoner being transported inside and outside
23 this state as authorized by the Uniform Criminal Extradition Act and
24 the Interstate Corrections Compact. The Director Board may

1 implement policies that place additional limitations on the
2 authority of correctional peace officers. The ~~Director~~ Board shall
3 issue an identification card to each correctional peace officer that
4 identifies the person as a correctional peace officer and grants the
5 person the authority to carry a firearm and make arrests pursuant to
6 this paragraph. Should a correctional peace officer terminate
7 employment for any reason, fail to remain qualified as a
8 correctional peace officer or for reasons stated in policies of the
9 Department, the correctional peace officer shall return the
10 identification card to the supervisor of the correctional peace
11 officer immediately;

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

19 a. the minimum qualifying score that must be shot to pass
20 the firearms training program shall be equal to the
21 minimum qualifying score required by the Council on
22 Law Enforcement Education and Training for peace
23 officers, and

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

5. To Subject to the approval of the Board, develop and

10 implement annual in-service training for correctional officers that
11 consists of at least forty (40) hours of continued corrections
12 education and annual recertification of firearms proficiency. The
13 minimum qualifying score that must be shot to requalify for
14 recertification of firearms proficiency shall be equal to the
15 minimum qualifying score required by the Council on Law Enforcement
16 Education and Training for the requalification of peace officers;

6. To Subject to the approval of the Board, require any person

18 employed as a correctional security officer, correctional security
19 manager, correctional chief of security, and chief of security to
20 remain qualified as a correctional peace officer. Any correctional
21 peace officer who is unable to remain qualified as a correctional
22 peace officer may be offered an available position within the
23 Department in the same or lesser pay grade for which the employee is
24 eligible, or the employee may be terminated. When an employee who

1 is commissioned as a correctional peace officer by the Department
2 voluntarily moves into a position which does not require
3 correctional peace officer status, the Director may allow the
4 employee to maintain his or her correctional peace officer status;

5 7. To Subject to the approval of the Board, authorize other
6 employees of the Department to carry firearms anywhere in the state
7 to use for self-defense pursuant to and consistent with policies
8 developed by the Department upon satisfactory completion of the
9 firearms training program provided for in paragraph 4 of this
10 subsection. The Director shall issue an identification card to each
11 authorized employee that grants the employee the authority to carry
12 a firearm pursuant to the provisions of this paragraph. Should an
13 authorized employee terminate employment for any reason, fail to
14 remain qualified to carry a firearm, or for reasons stated in the
15 policies of the Department, the authorized employee shall
16 immediately return the identification card to the supervisor of the
17 employee and shall no longer be authorized to carry firearms under
18 the authority of this paragraph;

19 8. To maintain such industries, factories, plants, shops,
20 farms, and other enterprises and operations, hereinafter referred to
21 as prison industries, at each penal institution as the State Board
22 of Corrections deems necessary or appropriate to employ the
23 prisoners or teach skills, or to sustain the penal institution; and
24 as provided for by policies established by the State Board of

1 Corrections, to allow compensation for the work of the prisoners,
2 and to provide for apportionment of inmate wages, the amounts thus
3 allowed to be kept in accounts by the Board for the prisoners and
4 given to the inmates upon discharge from the penal institution, or,
5 upon an order, paid to their families or dependents or used for the
6 personal needs of the prisoners. Any industry that employs
7 prisoners shall be deemed a "State Prison Industry" if the prisoners
8 are paid from state funds including the proceeds of goods sold as
9 authorized by Section 123f of Title 74 of the Oklahoma Statutes.
10 Any industry in which wages of prisoners are paid by a
11 nongovernmental person, group, or corporation, except those
12 industries employing prisoners in work-release centers under the
13 authority of the Department of Corrections, shall be deemed a
14 "Private Prison Industry";

15 9. To Subject to the approval of the Board, assign residences
16 at each penal institution to penal institutional personnel and their
17 families;

18 10. To Subject to the approval of the Board, provide for the
19 education, training, vocational education, rehabilitation, and
20 recreation of prisoners;

21 11. To Subject to the approval of the Board, regulate the
22 operation of canteens for prisoners;

23 12. To Subject to the approval of the Board, prescribe rules
24 for the conduct, management, and operation of each penal institution

1 including rules for the demeanor of prisoners, the punishment of
2 recalcitrant prisoners, the treatment of incorrigible prisoners, and
3 the disposal of property or contraband seized from inmates or
4 offenders under the supervision of the Department;

