

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2836

By: Echols of the House

and

Jolley of the Senate

[prisons and reformatories - modifying eligibility
requirements for Electronic Monitoring Program -
emergency]

12 AUTHOR: Add the following Senate Coauthor: Brooks

13 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"[prisons and reformatories - modifying eligibility
requirements for Electronic Monitoring Program -
emergency]

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 510.9, as
last amended by Section 5, Chapter 397, O.S.L. 2015 (57 O.S. Supp.
2015, Section 510.9), is amended to read as follows:

Section 510.9. A. There is hereby created the Electronic
Monitoring Program for inmates in the custody of the Department of

1 Corrections who are sentenced for a nonviolent offense not included
2 as a violent offense defined in Section 571 of this title. The
3 Department is authorized to use an electronic monitoring global
4 positioning device to satisfy its custody duties and
5 responsibilities.

6 B. After an inmate has been processed and received through a
7 Department Assessment and Reception Center, has been incarcerated
8 for a minimum of ninety (90) days, and has met the criteria
9 established in subsection C of Section 521 of this title, the
10 Director of the Department of Corrections may assign the inmate, if
11 eligible, to the Electronic Monitoring Program. Nothing shall
12 prohibit the Director from assigning an inmate to the Electronic
13 Monitoring Program while assigned to the accredited halfway house or
14 transitional living facility. The following inmates, youthful
15 offenders, and juveniles shall not be eligible for assignment to the
16 program:

17 1. Any inmate serving a sentence of more than ~~five (5)~~ seven
18 (7) years who has ~~eleven (11)~~ twenty-four (24) months or more left
19 on the sentence or any inmate serving a sentence of five (5) years
20 or less whose initial custody assessment requires placement above
21 the minimum security level;

22 2. Inmates convicted of a violent offense within the previous
23 ten (10) years or convicted of any violation enumerated in Section
24 13.1 of Title 21 of the Oklahoma Statutes;

1 3. Inmates convicted of any violation of the provisions of the
2 Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63
3 of the Oklahoma Statutes;

4 ~~4. Inmates denied parole within the previous twelve (12) months~~
5 ~~pursuant to Section 332.7 of this title;~~

6 ~~5.~~ Inmates convicted pursuant to Section 11-902 of Title 47 of
7 the Oklahoma Statutes who are not receptive to substance abuse
8 treatment and follow-up treatment;

9 ~~6.~~ 5. Inmates removed from the Electronic Monitoring Program or
10 any other alternative to incarceration authorized by law for
11 violation of any rule or condition of the program and reassigned to
12 imprisonment in a correctional facility within the past three (3)
13 years;

14 ~~7.~~ 6. Inmates deemed by the Department to be a security risk or
15 threat to the public;

16 ~~8.~~ 7. Inmates requiring educational, medical or other services
17 or programs not available in a community setting as determined by
18 the Department;

19 ~~9.~~ 8. Inmates convicted of ~~any~~ a felony violation of subsection
20 C of Section 644 of Title 21 of the Oklahoma Statutes within the
21 previous ten (10) years or who have an active protection order that
22 was issued under the Protection from Domestic Abuse Act, Sections 60
23 through 60.16 of Title 22 of the Oklahoma Statutes;

1 ~~10.~~ 9. Inmates who have outstanding felony warrants or
2 detainers from another jurisdiction;

3 ~~11.~~ 10. Inmates convicted of a sex offense who, upon release
4 from incarceration, would be required by law to register pursuant to
5 the Sex ~~Offender~~ Offenders Registration Act;

6 ~~12.~~ 11. Inmates convicted of racketeering activity as defined
7 in Section 1402 of Title 22 of the Oklahoma Statutes;

8 ~~13.~~ 12. Inmates convicted pursuant to subsection F of Section
9 2-401 of Title 63 of the Oklahoma Statutes;

10 ~~14.~~ 13. Inmates convicted pursuant to Section 650 of Title 21
11 of the Oklahoma Statutes;

12 ~~15.~~ 14. Inmates who have escaped from a penal or correctional
13 institution within the previous ten (10) years; or

14 ~~16.~~ 15. Inmates who currently have active misconduct actions on
15 file with the Department of Corrections.

