

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1172

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to the State Board of Corrections;
8 amending 57 O.S. 2011, Section 502, as last amended
9 by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp.
10 2019, Section 502), which relates to definitions;
11 amending 57 O.S. 2011, Section 505, which relates to
12 the Department of Corrections; amending 57 O.S. 2011,
13 Section 507, which relates to the powers and duties
14 of the Director; amending 57 O.S. 2011, Section 508,
15 as amended by Section 2, Chapter 267, O.S.L. 2012 (57
16 O.S. Supp. 2019, Section 508), which relates to
17 divisions and deputy directors; amending 57 O.S.
18 2011, Section 508.1, which relates to the legal
19 division; amending 57 O.S. 2011, Section 508.3, which
20 relates to the construction division; amending 57
21 O.S. 2011, Section 510, as last amended by Section 1,
22 Chapter 279, O.S.L. 2018 (59 O.S. Supp. 2019, Section
23 510), which relates to the Director's specific powers
24 and duties; amending 57 O.S. 2011, Sections 525, 528,
543 and 545, which relate to offices and residences
for wardens, duties of employees, work release
centers and employment of inmates; amending 57 O.S.
2011, Section 549, as amended by Section 1, Chapter
265, O.S.L. 2014 (57 O.S. Supp. 2019, Section 549),
which relates to the powers and duties of the Board
of Corrections; amending 57 O.S. 2011, Section 549.1,
as last amended by Section 2, Chapter 197, O.S.L.
2018 (59 O.S. Supp. 2019, Section 549.1), which
relates to purchase of prison industries goods and
services; amending 57 O.S. 2011, Section 561, as
amended by Section 255, Chapter 304, O.S.L. 2012 (57
O.S. Supp. 2019, Section 561), which relates to
private prison contractors; modifying statutory
references; modifying entities; updating statutory
language; repealing 57 O.S. 2011, Section 503, as
amended by Section 1, Chapter 3, O.S.L. 2019 (57 O.S.

1 Supp. 2019, Section 503), which relates to the
2 creation of the State Board of Corrections; repealing
3 57 O.S. 2011, Section 504, which relates to the
4 powers and duties of the board; repealing 57 O.S.
5 2011, Section 550, which relates to designation of
6 persons to act on behalf of the Board; and providing
7 an effective date.

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

9 SECTION 1. AMENDATORY 57 O.S. 2011, Section 502, as last
10 amended by Section 1, Chapter 259, O.S.L. 2016 (57 O.S. Supp. 2019,
11 Section 502), is amended to read as follows:

12 Section 502. As used in this title, unless the context
13 otherwise requires:

14 1. ~~"Board" means the State Board of Corrections;~~

15 2. "Department" means the Department of Corrections of this
16 state;

17 3. 2. "Director" means the Director of the Department of
18 Corrections;

19 4. 3. "Halfway house" means a private facility for the
20 placement of inmates in a community setting for the purpose of
21 reintegrating into the community inmates who are nearing their
22 release dates. The term shall not include private prisons;

23 5. 4. "Institutions" means the Oklahoma State Penitentiary
24 located at McAlester, Oklahoma; the Oklahoma State Reformatory
25 located at Granite, Oklahoma; the Lexington Assessment and Reception

1 Center located at Lexington, Oklahoma; the Joseph Harp Correctional
2 Center located at Lexington, Oklahoma; the Jackie Brannon
3 Correctional Center located at McAlester, Oklahoma; the Howard C.
4 McLeod Correctional Center located at Farris, Oklahoma; the Mack H.
5 Alford Correctional Center located at Stringtown, Oklahoma; the Jim
6 E. Hamilton Correctional Center located at Hodgen, Oklahoma; the
7 Mabel Bassett Correctional Center located at McLoud, Oklahoma; the
8 R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma;
9 the James Crabtree Correctional Center located at Helena, Oklahoma;
10 the Jess Dunn Correctional Center located at Taft, Oklahoma; the
11 John Lilley Correctional Center located at Boley, Oklahoma; the
12 William S. Key Correctional Center located at Fort Supply, Oklahoma;
13 the Dr. Eddie Walter Warrior Correctional Center located at Taft,
14 Oklahoma; the Northeast Oklahoma Correctional Center located at
15 Vinita, Oklahoma; the Clara Waters and Kate Barnard Community
16 Corrections Centers located at Oklahoma City, Oklahoma; the
17 Community Corrections Centers located at Lawton, Enid, Oklahoma City
18 and Union City; the Charles E. "Bill" Johnson Correctional Center,
19 located east of Alva, Oklahoma; the Southern Oklahoma Resource
20 Center located at Pauls Valley, Oklahoma; and other facilities under
21 the jurisdiction and control of the Department of Corrections or
22 hereafter established by the Department of Corrections;

23 ~~6.~~ 5. "Intermediate revocation facility" means a corrections
24 center operated by the Department of Corrections or a private
25

1 facility or public trust operating pursuant to contract with the
2 Department of Corrections which provides housing and intensive
3 programmatic services for offenders who have violated the terms or
4 conditions of probation as determined by a supervising probation
5 officer. "Intensive programmatic services" offered by the
6 Department of Corrections includes, but shall not be limited to,
7 alcohol and substance abuse counseling and treatment, mental health
8 counseling and treatment and domestic violence courses and treatment
9 programs;

10 ~~7.~~ 6. "Intermediate sanctions facility" means a community
11 corrections center operated by the Department of Corrections or a
12 private facility or public trust operating pursuant to contract with
13 the Department of Corrections which provides for the housing and
14 programmatic services of offenders such as probation or parole
15 violators or community sentenced offenders placed in the facility
16 for disciplinary sanctions, work release offenders, offenders who
17 need intensive programmatic services, or offenders who have
18 demonstrated positive adjustment while in an institutional setting
19 who need additional programmatic services to enhance their reentry
20 into society upon release from a prison term; and

