

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1458

By: Shortey

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2011, Section 510, as last amended
9 by Section 1, Chapter 384, O.S.L. 2014 (57 O.S. Supp.
10 2015, Section 510), which relates to penal
11 institutions; directing certain action; and providing
12 an effective date.

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

14 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510, as last
15 amended by Section 1, Chapter 384, O.S.L. 2014 (57 O.S. Supp. 2015,
16 Section 510), is amended to read as follows:

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

20 1. To appoint, subject to the approval of the State Board of
21 Corrections, a warden for each penal institution, who shall qualify
22 for the position by character, knowledge, skill, ability, training,
23 and successful administrative experience in the correctional field;
24 and if the person is not the incumbent warden or superintendent of a
penal institution, the person shall have a bachelor's degree from an

1 accredited college or university and six (6) years of professional
2 level work experience in corrections;

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

8 a. the minimum age for service shall be twenty (20) years
9 of age. The Director shall have the authority to
10 establish the maximum age for correctional officers
11 entering service,

12 b. possession of a minimum of thirty (30) semester hours
13 from an accredited college or university, or
14 possession of a high school diploma acquired from an
15 accredited high school or GED equivalent testing
16 program and graduation from a training course
17 conducted by or approved by the Department and
18 certified by the Council on Law Enforcement Education
19 and Training either prior to employment or during the
20 first six (6) months of employment,

21 c. be of good moral character,

22 d. before going on duty alone, satisfactory completion of
23 an adequate training program for correctional
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1 officers, as prescribed and approved by the State
2 Board of Corrections,

3 e. satisfactory completion of minimum testing or
4 professional evaluation through the Merit System of
5 Personnel Administration to determine the fitness of
6 the individual to serve in the position written
7 evaluations shall be submitted to the Department of
8 Corrections, and

9 f. satisfactory completion of a physical in keeping with
10 the conditions of the job description on an annual
11 basis and along the guidelines as established by the
12 Department of Corrections;

13 3. To designate as peace officers qualified personnel in any
14 Department of Corrections job classifications. The Director shall
15 designate all correctional officers who are CLEET certified as peace
16 officers ~~correctional officers who are employed in positions~~
17 ~~requiring said designation~~. The peace officer authority of
18 employees designated as peace officers shall be limited to:
19 maintaining custody of prisoners; preventing attempted escapes;
20 pursuing, recapturing and incarcerating escapees and parole or
21 probation violators and arresting such escapees, parole or probation
22 violators, serving warrants, and performing any duties specifically
23 required for the job descriptions. Such powers and duties of peace
24 officers may be exercised for the purpose of maintaining custody,

1 security, and control of any prisoner being transported outside this
2 state as authorized by the Uniform Criminal Extradition Act. To
3 become qualified for designation as peace officers, employees shall
4 meet the training and screening requirements conducted by the
5 Department and certified by the Council on Law Enforcement Education
6 and Training within twelve (12) months of employment or, in the case
7 of employees designated as peace officers on or before July 1, 1997,
8 by July 1, 1998, and shall not be subject to Section 3311 of Title
9 70 of the Oklahoma Statutes;

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

1 of prisoners are paid by a nongovernmental person, group, or
2 corporation, except those industries employing prisoners in work-
3 release centers under the authority of the Department of Corrections
4 shall be deemed a "Private Prison Industry";

5 5. To assign residences at each institution to institutional
6 personnel and their families;

7 6. To provide for the education, training, vocational
8 education, rehabilitation, and recreation of prisoners;

9 7. To regulate the operation of canteens for prisoners;

10 8. To prescribe rules for the conduct, management, and
11 operation of each institution, including rules for the demeanor of
12 prisoners, the punishment of recalcitrant prisoners, the treatment
13 of incorrigible prisoners, and the disposal of property or
14 contraband seized from inmates or offenders under the supervision of
15 the Department;

16 9. To transfer prisoners from one institution to another;

17 10. To establish procedures that ensure inmates are educated
18 and provided with the opportunity to execute advance directives for
19 health care in compliance with Section 3101.2 of Title 63 of the
20 Oklahoma Statutes. The procedures shall ensure that any inmate
21 executing an advanced directive for health care is competent and
22 executes the directive with informed consent;

