

1 **SENATE FLOOR VERSION**

2 February 8, 2024

3 SENATE BILL NO. 1642

By: Howard of the Senate

4 and

5 Manger of the House

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8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2021, Section 549, which relates to
10 inmate trust funds; modifying elements of exemption
to certain account; updating statutory language; and
providing an effective date.

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

14 SECTION 1. AMENDATORY 57 O.S. 2021, Section 549, is
15 amended to read as follows:

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

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

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

1 3. The power to negotiate wages and working conditions on
2 behalf of prisoners working in prison industries or prisoners
3 working in the Construction Division. Pay grades for the
4 Construction Division "on-the-job training" inmate crews shall be as
5 follows:

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

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

17 5. The duty to establish the percentages of such wages which
18 shall be available for apportionment to inmate mandatory savings; to
19 the inmate for his or her personal use; to the lawful dependents of
20 the inmate, if any; to the victim of the inmate's crime; for payment
21 of creditors; for payment of costs and expenses for criminal actions
22 against such inmate; and to the Department of Corrections for costs
23 of incarceration. Provided, that not less than twenty percent (20%)
24 of such wages shall be placed in an account, and shall be payable to

1 the prisoner upon his or her discharge; however, inmates with a
2 sentence of life or life without the possibility of parole shall be
3 exempt from this provision. Funds from this account may be used by
4 the inmate for fees or costs in filing a civil or criminal action as
5 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes
6 or for federal action as defined in Section 1911 et seq. of Title 28
7 of the United States Code, 28 U.S.C., Section 1911 et seq.;

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

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

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

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

1 excluding that portion of the interest payable to the Crime Victims
2 Compensation Revolving Fund and any interest payable to inmates for
3 the inmate interest-bearing account, shall be remitted to the State
4 Treasurer from the Department of Corrections for deposit into the
5 General Revenue Fund.

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

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

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

21 3. The Department of Corrections shall pay into the Crime
22 Victims Compensation Revolving Fund, Section 142.17 of Title 21 of
23 the Oklahoma Statutes, an amount equal to five percent (5%) of the
24 gross wages earned by inmates working in a private prison industries

1 program, ~~said~~ the amount to be paid from the amount deducted for
2 cost of incarceration.

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

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

13 SECTION 2. This act shall become effective November 1, 2024.

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
15 February 8, 2024 - DO PASS
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