21 ~~8.~~ 7. "Private prison contractor" means:

- 22 a. a nongovernmental entity or public trust which,
23 pursuant to a contract with the Department of
24 Corrections, operates an institution within the

1 Department other than a halfway house or intermediate
2 sanctions facility, or provides for the housing, care,
3 and control of inmates and performs other functions
4 related to these responsibilities within a minimum,
5 medium, or maximum security level facility not owned
6 by the Department but operated by the contractor, or
7 b. a nongovernmental entity or public trust which,
8 pursuant to a contract with the United States or
9 another state, provides for the housing, care, and
10 control of minimum or medium security inmates in the
11 custody of the United States or another state, and
12 performs other functions related to these
13 responsibilities other than a halfway house or
14 intermediate sanctions facility within a facility
15 owned or operated by the contractor.

16 SECTION 2. AMENDATORY 57 O.S. 2011, Section 505, is
17 amended to read as follows:

18 Section 505. There is hereby created the Department of
19 Corrections which shall consist of divisions, subdivisions,
20 institutions, and such sections, offices and positions as may be
21 established by the Director, ~~subject to the approval of the Board,~~
22 or by law.

23 SECTION 3. AMENDATORY 57 O.S. 2011, Section 507, is
24 amended to read as follows:

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

3 ~~(a)~~ A. To supervise the activities of the Department and,
4 ~~subject to the policies established by the Board,~~ to act for the
5 Department in all matters, except as may be otherwise provided in
6 ~~this act~~ the Oklahoma Corrections Act of 1967.

7 ~~(b)~~ B. To prescribe rules and regulations for the operation of
8 the Department, ~~consistent with the general policies established by~~
9 ~~the Board.~~

10 ~~(c)~~ C. To appoint and fix the duties and salaries of such
11 personnel for the Department as may be necessary to administer and
12 carry out the provisions of ~~this act~~ the Oklahoma Corrections Act of
13 1967. The Department and the employees thereof, except ~~the members~~
14 ~~of the Board and~~ the Director shall be subject to the provisions of
15 the State Merit System of Personnel Administration, but the Governor
16 may by Executive Order exempt positions therefrom as authorized by
17 Section 802 of Title 74 of the Oklahoma Statutes, except as may be
18 otherwise provided in ~~this act~~ the Oklahoma Corrections Act of 1967.

19 ~~(d)~~ D. To accept, use, disburse and administer grants,
20 allotments, gifts, devises, bequests, appropriations and other
21 monies and property offered or given to the Department, or any
22 component or agency thereof, by any agency of the federal government
23 or any corporation or individual for the use of the Department.

1 SECTION 4. AMENDATORY 57 O.S. 2011, Section 508, as
2 amended by Section 2, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2018,
3 Section 508), is amended to read as follows:

4 Section 508. The Director, ~~subject to the approval of the~~
5 ~~Board,~~ is hereby authorized to create divisions within the
6 Department of Corrections as he may deem appropriate to effectively
7 manage the Department. The divisions shall be under the immediate
8 supervision and control of the Director. The Director is hereby
9 authorized to appoint Deputy Directors for the divisions of the
10 Department, who shall be exempt from the Merit System of Personnel
11 Administration Act, and to fix the salaries and duties thereof;
12 provided, the salary ranges of ~~said~~ the Deputy Directors shall be
13 set by the Legislature in the Department's annual appropriation.
14 The Deputy Directors shall have at least a master's degree from an
15 accredited college or university and at least four (4) years of
16 professional level work experience in corrections; or a bachelor's
17 degree and at least five (5) years of work experience in
18 corrections. Provided, however, that for the position of Deputy
19 Director of administrative services, professional level
20 administrative experience may be substituted for work experience in
21 corrections. The provisions of ~~this act~~ the Oklahoma Corrections
22 Act of 1967 shall not apply to those presently serving as Deputy
23 Director as herein defined.

1 SECTION 5. AMENDATORY 57 O.S. 2011, Section 508.1, is
2 amended to read as follows:

3 Section 508.1. There is hereby created within the Department of
4 Corrections a Legal Division. The Director may employ or contract
5 with attorneys as needed and determine their salaries. These
6 attorneys may advise the Director, ~~the Board of Corrections,~~
7 administrative supervisors of facilities and Department personnel on
8 legal matters and may appear for and represent the Director, ~~the~~
9 ~~Board of Corrections,~~ administrative supervisors of facilities and
10 Department personnel in administrative hearings and other legal
11 actions and proceedings.

12 SECTION 6. AMENDATORY 57 O.S. 2011, Section 508.3, is
13 amended to read as follows:

14 Section 508.3. A. There is hereby created the Construction
15 Division within the Department of Corrections. The purpose of the
16 division shall be to provide inmate construction crews for
17 construction projects of the Department of Corrections.

18 B. The Director of the Department of Corrections shall adopt
19 and promulgate such rules as may be necessary to carry out the
20 duties of the Construction Division and shall appoint a Director of
21 the division who shall administer the activities of the division.

22 C. 1. An inmate working for the Construction Division of the
23 Department of Corrections shall be subject to all rules established
24 for inmate work ~~by the State Board of Corrections~~ and subject to all

1 statutes governing the operation of the Construction Division of the
2 Department of Corrections.

3 2. Inmates working for the Construction Division are not state
4 employees, and are specifically forbidden from organizing into
5 unions or other associations in connection with their work or from
6 engaging in any strike, work stoppage, slowdown or collective
7 bargaining process. This prohibition applies to any inmates forming
8 a union local or similar organization at any Construction Division
9 project or location; provided, however, it shall not prohibit any
10 inmate from otherwise achieving or retaining status as a union
11 member.