23 11. To maintain courses of training and instruction for
24 employees at each institution;

1 12. To maintain a program of research and statistics;

2 13. To provide for the periodic audit, at least once annually,
3 of all funds and accounts of each institution and the funds of each
4 prisoner;

5 14. To provide, subject to rules established by the State Board
6 of Corrections, for the utilization of inmate labor for any agency
7 of the state, city, town, or subdivision of this state, upon the
8 duly authorized request for such labor by the agency. The inmate
9 labor shall not be used to reduce employees or replace regular
10 maintenance or operations of the agency. The inmate labor shall be
11 used solely for public or state purposes. No inmate labor shall be
12 used for private use or purpose. Insofar as it is practicable, all
13 inmate labor shall be of such a nature and designed to assist and
14 aid in the rehabilitation of inmates performing the labor;

15 15. To provide clerical services for, and keep and preserve the
16 files and records of, the Pardon and Parole Board; make
17 investigations and inquiries as to prisoners at the institutions who
18 are to be, or who might be, considered for parole or other clemency;
19 assist prisoners who are to be, or who might be, considered for
20 parole or discharge in obtaining suitable employment in the event of
21 parole or discharge; report to the Pardon and Parole Board, for
22 recommendation to the Governor, violations of terms and conditions
23 of paroles; upon request of the Governor, make investigations and
24 inquiries as to persons who are to be, or who might be, considered

1 for reprieves or leaves of absence; report to the Pardon and Parole
2 Board, for recommendation to the Governor, whether a parolee is
3 entitled to a pardon, when the terms and conditions of the parole
4 have been completed; make presentence investigations for, and make
5 reports thereof to, trial judges in criminal cases before sentences
6 are pronounced; supervise persons undergoing suspended sentences, or
7 who are on probation or parole; and develop and operate, subject to
8 the policies and guidelines of the Board, work-release centers,
9 community treatment facilities or prerelease programs at appropriate
10 sites throughout this state;

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

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

1 18. To provide reintegration referral services to any person
2 discharged from the state custody who has volunteered to receive
3 reintegration referral services. The Director may assign staff to
4 refer persons discharged from state custody to services. The
5 Director shall promulgate rules for the referral process. All
6 reintegration referral services shall be subject to the availability
7 of funds;

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

22 20. To authorize any division of the Department to sell
23 advertising in any Department-approved publication, media production
24 or other informational material produced by the Department;

1 provided, that such advertising shall be approved by the Director or
2 designee prior to acceptance for publication. The sale of
3 advertising and negotiation of rates for the advertising shall not
4 be subject to The Oklahoma Central Purchasing Act or the
5 Administrative Procedures Act. The Department shall promulgate
6 rules establishing criteria for accepting or using advertisements as
7 authorized in this paragraph;

8 21. To issue subpoenas to assist or further investigations into
9 allegations of crimes committed in public or private prisons within
10 the State of Oklahoma. Subpoenas issued by the Director shall be
11 enforced by the District Court in Oklahoma County, Oklahoma;

12 22. To authorize award of the badge of an employee who dies
13 while employed by the Department to the spouse or next of kin of the
14 deceased employee; and

15 23. To establish, in conjunction with the Information Services
16 Division of the Office of Management and Enterprise Services, an
17 emergency alert notification system for the public, capable of
18 distributing notifications of facility emergencies or prisoner
19 escapes for all facilities and each facility of the Department of
20 Corrections.

21 B. When an employee of the Department of Corrections has been
22 charged with a violation of the rules of the Department or with a
23 felony pursuant to the provisions of a state or federal statute, the
24 Director may, in the Director's discretion, suspend the charged

1 employee, in accordance with the Oklahoma Personnel Act and/or the
2 Merit System of Personnel Administration Rules, pending the hearing
3 and final determination of the charges. Notice of suspension shall
4 be given by the Director, in accordance with the provisions of the
5 Oklahoma Personnel Act. If after completion of the investigation of
6 the charges, it is determined that such charges are without merit or
7 are not sustained before the Oklahoma Merit Protection Commission or
8 in a court of law, the employee shall be reinstated and shall be
9 entitled to receive all lost pay and benefits.

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

12 SECTION 2. This act shall become effective November 1, 2016.

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