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§57-1. County commissioners - Inspection of jails.

County commissioners shall inspect the jails in their respective counties at least once each year, and shall fully examine the health, cleanliness and discipline conditions of the jail. The person responsible for the administration of such jail shall provide the county commissioner with the name, age and basis for incarceration of each prisoner and if it appears to the commissioners that any provisions of law have been violated or neglected they shall give notice to the district attorney of the county. This inspection shall be in addition to that performed by the State Department of Health. R.L. 1910, § 4603. Amended by Laws 1978, c. 244, § 13, eff. July 1, 1978.

§57-2. Prohibition against intoxicating beverages in jails.

No sheriff, jailer or keeper of any jail shall, under any pretense, give, sell or deliver to any person committed to any jail for any cause whatever, any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer, under the penalties prescribed by the prohibition law of this state, unless a physician shall certify in writing that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed and no more. R.L. 1910, § 4604. Amended by Laws 1978, c. 244, § 14, eff. July 1, 1978.

§57-3. Repealed by Laws 1978, c. 244, § 42, eff. July 1, 1978.

§57-4. Jails to be kept clean - Care of prisoners.

The person responsible for administration of a jail shall see that the jail is constantly kept in a clean and healthful condition, and shall see that strict attention is constantly paid to the personal cleanliness of all the prisoners in his custody. R.L. 1910, § 4606. Amended by Laws 1978, c. 244, § 15, eff. July 1, 1978.

§57-4.1. Administering medications.

In addition to other medical and health care services required by a jail facility as may be provided by rule by the State Department of Health, the person responsible for administration for a jail shall administer medications according to the following:

1. Prescription medications shall be provided to the prisoner as directed by a physician or designated medical authority. The prisoner shall be observed to ensure the prisoner takes the medication. The physician or designated medical authority shall be particularly aware through his or her training of the impact of opiate or methadone withdrawal symptoms that may occur in regard to the mental and physical health of the prisoner. The physician or medical authority shall prescribe and administer appropriate medications to the prisoner pursuant to Section 5-204 of Title 43A of the Oklahoma Statutes as the medical authority deems appropriate to address those symptoms. Neither prescription nor over-the-counter medications shall be kept by a prisoner in a cell with the exception of prescribed nitroglycerin tablets and prescription inhalers. Over-the-counter medications shall not be administered without a physician's approval unless using prepackaged medications;

2. Medical reception information shall be recorded on a printed screening form approved by the physician or designated medical authority which shall include inquiry into:

- a. current illnesses and health problems including medications taken and any special health requirements,
- b. behavioral observation, including state of consciousness and mental status,
- c. body deformities and trauma markings such as bruises, lesions, jaundice, and ease of body movement,
- d. condition of skin and visible body orifices, including infestations, and
- e. disposition or referral of prisoners to qualified medical personnel on an emergency basis; and

3. For purposes of this section, "physician or other licensed medical personnel" means a psychiatrist, medical doctor, osteopathic physician, physician's assistant, registered nurse, licensed practical nurse, emergency medical technician at the paramedical level or clinical nurse specialist.

Added by Laws 2011, c. 382, § 1, eff. Nov. 1, 2011.

§57-4.2. Restraints on pregnant inmates - Access to certain persons during delivery.

A. All penal institutions, detention centers and county jails shall use the least restrictive restraints necessary when the facility has actual or constructive knowledge that an inmate is pregnant. The presumption is that no restraints of any kind shall be used, unless otherwise directed by the physician in charge:

1. When transporting an inmate who is in labor;

2. During any phase of labor;
3. While the inmate is delivering her baby; or
4. While the inmate is recuperating from the delivery of her baby, unless there are compelling grounds to believe that the inmate presents an immediate and serious threat of harm to herself, staff or others or is a substantial flight risk and cannot be reasonably contained by other means.