12 3. The claims of the state against an inmate to cover the costs
13 of incarceration of an inmate shall be prior to the unsecured claims
14 of any creditor.

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

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

22 SECTION 7. AMENDATORY 57 O.S. 2011, Section 510, as last
23 amended by Section 1, Chapter 279, O.S.L. 2018 (57 O.S. Supp. 2019,
24 Section 510), is amended to read as follows:

1 Section 510. A. The Director of the Department of Corrections
2 shall have the following specific powers and duties relating to the
3 penal institutions:

4 1. To appoint, ~~subject to the approval of the State Board of~~
5 ~~Corrections,~~ a warden for each penal institution;

6 2. To fix the duties of the wardens and to appoint and fix the
7 duties and compensation of such other personnel for each penal
8 institution as may be necessary for the proper operation thereof.

9 However, correctional officers hired after November 1, 1995, shall
10 be subject to the following qualifications:

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

15 b. possession of a minimum of thirty (30) semester hours
16 from an accredited college or university, or
17 possession of a high school diploma acquired from an
18 accredited high school or GED equivalent testing
19 program,

20 c. satisfactory completion of minimum testing or
21 professional evaluation through the Merit System of
22 Personnel Administration to determine the fitness of
23 the individual to serve in the position. All written
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1 evaluations shall be submitted to the Department of
2 Corrections, and

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

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

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

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

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

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

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

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

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

16 8. To maintain such industries, factories, plants, shops,
17 farms, and other enterprises and operations, hereinafter referred to
18 as prison industries, at each penal institution as the ~~State Board~~
19 Department of Corrections deems necessary or appropriate to employ
20 the prisoners or teach skills, or to sustain the penal institution,
21 and ~~as provided for by policies established by the State Board of~~
22 ~~Corrections,~~ to allow compensation for the work of the prisoners,
23 and to provide for apportionment of inmate wages, the amounts thus
24 allowed to be kept in accounts ~~by the Board~~ for the prisoners and

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

12 9. To assign residences at each penal institution to penal
13 institutional personnel and their families;

14 10. To provide for the education, training, vocational
15 education, rehabilitation, and recreation of prisoners;

16 11. To regulate the operation of canteens for prisoners;

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

23 13. To transfer prisoners from one penal institution to
24 another;

1 14. To establish procedures that ensure inmates are educated
2 and provided with the opportunity to execute advance directives for
3 health care in compliance with Section 3101.2 of Title 63 of the
4 Oklahoma Statutes. The procedures shall ensure that any inmate
5 executing an advance directive for health care is competent and
6 executes the directive with informed consent;

7 15. To maintain courses of training and instruction for
8 employees of the Department;

9 16. To maintain a program of research and statistics;

10 17. To provide for the periodic audit, at least once annually,
11 of all funds and accounts of each penal institution and the funds of
12 each prisoner;

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

23 19. To provide clerical services for, and keep and preserve the
24 files and records of, the Pardon and Parole Board; make

1 investigations and inquiries as to prisoners at the penal
2 institutions who are to be, or who might be, considered for parole
3 or other clemency; assist prisoners who are to be, or who might be,
4 considered for parole or discharge in obtaining suitable employment
5 in the event of parole or discharge; report to the Pardon and Parole
6 Board, for recommendation to the Governor, violations of terms and
7 conditions of paroles; upon request of the Governor, make
8 investigations and inquiries as to persons who are to be, or who
9 might be, considered for reprieves or leaves of absence; report to
10 the Pardon and Parole Board, for recommendation to the Governor,
11 whether a parolee is entitled to a pardon, when the terms and
12 conditions of the parole have been completed; make presentence
13 investigations for, and make reports thereof to, trial judges in
14 criminal cases consistent with other laws of the state; supervise
15 persons on felony probation or parole; and develop and operate,
16 ~~subject to the policies and guidelines of the Board,~~ work-release
17 centers, community treatment facilities or prerelease programs at
18 appropriate sites throughout this state;

19 20. To establish an employee tuition assistance program and
20 promulgate rules in accordance with the Administrative Procedures
21 Act for the operation of the program. The rules shall include, but
22 not be limited to, program purposes, eligibility requirements, use
23 of tuition assistance, service commitment to the Department,
24 reimbursement of tuition assistance funds for failure to complete

1 course work or service commitment, amounts of tuition assistance and
2 limitations, and record keeping;

3 21. To establish an employee recruitment and referral incentive
4 program and promulgate rules in accordance with the Administrative
5 Procedures Act for the operation of the program. The rules shall
6 include, but not be limited to, program purposes, pay incentives for
7 employees, eligibility requirements, payment conditions and amounts,
8 payment methods, and record keeping;

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

16 23. To conduct continual planning and research and periodically
17 evaluate the effectiveness of the various correctional programs
18 instituted by the Department; manage the designing, building, and
19 maintaining of all the capital improvements of the Department;
20 establish and maintain current and efficient business, bookkeeping,
21 and accounting practices and procedures for the operations of all
22 penal institutions and facilities, and for the Department's fiscal
23 affairs; conduct initial orientation and continuing in-service
24 training for the Department employees; provide public information

1 services; inspect and examine the condition and management of state
2 penal and correctional institutions; investigate complaints
3 concerning the management of prisons or alleged mistreatment of
4 inmates thereof; and hear and investigate complaints as to
5 misfeasance or nonfeasance of employees of the Department;

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

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

20 26. To authorize award of the badge of an employee who dies
21 while employed by the Department to the spouse or next of kin of the
22 deceased employee;

23 27. To establish, in conjunction with the Information Services
24 Division of the Office of Management and Enterprise Services, an

1 emergency alert notification system for the public, capable of
2 distributing notifications of facility emergencies or prisoner
3 escapes for all facilities and each facility of the Department of
4 Corrections;

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

10 29. To enter into contracts with media or film production
11 companies to allow the Department to authorize a media or film
12 production company to shoot commercial films at penal institutions
13 and other property under the control of the Department. Any funds
14 received pursuant to ~~said~~ the contracts shall be deposited into the
15 Department of Corrections Revolving Fund.