5 13. ~~To~~ Subject to the approval of the Board, transfer prisoners
6 from one penal institution to another;

7 14. ~~To~~ Subject to the approval of the Board, establish
8 procedures that ensure inmates are educated and provided with the
9 opportunity to execute advance directives for health care in
10 compliance with Section 3101.2 of Title 63 of the Oklahoma Statutes.
11 The procedures shall ensure that any inmate executing an advance
12 directive for health care is competent and executes the directive
13 with informed consent;

14 15. ~~To~~ Subject to the approval of the Board, maintain courses
15 of training and instruction for employees of the Department;

16 16. ~~To~~ Subject to the approval of the Board, maintain a program
17 of research and statistics;

18 17. ~~To~~ Subject to the approval of the Board, provide for the
19 periodic audit, at least once annually, of all funds and accounts of
20 each penal institution and the funds of each prisoner;

21 18. To provide, subject to rules established by the State Board
22 of Corrections, for the utilization of inmate labor for any agency
23 of the state, city, town, or subdivision of this state, upon the
24 duly authorized request for such labor by the agency. The inmate

1 labor shall not be used to reduce employees or replace regular
2 maintenance or operations of the agency. The inmate labor shall be
3 used solely for public or state purposes. No inmate labor shall be
4 used for private use or purpose. Insofar as it is practicable, all
5 inmate labor shall be of such a nature and designed to assist and
6 aid in the rehabilitation of inmates performing the labor;

7 19. To Subject to the approval of the Board, provide clerical
8 services for, and keep and preserve the files and records of, the
9 Pardon and Parole Board; make investigations and inquiries as to
10 prisoners at the penal institutions who are to be, or who might be,
11 considered for parole or other clemency; assist prisoners who are to
12 be, or who might be, considered for parole or discharge in obtaining
13 suitable employment in the event of parole or discharge; report to
14 the Pardon and Parole Board, for recommendation to the Governor,
15 violations of terms and conditions of paroles; upon request of the
16 Governor, make investigations and inquiries as to persons who are to
17 be, or who might be, considered for reprieves or leaves of absence;
18 report to the Pardon and Parole Board, for recommendation to the
19 Governor, whether a parolee is entitled to a pardon, when the terms
20 and conditions of the parole have been completed; make presentence
21 investigations for, and make reports thereof to, trial judges in
22 criminal cases consistent with other laws of the state; supervise
23 persons on felony probation or parole; and develop and operate,
24 subject to the policies and guidelines of the Board, work-release

1 centers, community treatment facilities or prerelease programs at
2 appropriate sites throughout this state;

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

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

19 22. To provide reintegration referral services to any person
20 discharged from the state custody who has volunteered to receive
21 reintegration referral services. ~~The~~ Subject to the approval of the
22 Board, the Director may assign staff to refer persons discharged
23 from state custody to services. ~~The~~ Director Board shall promulgate
24

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

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

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

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

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

9 26. ~~To~~ Subject to the approval of the Board, authorize award of
10 the badge of an employee who dies while employed by the Department
11 to the spouse or next of kin of the deceased employee;

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

18 28. ~~To~~ Subject to the approval of the Board, declare an
19 emergency when, due to shortage of staff, correctional officers at a
20 facility are required to work more than two double shifts in a
21 seven-day period. As used in this paragraph, "double shift" means
22 two eight-hour shifts in a twenty-four-hour period; and

23 29. ~~To~~ Subject to the approval of the Board, enter into
24 contracts with media or film production companies to allow the

1 Department to authorize a media or film production company to shoot
2 commercial films at penal institutions and other property under the
3 control of the Department. Any funds received pursuant to said
4 contracts shall be deposited into the Department of Corrections
5 Revolving Fund.

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

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

24

1 SECTION 7. AMENDATORY 57 O.S. 2021, Section 528, is
2 amended to read as follows:

3 Section 528. The Subject to the approval of the State Board of
4 Corrections, the Director of the Department of Corrections shall
5 appoint and fix the duties and compensation of employees necessary
6 to carry out the duties imposed upon the Department of Corrections
7 by law. The ~~State Board of Corrections~~ shall appoint the Director
8 of the Department of Corrections with the advice and consent of the
9 Senate. The salary of the Director shall be set by the Legislature
10 in the annual appropriation bill.

11 SECTION 8. This act shall become effective November 1, 2026.

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