B. Prior to labor, if it is necessary to ensure the safety of the inmate, staff or others, only the least restrictive restraints necessary shall be used and in a way that mitigates adverse clinical consequences. Consultation with medical staff is required prior to application of restraints. Written approval from the warden of a penal institution, director of a detention center or sheriff of a county jail is required, unless there are compelling grounds to believe that the inmate presents an immediate and serious threat of harm to herself, staff or others or is a substantial flight risk and cannot be reasonably contained by other means. Correctional officers shall be available and shall be required to remove restraints upon request from medical personnel. The following restraints and control techniques are prohibited:

1. Abdominal restraints;
2. Four-point restraints or placing the pregnant inmate in a facedown position;
3. Leg and ankle restraints that may increase the risk of forward falls; and
4. Any kind of chain restraints where the inmate is linked to any other inmate.

In general, the least restrictive restraints necessary shall be a frontal wrist restraint which, if used, must be applied in such a way that the pregnant inmate is able to protect herself and the fetus in the event of a forward fall.

C. To maintain privacy, when appropriate, correctional officers shall be positioned outside the room of the inmate, unless requested by the physician in charge.

D. Any female inmate confined in a penal institution, detention center or county jail shall receive notice in writing in a language and manner understandable to the inmate about the requirements of this section upon admission to the penal institution, detention center or county jail and again, when the inmate is known to be pregnant. The warden, director or sheriff shall publish notice of the requirements of this section in prominent locations where medical care is provided to female inmates.

E. All penal institutions, detention centers and county jails shall ensure that pregnant inmates have access to one of the following during delivery:

1. A family member or a friend who has previously been approved on the visitors list of the penal institution, detention center or county jail;
2. A member of the clergy; or
3. A doula; provided, during delivery the doula services are furnished by a certified doula without charge to the penal institution, detention center or county jail. In such a case, the inmate must make arrangements for the doula services and shall notify the penal institution, detention center or county jail of such request in advance.

F. It shall be unlawful for any correctional officer or county detention officer to use restraints on a pregnant inmate as prohibited by the provisions of subsection A or B of this section and upon conviction such correctional officer or county detention officer shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

G. As used in this section:

1. "Certified doula" means an individual who has received a certification to perform doula services from a nationally recognized childbirth education association; and
2. "Doula services" means continuous emotional and physical support throughout labor and birth and intermittently during the prenatal and postpartum periods.

Added by Laws 2018, c. 294, § 1, eff. Nov. 1, 2018.

§57-5. Bible furnished for each prisoner - Ministers to have access.

The keeper of each prison shall provide, at the expense of the county or state, as the case may be, for each prisoner under his charge, who may be able and desirous to read, a copy of the Bible, or New Testament, to be used by such prisoner during his confinement, and any minister of the gospel, disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, shall have access to them at seasonable and proper times.

R.L. 1910, § 4607.

§57-6. Courts may sentence to hard labor.

Any court, justice of the peace, police court or police magistrate, in cases where such courts have jurisdiction under the laws of this state, or as provided by the ordinances or charter of any incorporated town or city in the state, shall have full power and authority to sentence such convict to hard labor as provided in this article.

R.L. 1910, § 4608.

§57-7. Marshal shall superintend labor in towns.

When the imprisonment is pursuant to the judgment of any court, police court, or police magistrate of an incorporated city or town for the violation of any ordinance, bylaw, or other regulation, the marshal shall superintend the performance of the labor herein contemplated, and shall furnish the tools and materials, if necessary at the expense of the city or town requiring the labor, and such city or town shall be entitled to the earnings of its convicts.
R.L. 1910, § 4609.

§57-8. Repealed by Laws 1978, c. 244, § 42, eff. July 1, 1978.

§57-9. Penalty for cruelty to prisoners.

If any officer or other person treat any prisoner in a cruel or inhuman manner he shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding twelve (12) months, or by both such fine and imprisonment.

R.L. 1910, § 4613.

§57-10. Protection from annoyance - Penalty for annoying prisoners.

The officer having such prisoner in charge shall protect him from insult and annoyance and communication with others while at labor, and in going to and returning from the same, and he may use such means as are necessary and proper therefor, and any person persisting in insulting and annoying or communicating with any prisoner after being first commanded by such officer to desist shall be punished by a fine not exceeding Ten Dollars (\$10.00) or by imprisonment not exceeding three (3) days.