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

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

7 SECTION 8. AMENDATORY 57 O.S. 2011, Section 525, is
8 amended to read as follows:

9 Section 525. On and after October 1, 1982, the ~~Board~~ Department
10 of Corrections shall provide offices and residences for the wardens
11 at the Oklahoma State Penitentiary and the Oklahoma State
12 Reformatory and shall furnish and maintain them but shall not
13 provide allowance for actual subsistence expenses for their families
14 and guests therein, out of appropriated funds.

15 SECTION 9. AMENDATORY 57 O.S. 2011, Section 528, is
16 amended to read as follows:

17 Section 528. The Director of the Department of Corrections
18 shall appoint and fix the duties and compensation of employees
19 necessary to carry out the duties imposed upon the Department of
20 Corrections by law. ~~The State Board of Corrections shall appoint~~
21 ~~the Director of the Department of Corrections with the advice and~~
22 ~~consent of the Senate. The salary of the Director shall be set by~~
23 ~~the Legislature in the annual appropriation bill.~~

1 SECTION 10. AMENDATORY 57 O.S. 2011, Section 543, is
2 amended to read as follows:

3 Section 543. The Department of Corrections, if authorized by
4 the Legislature, may establish and operate work release centers or
5 community treatment centers, under appropriate statutory authority,
6 and in accordance with rules and regulations as promulgated by the
7 ~~Board of Corrections~~ Department.

8 SECTION 11. AMENDATORY 57 O.S. 2011, Section 545, is
9 amended to read as follows:

10 Section 545. A. Any inmate employed by any prison industry
11 shall be subject to all rules established for his employment ~~by the~~
12 ~~State Board of Corrections~~ and to all statutes governing the
13 operation of state prison industries as well as by all laws
14 generally governing employment, wages and working conditions except
15 as provided for herein.

16 B. Inmates employed by prison industries are not state
17 employees, and they are specifically forbidden from organizing into
18 unions or other associations in connection with their employment or
19 from engaging in any strike, work stoppage, slowdown or collective
20 bargaining process. This prohibition applies to any inmates forming
21 a union local or similar organization at any prison industry but it
22 shall not prohibit any inmate from otherwise achieving or retaining
23 status as a union member.

1 C. The claims of the state against an inmate to cover the costs
2 of incarceration of an inmate shall be prior to the unsecured claims
3 of any creditor.

4 D. The employment of any inmate by any prison industry is a
5 privilege granted by the state which may be revoked by the Director
6 of the Department of Corrections.

7 E. As used in subsection C of this section, "costs of
8 incarceration" shall include all costs associated with maintaining
9 an inmate in the custody of the Department of Corrections and shall
10 include costs paid by the state for medical care for the inmate.

11 SECTION 12. AMENDATORY 57 O.S. 2011, Section 549, as
12 amended by Section 1, Chapter 265, O.S.L. 2014 (57 O.S. Supp. 2019,
13 Section 549), is amended to read as follows:

14 Section 549. A. The ~~State Board~~ Department of Corrections
15 shall have the following powers and duties with respect to the
16 operation of prison industries, the Construction Division, and
17 administration of inmate trust funds:

18 1. The power to make leases or other contracts consistent with
19 the operation of prison industries, and to set aside land or
20 facilities for the use of such industry;

21 2. The power to establish conditions for expenditures by the
22 Department of Corrections from the Industries Revolving Fund;

23 3. The power to negotiate wages and working conditions on
24 behalf of prisoners working in prison industries or prisoners

1 working in the Construction Division. Pay grades for the
2 Construction Division "on-the-job training" inmate crews shall be as
3 follows:

- 4 a. Pay Grade "A" - Inmate Worker,
- 5 b. Pay Grade "B" - Inmate Worker,
- 6 c. Pay Grade "C" - Apprentice,
- 7 d. Pay Grade "D" - Skilled Craft;

8 4. The power to collect wages and other receipted funds on
9 behalf of the inmate, to apportion inmate wages and funds in
10 accordance with the law; and the duty to preserve those wages and
11 funds reserved for the inmate in an account for his or her benefit,
12 and to establish procedures by which the inmate can draw funds from
13 this account under the conditions and limitations and for the
14 purposes allowed by law;

15 5. The duty to establish the percentages of such wages which
16 shall be available for apportionment to inmate mandatory savings; to
17 the inmate for his or her personal use; to the lawful dependents of
18 the inmate, if any; to the victim of the inmate's crime; for payment
19 of creditors; for payment of costs and expenses for criminal actions
20 against such inmate; and to the Department of Corrections for costs
21 of incarceration. Provided, that not less than twenty percent (20%)
22 of such wages shall be placed in an account, and shall be payable to
23 the prisoner upon his or her discharge; however, inmates with a
24 sentence of life without the possibility of parole shall be exempt

1 from this provision. Funds from this account may be used by the
2 inmate for fees or costs in filing a civil or criminal action as
3 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes
4 or for federal action as defined in Section 1911 et seq. of Title 28
5 of the United States Code, 28 U.S.C., Section 1911 et seq.;

