

An Act

ENROLLED SENATE
BILL NO. 603

By: Treat, Pittman and Sharp of
the Senate

and

O'Donnell and Cleveland of
the House

An Act relating to risk assessment for offenders; amending 57 O.S. 2011, Sections 530 and 530.1, which relate to the receiving center for new prisoners and the assessment and reception of inmates; requiring certain risk assessment be given; directing the Department of Corrections to develop a case plan for each inmate; prescribing certain time limits; directing inclusions; directing certain distribution of reports; providing for codification; and providing an effective date.

SUBJECT: Risk assessment for offenders

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 530, is amended to read as follows:

Section 530. It is the intent of the State Legislature that all new prisoners sentenced to the custody of the Department of Corrections will be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall ~~administer~~ ensure administration of a risk and needs assessment, as defined in Section 502 of this title, physical and psychological examinations, mental health and substance abuse screens, inventory

vocational skills, and assess educational and training needs. A risk and needs assessment shall not be required for any inmate who had a risk and needs assessment administered by personnel certified by the Department of Mental Health and Substance Abuse Services within six (6) months of being sentenced to the custody of the Department of Corrections. The Department of Corrections shall determine initial security and custody classifications, plan for immediate or possible future assignment to an institution, community treatment center or other alternative to incarceration authorized by law, provide orientation and instruction with respect to rules and procedures for prisoners, and perform other such activities deemed necessary by the Department of Corrections.

SECTION 2. AMENDATORY 57 O.S. 2011, Section 530.1, is amended to read as follows:

Section 530.1. A. The Department of Corrections, by the rules of that Department, shall have the following duties which shall be performed as part of the assessment and reception process of the Department of Corrections, upon reception of each inmate:

1. To administer, or cause to be administered, physical and psychological examination of all inmates, including any requirement to collect biological samples for DNA testing pursuant to Section 991a of Title 22 of the Oklahoma Statutes and Section 150.27a of Title 74 of the Oklahoma Statutes, or other provision of law;

2. To identify the vocational-technical skills of all inmates. The information shall be noted on and made a part of the record for each inmate;

3. To assess the educational and training needs of all inmates and recommend for placement any inmate with an educational need as established in Section 510.7 of this title;

4. To determine from available records and interviews, the place of birth of new inmates. The Department of Corrections shall furnish a list of foreign-born nationals and suspected foreign-born nationals to the Immigration and Naturalization Service on a weekly basis;

5. To determine initial security and custody classifications;

6. To determine and recommend for placement in an alcohol or substance abuse treatment facility or program, as provided for in this section, any inmate ~~convicted of alcohol related offenses or otherwise~~ in need of alcohol or substance abuse treatment;

7. To determine and recommend for placement in the Department of Corrections ~~Special Care Unit at the State Penitentiary at McAlester~~ Mental Health Unit any inmate who is in need of acute psychiatric care;

8. To plan for immediate assignments to institutions, community treatment centers, alcohol or substance abuse treatment centers or programs, alternatives to incarceration authorized by law, or other facilities, public or private, designated by the Department;

9. To recommend possible future assignments to institutions, community treatment centers, alcohol or substance abuse treatment centers or programs, alternatives to incarceration authorized by law, or other facilities designated by the Department;

10. To provide orientation and instruction with respect to rules and procedures for prisoners; ~~and~~

11. To obtain all relevant juvenile court records and relevant Department of Juvenile Justice agency records, if any, pertaining to inmates and make ~~said~~ the records a part of the permanent record maintained by the Department of Corrections regarding the inmate. The information contained in those records shall be used to determine security level and placement of inmates; and

12. To administer a risk and needs assessment on each inmate and develop an individualized case plan based on the results of the assessment to guide an inmate's rehabilitation while in the Department's custody in order to reduce the likelihood of recidivism.

B. An alcohol or substance abuse treatment center in which an inmate is placed shall provide services and standards of treatment as provided by the Department of Mental Health and Substance Abuse Services under its rules for alcoholism or substance abuse treatment. Upon placement of a prisoner in a center for alcoholism

or substance abuse treatment, the Department of Corrections shall enter into a third party contract with such center for the custodial and professional services rendered to any prisoner. Such contract may include requirements imposed by law on the Department of Corrections or reimbursement for such services, if necessary. The Department of Corrections is further authorized to enter into third party contracts for substance abuse treatment programs which are certified by the Department of Mental Health and Substance Abuse Services to provide professional services on an outpatient basis to prisoners in need of substance abuse treatment and follow-up treatment while assigned to alternatives to incarceration.

C. The Department of Juvenile Justice shall allow reasonable access to its database for the purpose of obtaining the juvenile records required by subsection A of this section.

D. The Department of Corrections shall adopt rules governing the implementation of this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 530.5 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Department of Corrections shall develop a case plan for each inmate to guide the inmate's rehabilitation while in the Department's custody in order to reduce the likelihood of recidivism.

B. Within sixty (60) days of admission, the Department shall complete a case plan for each inmate which shall include:

1. Programming and treatment requirements based on the results of a validated risk and needs assessment administered pursuant to Section 530.1 of this title;

2. Programming or treatment requirements mandated by the sentencing order; and

3. Requirements in accordance with the rules and policies of the Department.

C. The Department shall make every effort to ensure that the case plan is achievable prior to the inmate's parole eligibility date calculated under subsection A of Section 332.7 of this title, if applicable.

D. The Department shall provide each inmate with a written copy of the case plan and the inmate's caseworker shall explain the conditions set forth in the case plan.

E. For any parole-eligible inmate, the Department shall electronically submit a progress report on each parole-eligible inmate's case plan to the Parole Board.

SECTION 4. This act shall become effective November 1, 2017.

Passed the Senate the 24th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____