R.L. 1910, § 4613.

§57-11. Repealed by Laws 1978, c. 244, § 42, eff. July 1, 1978.

§57-12. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§57-13. Escape when committed for capital offenses a felony.

If any person committed to prison, for the purpose of detaining him for trial, for a capital offense, shall break prison and escape, he shall be guilty of a felony and shall be imprisoned in the state prison for the term of two (2) years.

R.L. 1910, § 4616. Amended by Laws 1997, c. 133, § 502, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 367, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 502 from July 1, 1998, to July 1, 1999.

§57-14. Removal of prisoners in case of fire.

If any prison, or any building thereof, shall be on fire, and the prisoners shall be exposed to danger by such fire, the keeper may remove such prisoners to a place of safety, and there confine them, so long as may be necessary to avoid such danger, and such removal and confinement shall not be deemed an escape of such prisoners.
R.L. 1910, § 4617.

§57-15. When a poor convict is held for fine and costs.

When any poor convict shall have been confined in any prison for the space of six (6) months, for nonpayment of fine and costs only, or either of them, the sheriff of the county in which such person shall be imprisoned shall make a report thereof to any two justices of the peace for such county; if required by such justices, the said keeper shall bring such convict before them, either at the prison, or at such other convenient place thereto as they shall direct; the said justices shall proceed to inquire into the truth of said report, and if they shall be satisfied that the report is true, and the convict has not had since his conviction any estate, real or personal, with which he could have paid the sum for the nonpayment of which he was committed, they shall make a certificate thereof to the sheriff of the county, and direct him to discharge such convict from prison and the sheriff shall forthwith discharge him.
R.L. 1910, § 4618.

§57-16. Jails of state to receive federal prisoners.

When a prisoner shall be delivered to a sheriff or keeper of any jail by the authority of the United States, the sheriff or keeper shall receive the prisoner, and commit him accordingly; and every sheriff or keeper of the jail refusing or neglecting to take possession of a prisoner delivered to him by the authority aforesaid, shall be subject to the same pains and penalties as for neglect or refusal to commit any prisoner delivered to him under the authority of the state. And any sheriff or keeper of any jail who shall suffer to escape any prisoner committed to his custody by the authority of the United States, shall be subject to the same pains and penalties as for suffering to escape any prisoner committed to his custody under the authority of the state, and the allowance for the maintenance of any prisoner committed as aforesaid shall be no greater than that made for prisoners committed under the authority of the state.
Laws 1910-11, c. 19, p. 36, § 2.

§57-16a. Sheriffs to receive and hold United States prisoners.

All sheriffs, jailers, prison keepers, and their deputies, within this state, to whom any persons shall be sent or committed, by virtue of legal process, issued by or under the authority of the United States, shall receive such persons into custody, and keep them safely

until discharged by due course of the laws of the United States; and all such sheriffs, jailers, prison keepers and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this state.

R.L. 1910, § 4619.

§57-17. United States shall be liable for expenses.

The United States shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under authority of this state.

R.L. 1910, § 4620.

§57-18. Calendar of United States prisoners.

Before every stated term of the United States court, to be held within this state, the said sheriffs, jailers and prison keepers shall make out, under oath, a calendar of prisoners in their custody, under the authority of the United States, with the date of their commitment, by whom committed, and for what offense, and transmit the same to the judge of the district court of the United States for their district, and at the end of every six (6) months they shall transmit to the United States marshal of their district, for allowance and payment of their account, if any, against the United States, for the support and keeping of such prisoners, as aforesaid.

R.L. 1910, § 4621.

§57-19. Juvenile prisoners.

Juvenile prisoners shall be treated with humaneness and in a manner calculated to promote their reformation and they shall be kept separate from more experienced and hardened criminals. Visits of parents, guardians and friends who desire to exert a moral influence over them shall at all reasonable times be permitted.