6 6. The power to invest funds held by the Department of
7 Corrections on behalf of each inmate in an interest-bearing account
8 with the interest accruing and payable to the Crime Victims
9 Compensation Revolving Fund, as provided in Section 142.17 of Title
10 21 of the Oklahoma Statutes. The interest from each inmate's
11 savings account shall be payable to the Crime Victims Compensation
12 Revolving Fund, at such intervals as may be determined by the ~~Board~~
13 Department, in addition to any other payments to such fund required
14 by the inmate's sentence or otherwise by law. An inmate shall not
15 have the right, use or control of any interest derived from any
16 funds placed in a mandatory savings account;

17 7. The power to invest funds held by the Department of
18 Corrections on behalf of each inmate in a commingled offender
19 interest-bearing account held by the Office of the State Treasurer.
20 The State Treasurer shall post interest to this account monthly.
21 The Department of Corrections, ~~at such intervals as may be~~
22 ~~determined by the Board,~~ will credit interest to the inmate based on
23 the pro rata account balance of the inmate. Deposits into the
24 inmate interest-bearing account will only be allowed when the trust

1 fund draw account of the inmate has a balance in excess of One
2 Hundred Dollars (\$100.00). Inmate mandatory savings account
3 balances will not be used to determine the eligibility of the inmate
4 to participate in the interest-bearing savings account. Inmates who
5 participate in the interest-bearing account will only be allowed to
6 transfer funds from their interest-bearing account to their draw
7 account once every ninety (90) days. All inmate transfers from the
8 interest-bearing account of the inmate to the draw account of the
9 inmate must be approved by appropriate Department staff prior to
10 transfer. All transfers of funds from an inmate interest-bearing
11 account to external recipients must be reviewed and approved by
12 appropriate Department staff prior to transfer. The Department will
13 define in policy those rules and procedures that govern inmate
14 interest-bearing account deposits and funds transfers; and

15 8. The power to invest canteen system, offender restitution and
16 other offender-related collections by the Department of Corrections
17 in a commingled interest-bearing account held by the Office of the
18 State Treasurer and invested as prescribed by Section 89.2 of Title
19 62 of the Oklahoma Statutes. The State Treasurer shall post
20 interest to this account monthly. By the fifteenth day of each
21 month, the proportionate share of the interest from the canteen
22 system, offender restitution and other offender-related collections,
23 excluding that portion of the interest payable to the Victims
24 Compensation Revolving Fund and any interest payable to inmates for

1 the inmate interest-bearing account, shall be remitted to the State
2 Treasurer from the Department of Corrections for deposit into the
3 General Revenue Fund.

4 B. The ~~State Board~~ Department of Corrections shall cause to be
5 placed in an account income from the inmate's employment and any
6 other income or benefits accruing to or payable to and for the
7 benefit of ~~said~~ the inmate, including any workers' compensation or
8 Social Security benefits.

9 1. From this account the ~~State Board~~ Department of Corrections
10 may charge for costs of incarceration any inmate working in private
11 prison industries or any other inmate for costs of incarceration not
12 to exceed fifty percent (50%) of any deposits made to ~~said~~ the
13 account, unless ~~said~~ the deposits were from a workers' compensation
14 benefit.

15 2. From this account, the ~~State Board~~ Department of Corrections
16 may charge any inmate for costs of incarceration, an amount
17 equivalent to one hundred percent (100%) of any deposits from a
18 workers' compensation benefit to ~~said~~ the account.

19 3. The Department of Corrections shall pay into the Crime
20 Victims Compensation Revolving Fund, Section 142.17 of Title 21 of
21 the Oklahoma Statutes, an amount equal to five percent (5%) of the
22 gross wages earned by inmates working in a private prison industries
23 program, ~~said~~ the amount to be paid from the amount deducted for
24 cost of incarceration.

1 4. Withdrawals and deposits shall be made according to rules
2 and regulations established by the ~~State Board~~ Department of
3 Corrections.

4 C. The Department of Corrections may assess costs of
5 incarceration against all inmates beginning on September 1, 1992.
6 Such costs shall be a debt of the inmate owed to the Department of
7 Corrections and may be collected as provided by law for collection
8 of any other civil debt. In addition to the provisions of this
9 section authorizing expenditure of inmate trust funds for costs of
10 incarceration, any monies received for costs of incarceration shall
11 be deposited in the Department of Corrections Revolving Fund.

12 SECTION 13. AMENDATORY 57 O.S. 2011, Section 549.1, as
13 last amended by Section 2, Chapter 197, O.S.L. 2018 (57 O.S. Supp.
14 2019, Section 549.1), is amended to read as follows:

15 Section 549.1. A. The Department of Corrections is authorized
16 to purchase in the manner prescribed by law, facilities, equipment,
17 raw materials and supplies, and to engage the supervisory personnel
18 necessary to establish and maintain for this state at the penal
19 institutions, ~~now or hereafter under the control of the State Board~~
20 ~~of Corrections,~~ industries and agricultural programs for the
21 utilization of services of prisoners in the manufacture, production,
22 processing or assembly of the articles or products as may be needed
23 for the construction, operation, maintenance or use of any office,
24 department, institution or agency supported in whole or in part by

1 this state and the political subdivisions thereof. Upon the request
2 of the Oklahoma Historical Society or the Oklahoma Tourism and
3 Recreation Department, the Department of Corrections shall provide
4 labor for and shall produce or manufacture articles, products or
5 materials needed for the repair, construction and maintenance of
6 historical sites and state parks including, but not limited to, the
7 production of materials and products needed for the reconstruction
8 of historic forts in the state.

