

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1113

By: Cleveland

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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 194, O.S.L. 2016 (57 O.S. Supp.  
10 2016, Section 510), which relates to powers and  
11 duties of the Director of the Oklahoma Department of  
12 Corrections; modifying duties related to the  
13 employment of personnel; and providing an effective  
14 date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 510, as last  
17 amended by Section 1, Chapter 194, O.S.L. 2016 (57 O.S. Supp. 2016,  
18 Section 510), is amended to read as follows:

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

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

1 penal institution, the person shall have a bachelor's degree from an  
2 accredited college or university and six (6) years of professional  
3 level work experience in corrections;

4 2. To fix the duties of the wardens and superintendents and to  
5 appoint and fix the duties and compensation of such other personnel  
6 for each institution as may be necessary for the proper operation  
7 thereof. However, correctional officers hired after November 1,  
8 1995, shall be subject to the 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 and graduation from a training course  
18 conducted by or approved by the Department and  
19 certified by the Council on Law Enforcement Education  
20 and Training either prior to employment or during the  
21 first six (6) months of employment,
- 22 c. be of good moral character,
- 23 d. before going on duty alone, satisfactory completion of  
24 an adequate training program for correctional

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 The Director shall have the authority to modify the minimum  
14 education requirements as well as any other qualifications deemed  
15 necessary for a specific position within the Department if the  
16 position has remained unfilled for a minimum of ninety (90) days or  
17 more;

18 3. To designate as peace officers qualified personnel in any  
19 Department of Corrections job classifications. The Director shall  
20 designate as peace officers correctional officers who are employed  
21 in positions requiring said designation. The peace officer  
22 authority of employees designated as peace officers shall be limited  
23 to: maintaining custody of prisoners; preventing attempted escapes;  
24 pursuing, recapturing and incarcerating escapees and parole or

1 probation violators and arresting such escapees, parole or probation  
2 violators, serving warrants, and performing any duties specifically  
3 required for the job descriptions. Such powers and duties of peace  
4 officers may be exercised for the purpose of maintaining custody,  
5 security, and control of any prisoner being transported outside this  
6 state as authorized by the Uniform Criminal Extradition Act. To  
7 become qualified for designation as peace officers, employees shall  
8 meet the training and screening requirements conducted by the  
9 Department and certified by the Council on Law Enforcement Education  
10 and Training within twelve (12) months of employment or, in the case  
11 of employees designated as peace officers on or before July 1, 1997,  
12 by July 1, 1998, and shall not be subject to Section 3311 of Title  
13 70 of the Oklahoma Statutes;

14 4. To maintain such industries, factories, plants, shops,  
15 farms, and other enterprises and operations, hereinafter referred to  
16 as prison industries, at each institution as the State Board of  
17 Corrections deems necessary or appropriate to employ the prisoners  
18 or teach skills, or to sustain the institution; and as provided for  
19 by policies established by the State Board of Corrections, to allow  
20 compensation for the work of the prisoners, and to provide for  
21 apportionment of inmate wages, the amounts thus allowed to be kept  
22 in accounts by the Board for the prisoners and given to the inmates  
23 upon discharge from the institution, or upon an order paid to their  
24 families or dependents or used for the personal needs of the

1 prisoners. Any industry that employs prisoners shall be deemed a  
2 "State Prison Industry" if the prisoners are paid from state funds  
3 including the proceeds of goods sold as authorized by Section 123f  
4 of Title 74 of the Oklahoma Statutes. Any industry in which wages  
5 of prisoners are paid by a nongovernmental person, group, or  
6 corporation, except those industries employing prisoners in work-  
7 release centers under the authority of the Department of Corrections  
8 shall be deemed a "Private Prison Industry";

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

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

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

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

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

21 10. To establish procedures that ensure inmates are educated  
22 and provided with the opportunity to execute advance directives for  
23 health care in compliance with Section 3101.2 of Title 63 of the  
24 Oklahoma Statutes. The procedures shall ensure that any inmate

1 executing an advance directive for health care is competent and  
2 executes the directive with informed consent;

3 11. To maintain courses of training and instruction for  
4 employees at each institution;

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

6 13. To provide for the periodic audit, at least once annually,  
7 of all funds and accounts of each institution and the funds of each  
8 prisoner;

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

19 15. To provide clerical services for, and keep and preserve the  
20 files and records of, the Pardon and Parole Board; make  
21 investigations and inquiries as to prisoners at the institutions who  
22 are to be, or who might be, considered for parole or other clemency;  
23 assist prisoners who are to be, or who might be, considered for  
24 parole or discharge in obtaining suitable employment in the event of

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

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

23       17. To establish an employee recruitment and referral incentive  
24 program and promulgate rules in accordance with the Administrative

1 Procedures Act for the operation of the program. The rules shall  
2 include, but not be limited to, program purposes, pay incentives for  
3 employees, eligibility requirements, payment conditions and amounts,  
4 payment methods, and record keeping;

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

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

3 20. To authorize any division of the Department to sell  
4 advertising in any Department-approved publication, media production  
5 or other informational material produced by the Department;  
6 provided, that such advertising shall be approved by the Director or  
7 designee prior to acceptance for publication. The sale of  
8 advertising and negotiation of rates for the advertising shall not  
9 be subject to The Oklahoma Central Purchasing Act or the  
10 Administrative Procedures Act. The Department shall promulgate  
11 rules establishing criteria for accepting or using advertisements as  
12 authorized in this paragraph;

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

17 22. To authorize award of the badge of an employee who dies  
18 while employed by the Department to the spouse or next of kin of the  
19 deceased employee;

20 23. To establish, in conjunction with the Information Services  
21 Division of the Office of Management and Enterprise Services, an  
22 emergency alert notification system for the public, capable of  
23 distributing notifications of facility emergencies or prisoner  
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1 escapes for all facilities and each facility of the Department of  
2 Corrections; and

3 24. To declare an emergency when, due to shortage of staff,  
4 correctional officers at a facility are required to work more than  
5 two double shifts in a seven-day period. As used in this paragraph,  
6 "double shift" means two eight-hour shifts in a twenty-four-hour  
7 period.

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

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

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SECTION 2. This act shall become effective November 1, 2017.

56-1-5186            GRS            01/04/17