R.L. 1910, § 4622. Amended by Laws 1978, c. 244, § 16, eff. July 1, 1978.

§57-20. Credit on fine and costs - Credit for efficient work and good behavior.

Every county, city or town convict in this state, whether required to work upon the public highways of the county, city or town, in accordance with the laws of this state, or merely confined in the county, city or town prison, shall receive credit upon his or her fine and costs of One Dollar (\$1.00) for each day confined in prison, or worked upon the public highways, rock pile, or rock crusher, or public work; provided that those prisoners or convicts

doing and performing the most efficient work and making the best prisoners, shall be entitled to an additional credit of one (1) day for every five (5) days of work, the custodian of the prison to determine at the end of each five (5) days of imprisonment whether or not the prisoner is entitled to such credit, and to make a record of the decision and notify the prisoner of the same.

Added by Laws 1913, c. 112, p. 205, § 4. Amended by Laws 2011, c. 160, § 2, eff. Nov. 1, 2011.

§57-21. Contraband in jails or penal institutions - Penalties.

A. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined by Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating beverage or low-point beer as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, money or financial documents for a person other than the inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Provided, the provisions of this subsection shall not prohibit any Department of Corrections employee who has a valid handgun license pursuant to the Oklahoma Self-Defense Act to keep a firearm in a vehicle on any property set aside for the parking of any vehicle, whether occupied or unoccupied, at any state-owned prison facility, provided the employee has provided annual notification to the Department of Corrections of the brand name, model, serial number, and owner identification information of the firearm, and the firearm is secured and stored in a locked metal storage container located in a locked vehicle. The storage container will be secured in the vehicle by a lockable chain or cable or by utilizing hardware provided by the manufacturer.

B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by imprisonment for a term of not less than five (5) years nor more than twenty (20) years in the custody of the Department of Corrections.

C. If the person found to be in possession of any item prohibited by this section has committed, prior to the commission of an offense in violation of this section, two or more felony offenses, and the possession of contraband in violation of this section is within ten (10) years of the completion of the execution of the sentence for any prior offense, such person, upon conviction, shall

be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

D. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

E. Any person who knowingly, willfully and without authority brings into or has in his or her possession in any secure area of a jail or state penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

F. Any electronic communication device which has no identifiable owner and which is seized as a result of a violation of this section may be disposed of or sold by the agency that seized the device.

G. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet. Added by Laws 1955, p. 298, § 1. Amended by Laws 1978, c. 180, § 1, eff. Oct. 1, 1978; Laws 1988, c. 109, § 29, eff. Nov. 1, 1988; Laws 1992, c. 264, § 1, eff. July 1, 1992; Laws 1993, c. 48, § 1, emerg. eff. April 9, 1993; Laws 1995, c. 274, § 48, eff. Nov. 1, 1995; Laws 1997, c. 133, § 503, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 368, eff. July 1, 1999; Laws 2001, c. 325, § 1, eff. Nov. 1, 2001; Laws 2008, c. 366, 5, emerg. eff. June 3, 2008; Laws 2009, c. 459, § 1, emerg. eff. June 2, 2009; Laws 2012, c. 93, § 1, eff. Nov. 1, 2012; Laws 2015, c. 226, § 2, eff. Nov. 1, 2015.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 503 from July 1, 1998, to July 1, 1999.

§57-22. Receiving compensation for providing goods or services for benefit of inmate - Penalties.

A. Except as otherwise provided in this section, any detention officer, deputy sheriff, or other person employed as jail operations staff by a county, city, or other entity that operates a jail who receives compensation from any person other than the sheriff or jail

administrator for providing goods, tobacco products, or services for the benefit of an inmate, upon conviction, shall be guilty of a misdemeanor if the compensation is an amount of less than Five Hundred Dollars (\$500.00), punishable by up to six (6) months in the county jail, or a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment and shall be guilty of a felony if the compensation is an amount of Five Hundred Dollars (\$500.00) or more, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. The provisions of this section shall not apply to any person operating, or employed by, a vendor facility licensed by the State Department of Rehabilitation Services pursuant to Sections 71 through 78 of Title 7 of the Oklahoma Statutes for purposes of carrying out the provisions of the Randolph-Sheppard Act, 20 U.S.C.A., Section 107 et seq., or any other duly authorized vendor.
Added by Laws 2002, c. 231, § 1, eff. Nov. 1, 2002. Amended by Laws 2008, c. 366, § 6, emerg. eff. June 3, 2008.