9 B. All articles and services provided by the Department of
10 Corrections in the state correctional institutions, and not required
11 for use therein, shall be purchased as required by all offices,
12 departments, institutions, agencies, counties, schools, colleges,
13 universities, or political subdivisions or any agency thereof of
14 this state which are supported in whole or in part by this state, if
15 such article or service is the lowest and best bid, and no such
16 article or product may be purchased by any such office, department,
17 institution, agency, county, school, college, university, or
18 political subdivisions or agency thereof from any other source
19 unless excepted from the provisions as hereinafter provided.

20 Purchases made by the above-described state agencies may be made by
21 submitting the proper requisition through the Office of Management
22 and Enterprise Services or by direct order to the prison industries
23 program of the Department of Corrections.

1 C. If a requisition is received by the Office of Management and
2 Enterprise Services or a direct order is received by the Prison
3 Industries Program of the Department of Corrections from a state
4 agency for any product or service provided by the Department of
5 Corrections and such product or service is also available from a
6 severely handicapped person or a qualified nonprofit agency for the
7 severely handicapped as provided in Section 3001 et seq. of Title 74
8 of the Oklahoma Statutes at a comparable price, then the product or
9 service shall be purchased from such severely handicapped person or
10 qualified nonprofit agency for the severely handicapped. If the
11 product or service is not available within the time period required
12 by the purchasing state agency, then such product or service shall
13 be purchased from the Department of Corrections under the provisions
14 of this section.

15 D. All offices, departments, institutions, agencies, counties,
16 cities, districts or political subdivisions, schools, colleges, or
17 universities, or any agency thereof, or any agencies of the state,
18 which are supported in whole or in part by this state, may purchase
19 the goods or services manufactured, produced, processed or assembled
20 by the prison industries of the Department of Corrections through
21 their properly authorized purchasing authority, or they may place a
22 direct order without competitive bid, with the prison industries of
23 the Department of Corrections.

1 E. Not-for-profit corporations or charitable agencies chartered
2 in Oklahoma or other states may purchase such goods and services.
3 Units of the federal government and units of government in other
4 states may also purchase such goods and services. All entities
5 which contract with the state, its political units, its agencies,
6 its public institutions, not-for-profit corporations or charitable
7 agencies chartered in Oklahoma may purchase goods or services from
8 the Department of Corrections which are used in the performance of
9 such contracts. Any church located in the State of Oklahoma may
10 also purchase goods and services manufactured, produced, processed
11 or assembled by the prison industries of the Department of
12 Corrections. Any community action agency or council of governments
13 within this state may purchase housing components produced by the
14 prison industries of the Department of Corrections. Nothing shall
15 prohibit the Department from bidding on portions of a state contract
16 which are subcontracted by the primary contractor.

17 F. Others are prohibited from purchasing such goods and
18 services, with the exception that all surplus agricultural products
19 may be sold on the open market or bartered and exchanged for other
20 food, feed or seed products of comparable value. The Department of
21 Corrections shall keep complete and accurate records of any such
22 barter or exchanges in such form and manner as the Office of
23 Management and Enterprise Services may prescribe. A copy of such
24 records shall be filed with the Office of Management and Enterprise

1 Services no later than March 1 of each year for all barter or
2 exchanges occurring in the previous calendar year. When
3 practicable, the Department of Corrections may accept and process
4 agricultural products from the public and may export the resulting
5 products to foreign markets.

6 G. Products manufactured, produced, processed or assembled by
7 the Department of Corrections shall be of styles, patterns, designs
8 and quantities specified by the Department of Corrections except
9 where the same have been or may be specified by the Office of
10 Management and Enterprise Services. Products shall be provided at a
11 fair market price for comparable quality.

12 H. State agencies shall make maximum utilization of such
13 products and no similar products shall be purchased by state
14 agencies from any other source than the Department of Corrections
15 except as provided in subsection C of this section, unless the
16 Department of Corrections certifies to the State Purchasing Director
17 that it is not able to provide products, and no claim therefor shall
18 be paid without such certification.

19 I. Exceptions from the mandatory provisions hereof may be made
20 in any case where, in the opinion of the Office of Management and
21 Enterprise Services, the article or product does not meet the
22 reasonable requirements of or for such offices, departments,
23 institutions or agencies, or in any case where the requisitions made
24 cannot be reasonably complied with. No such offices, departments,

1 institutions or agencies, shall be allowed to evade the intent and
2 meaning of this section by slight variations from standards adopted
3 by the Office of Management and Enterprise Services, when the
4 articles, services or products produced, manufactured, processed or
5 assembled by the Department of Corrections, in accordance with
6 established standards, are reasonably adapted to the actual needs of
7 such offices, departments, institutions or agencies.

8 J. In the event of disagreement between the Department of
9 Corrections and the State Purchasing Director on fairness of price,
10 ability to comply to specifications, reasonableness of
11 specifications and timeliness of delivery of products the matter
12 will be resolved by the Purchasing Director of the Office of
13 Management and Enterprise Services.

14 K. The Office of Management and Enterprise Services shall
15 cooperate with the Department of Corrections in seeking to promote
16 for use in state agencies and by all other eligible customers, the
17 products manufactured and services provided by the prison
18 industries.

19 L. The Department of Corrections shall prepare catalogs
20 containing the description of all goods and services provided, with
21 the pricing of each item. Copies of such catalog shall be sent by
22 the Department of Corrections to all offices, departments,
23 institutions and agencies of this state, and shall be available for
24 distribution to all other eligible customers. In lieu of preparing

1 and distributing catalogs, the Department of Corrections may
2 maintain a website that contains a description of all goods and
3 services provided, with the pricing of each item.