16 C. Every eligible inmate assigned to the Electronic Monitoring
17 Program shall remain in such program until one of the following
18 conditions has been met:

19 1. The inmate discharges the term of the sentence;

20 2. The inmate is removed from the Electronic Monitoring Program
21 for violation of any rule or condition of the program and reassigned
22 to imprisonment in a correctional facility; or

23 3. The inmate is paroled by the Governor pursuant to Section
24 332.7 of this title.

1 D. After an inmate has been assigned to the Electronic
2 Monitoring Program, denial of parole pursuant to Section 332.7 of
3 this title, shall not be cause for removal from the program,
4 provided the inmate has not violated the rules or conditions of the
5 program. The inmate may remain assigned to the program, if
6 otherwise eligible, until the completion of the sentence.

7 E. The Electronic Monitoring Program shall require active
8 supervision of the inmate in a community setting by a correctional
9 officer or other employee of the Department of Corrections with
10 monitoring by a global positioning device approved by the Department
11 under such rules and conditions as may be established by the
12 Department. If an inmate violates any rule or condition of the
13 program, the Department may take necessary disciplinary action
14 consistent with the rules established pursuant to this section,
15 including reassignment to a higher level of security or removing the
16 inmate from the program with reassignment to imprisonment in a
17 correctional facility. Any inmate who escapes from the Electronic
18 Monitoring Program shall be subject to the provisions of Section 443
19 of Title 21 of the Oklahoma Statutes.

20 F. Upon an inmate assigned to the Electronic Monitoring Program
21 becoming eligible for parole consideration, pursuant to Section
22 332.7 of this title, the Department of Corrections shall deliver the
23 inmate, in person, to a correctional facility for interview,
24 together with any Department records necessary for the Pardon and

1 Parole Board's investigation. Inmates assigned to the Electronic
2 Monitoring Program shall not be allowed to waive consideration or
3 recommendation for parole.

4 G. Prior to placement of any eligible inmate assigned to the
5 Electronic Monitoring Program being placed in a community setting,
6 the Department of Corrections shall deliver a written notification
7 to the sheriff and district attorney of the county, and the chief
8 law enforcement officer of any incorporated city or town in which
9 the inmate is to be monitored and supervised under the program. The
10 district attorney shall disseminate such information to victims of
11 the crime for which the inmate is serving sentence, if any, when the
12 victims are known to live in the same city, town or county.

13 H. An inmate assigned to the Electronic Monitoring Program may
14 be required to pay the Department of Corrections for all or part of
15 any monitoring equipment or fee, substance abuse treatment program
16 or follow-up treatment expense, supervision cost, or other costs
17 while assigned to the program. The Department shall determine
18 whether the inmate has the ability to pay all or part of such fee or
19 costs.

20 I. The Department of Corrections shall promulgate and adopt
21 rules and procedures necessary to implement the Electronic
22 Monitoring Program, including but not limited to methods of
23 monitoring and supervision, disciplinary action, reassignment to
24 higher and lower security levels, removal from the program, and

1 costs of monitoring and supervision to be paid by the inmate, if
2 any.

3 J. An inmate assigned to the Electronic Monitoring Program
4 shall, within thirty (30) days of being placed in a community
5 setting, report to the court clerk and the district attorney of the
6 county from which the judgment and sentence resulting in
7 incarceration arose to address payment of any fines, costs,
8 restitution and assessments owed by the inmate, if any.

9 ~~SECTION 2. It being immediately necessary for the preservation~~
10 ~~of the public peace, health and safety, an emergency is hereby~~
11 ~~declared to exist, by reason whereof this act shall take effect and~~
12 ~~be in full force from and after its passage and approval."~~

13 Passed the Senate the 18th day of April, 2016.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,

18 2016.

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Presiding Officer of the House
of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 2836

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11 years who has ~~eleven (11)~~ twenty-four (24) months or more left on
12 the sentence or any inmate serving a sentence of five (5) years or
13 less whose initial custody assessment requires placement above the
14 minimum security level;

15 2. Inmates convicted of a violent offense within the previous
16 ten (10) years or convicted of any violation enumerated in Section
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7 Passed the House of Representatives the 10th day of March, 2016.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2016.

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Presiding Officer of the Senate

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