4 M. The Department of Corrections may keep confidential:

5 1. Business plans, feasibility studies, financing proposals,
6 marketing plans, financial statements or trade secrets submitted by
7 a person or entity seeking a corrections industries partnership with
8 the Department of Corrections;

9 2. Proprietary information of the business submitted to the
10 Department for the purposes of a corrections industries partnership,
11 and related confidentiality agreements detailing the information or
12 records designated as confidential; and

13 3. The Department of Corrections may not keep confidential
14 information when and to the extent that the person or entity
15 submitting the information consents to disclosure.

16 SECTION 14. AMENDATORY 57 O.S. 2011, Section 561, as
17 amended by Section 255, Chapter 304, O.S.L. 2012 (57 O.S. Supp.
18 2019, Section 561), is amended to read as follows:

19 Section 561. A. The Department of Corrections is hereby
20 authorized to provide for incarceration, supervision, and
21 residential treatment at facilities other than those operated by the
22 Department of Corrections. Services offered for persons under the
23 custody or supervision of the Department are to include, but not be
24 limited to, housing, alcoholism or drug treatment, mental health

1 services, nursing home care, or halfway house placement. Such
2 services must meet standards prescribed and established by the ~~State~~
3 ~~Board~~ Department of Corrections for implementing such a program,
4 including but not limited to standards concerning internal and
5 perimeter security, discipline of inmates, educational and
6 vocational training programs, employment of inmates, and proper
7 food, clothing, housing, and medical care. Such services must be
8 contracted for in accordance with Section 85.7 of Title 74 of the
9 Oklahoma Statutes. Such services, if provided by private prison
10 contractors, shall be contracted for as required by this section.

11 B. The Department of Corrections is authorized to lease
12 existing facilities or portions thereof from private prison
13 contractors, counties or other governmental entities and operate
14 such facilities or portions thereof in the same manner as other
15 state owned and operated prison facilities. All lease agreements
16 entered into pursuant to this section shall be negotiated between
17 the Department and the lessor. The Office of Management and
18 Enterprise Services shall assist in the negotiations if requested by
19 the Department of Corrections.

20 C. Subject to the requirements of this section and Section
21 561.1 of this title, the Department of Corrections is hereby
22 authorized to provide for the construction or operation or both
23 construction and operation of correctional institutions of the
24 Department of Corrections by private prison contractors. Such

1 operation shall meet standards prescribed by the ~~State Board~~
2 Department of Corrections, including but not limited to, standards
3 concerning internal and perimeter security, discipline of inmates,
4 educational and vocational training programs, and proper food,
5 clothing, housing, transportation, and medical care. Such services
6 shall be contracted for in accordance with the provisions of Section
7 561.1 of this title and the provisions of this section.

8 D. A comprehensive file for all private prison contractors
9 interested in and capable of operating an institution within the
10 Department of Corrections or providing for the housing, care, and
11 control of inmates in a facility owned and operated by the
12 contractor shall be maintained by the Department. These files shall
13 include:

- 14 1. A completed application form;
- 15 2. A resume of the contractor's staff and capability;
- 16 3. A completed performance evaluation form for past projects on
17 which the contractor has provided private prison services;
- 18 4. A list of past contracts with this state;
- 19 5. A list of contracts to provide similar services to other
20 states or to the United States; and
- 21 6. The mailing address of each private prison contractor.

22 Any person or firm wishing to be a private prison contractor may
23 request at any time to be included in the comprehensive file, and
24 shall be provided necessary forms within twenty (20) days of the

1 request and the Department shall add such contractor to the list
2 within twenty (20) days of receipt of a properly completed
3 application.

4 The Department may solicit evaluation of work done by private
5 prison contractors from members of the private sector, which
6 evaluation shall be part of the comprehensive file.

7 E. If the Department intends to secure the services of a
8 private prison contractor, all persons and firms included in the
9 file shall be notified through the mail of such intent. Such
10 notification shall contain the following information:

- 11 1. Description and scope of the project or projects;
- 12 2. Estimated time schedule for project;
- 13 3. Last date for submitting notice of interest in performing
14 services to the Director; and
- 15 4. Other pertinent data.

16 Private prison contractors desiring consideration shall meet the
17 requirements of this section and to be considered shall submit a
18 letter expressing interest in the project to the Department within
19 thirty (30) days of the postmark date of the letter of notification
20 mailed by the Department. Contractors shall file an updated
21 application form at the request of the Department.

22 F. The Department shall define the scope of a proposed project,
23 determine the various project components, phases and timetables, and
24 prepare detailed project descriptions to guide prospective
25

1 contractors. Before the Department awards a contract to a private
2 prison contractor, the plans shall be approved by the ~~State Board~~
3 Department of Corrections.

4 G. The Department shall review the files of the private prison
5 contractors desiring consideration for the project. After
6 performing the analysis required by Section 561.1 of this title, the
7 Department shall select no less than three and no more than five
8 contractors for more detailed consideration. In the event
9 interviews for more than one contract are being considered at the
10 same time, the number of contractors selected for more detailed
11 consideration should be at least twice the number of contracts
12 contemplated. This initial screening should consider the
13 requirements of the project, as well as the following factors to be
14 determined from the comprehensive file, and replies to inquiries to
15 former clients:

- 16 1. Specialized experience in the type of work contemplated;
- 17 2. Capacity of the contractor to accomplish the work in the
18 required time; and
- 19 3. Past performance, from the performance evaluation form.

20 H. A full report of the evaluation procedures and
21 recommendations of the Department shall be prepared by the
22 Department and submitted to the ~~State Board of Corrections~~ Director
23 for the independent review of the entire process.

1 I. 1. The Department shall select the contractor whose
2 qualifications and project proposal most substantially meet the
3 criteria of the project description.

4 2. The Department shall execute the contract with the selected
5 contractor, which contract shall include a fair and reasonable fee.

6 3. The negotiated scope and fee shall be reported to the ~~Board~~
7 Director for the approval of the award of the contract.

8 J. The Office of Management and Enterprise Services shall
9 render assistance to the Department of Corrections in implementing
10 the contracting procedures provided for in this section. The Office
11 of Management and Enterprise Services may have a representative at
12 any meeting involving negotiations of a contract between the
13 Department and a private prison contractor. Before submission of
14 the proposed contract to the Council on Bond Oversight, and prior to
15 the date as of which the proposed contract is executed by the ~~State~~
16 ~~Board~~ Department of Corrections, the Attorney General and the
17 Director of the Office of Management and Enterprise Services shall
18 review the proposed final version of the contract. The Attorney
19 General and the Director of the Office of Management and Enterprise
20 Services shall have a period of fifteen (15) days from receipt of
21 the proposed final version of the contract to approve the contract
22 and execute the document. If either the Attorney General or the
23 Director of the Office of Management and Enterprise Services has
24 objections to the proposed contract, the objections shall be

1 communicated in writing to the Department of Corrections. The
2 Department of Corrections shall take appropriate action regarding
3 the objections and shall resubmit the proposed contract for
4 additional review. The Attorney General and the Office of
5 Management and Enterprise Services shall have an additional fifteen-
6 day period to approve the proposed contract and to execute the
7 document. Failure of the Attorney General or the Director of the
8 Office of Management and Enterprise Services, respectively, to act
9 within the fifteen-day period shall constitute approval of the
10 respective official to the proposed final version of the contract.
11 The contract shall contain a separate signature block or line for
12 signature by the Attorney General and the Office of Management and
13 Enterprise Services. The contract shall contain a statement to be
14 executed by the Attorney General and the Director of the Office of
15 Management and Enterprise Services that each one of them,
16 respectively, has reviewed the proposed contract for compliance with
17 the provisions of this section and Section 561.1 of this title, and
18 all other applicable provisions of law and that the contract
19 conforms with those requirements. Neither the private prison
20 contractor nor the ~~State Board of Corrections~~ Director of the
21 Department of Corrections shall execute the contract until the
22 document has been executed by the Attorney General and the Director
23 of the Office of Management and Enterprise Services as required by
24 this subsection unless the approval of the respective official has

1 been made as a result of failure to take action within the fifteen-
2 day period prescribed by this subsection.

3 K. The Director of the Office of Management and Enterprise
4 Services is authorized to lease real property and improvements
5 thereon to a private prison contractor in conjunction with a
6 contract for private management of a state correctional institution
7 located or to be built on the property. ~~Said~~ The lease may be
8 entered into for one (1) year periods, renewable at the sole option
9 of the State of Oklahoma, but not to exceed a cumulative period of
10 fifty (50) years.

11 L. Contracts awarded to private prison contractors pursuant to
12 the provisions of this section shall be entered into for a period
13 specified in each contract, subject to availability of funds
14 annually appropriated by the Legislature for that purpose. No
15 contract awarded pursuant to this section shall provide for the
16 encumbrance of funds beyond the amount available for a fiscal year.

17 M. No contract authorized by the provisions of this section
18 shall be awarded until the private prison contractor demonstrates to
19 the satisfaction of the ~~State Board~~ Director of the Department of
20 Corrections:

21 1. That the contractor possesses the necessary qualifications
22 and experience to provide the services specified in the contract;

23 2. That the contractor can provide the necessary qualified
24 personnel to implement the terms of the contract;

1 3. That the financial condition of the contractor is such that
2 the terms of the contract can be fulfilled;

3 4. That the contractor has the ability to comply with
4 applicable court orders and corrections standards; and

5 5. That, in the case of a contractor who will be providing the
6 services in a nondepartmental facility operated by ~~said~~ the
7 contractor, the contractor shall be able to meet accreditation
8 standards and receive accreditation, as required by the terms of the
9 contract pursuant to subsection C of Section 561.1 of this title.

10 N. No contract authorized by the provisions of this section
11 shall be awarded until the private prison contractor demonstrates to
12 the satisfaction of the ~~Board~~ Director that the contractor can
13 obtain insurance or provide self-insurance to:

14 1. Indemnify the state against possible lawsuits arising from
15 the operation of prison facilities by the contractor; and

16 2. Compensate the state for any property damage or expenses
17 incurred due to the operation of prison facilities.

18 O. A private prison contractor shall not be bound by state laws
19 or other legislative enactments governing the appointment,
20 qualifications, duties, salaries, or benefits of wardens,
21 superintendents, or other correctional employees, except that any
22 personnel authorized to carry and use firearms shall comply with the
23 certification standards required by the provisions of Section 3311
24 of Title 70 of the Oklahoma Statutes and be authorized to use

1 firearms only to prevent a felony, to prevent escape from custody,
2 or to prevent an act which would cause death or serious bodily
3 injury to the personnel or to another person.

4 P. Any offense which would be a crime if committed within a
5 state correctional institution also shall be a crime if committed in
6 an institution or facility operated by a private prison contractor.

7 Q. The Director or his designee shall monitor the performance
8 of the contractor.

9 SECTION 15. REPEALER 57 O.S. 2011, Section 503, as
10 amended by Section 1, Chapter 3, O.S.L. 2019 (57 O.S. Supp. 2019,
11 Section 503), is hereby repealed.

12 SECTION 16. REPEALER 57 O.S. 2011, Section 504, is
13 hereby repealed.

14 SECTION 17. REPEALER 57 O.S. 2011, Section 550, is
15 hereby repealed.

16 SECTION 18. This act shall become effective November 1, 2020.

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