§57-31. Corporal punishment prohibited.

It shall be unlawful for any person to administer any corporal punishment of any kind to any inmate of any penal or corrective institution of the State of Oklahoma.

Added by Laws 1951, p. 59, § 1. Amended by Laws 1953, p. 231, § 1.

§57-32. Violation a misdemeanor.

Any person who violates the provisions of this act shall be guilty of a misdemeanor.

Added by Laws 1951, p. 60, § 2.

§57-36. Repealed by Laws 1984, c. 97, § 8, emerg. eff. April 4, 1984.

§57-37. Facilities reaching maximum capacity.

A. If all correctional facilities reach maximum capacity and the Department of Corrections is required to contract for bed space to house state inmates:

1. The Pardon and Parole Board shall consider all nonviolent offenders for parole who are within six (6) months of their scheduled release from a penal facility; and

2. Prior to contracting with a private prison operator to provide housing for state inmates, the Department shall send notification to all county jails in this state that bed space is required to house the overflow population of state inmates. Upon receiving notification, the sheriff of a county jail is authorized to enter into agreements with the Department to provide housing for the

inmates. Reimbursement for the cost of housing the inmates shall be a negotiated per diem rate for each inmate as contracted but shall in no event be less than the per diem rate provided for in Section 38 of this title.

B. No inmate may be received by a penal facility from a county jail without first scheduling a transfer with the Department. Within five (5) business days after the court orders the judgment and sentence, the court clerk shall transmit to the Department by facsimile, electronic mail, or actual delivery a certified copy of:

1. The judgment and sentence certifying that the inmate is sentenced to the Department of Corrections;

2. A notice of judgment and sentence signed by the sentencing judge or court clerk. The notice shall include the name of the defendant, date of birth, case number, county of conviction, name of the sentencing judge, the crime for which the defendant was convicted, the sentence imposed, if multiple sentences whether the sentences run concurrently or consecutively, and whether the defendant is to receive credit for any time served. The notice of judgment and sentence shall be substantially in the form provided for in subsection F of this section; or

3. Plea paperwork, Summary of Facts and Sentence on Plea or Sentencing After Jury Trial Summary of Facts may be used as sentencing documents.

C. The receipt of the certified copy of the judgment and sentence shall be certification that the sentencing court has entered a judgment and sentence and all other necessary commitment documents. The Department of Corrections is authorized to determine the appropriate method of delivery from each county based on electronic or other capabilities, and establish a method for issuing receipts certifying that the Department has received the judgment and sentence document. The Department shall establish a dedicated electronic address location for receipt of all electronically submitted judgment and sentence documents. The electronic address location shall provide written receipt verification of each received judgment and sentence document. Once an appropriate judgment and sentence document, as listed in subsection B of this section, is received by the Department of Corrections, the Department shall contact the sheriff when bed space is available to schedule the transfer and reception of the inmate into the Department. The Department shall assume custody of an inmate from a county prior to receiving the certified copy of the judgment and sentence upon receipt by the Department of any of the appropriate judgment and sentence documents as listed in subsection B of this section.

D. If the Department receives a judgment and sentence document from a county that includes inaccurate information from the sentencing court the Department shall notify the county within a timely manner.

E. When a county jail has reached its capacity of inmates as provided in the standards set forth in Section 192 of Title 74 of the Oklahoma Statutes, then the county sheriff shall notify the Director of the Oklahoma Department of Corrections, or the Director's designated representative, by facsimile, electronic mail, or actual delivery, that the county jail has reached or exceeded its capacity to hold inmates. The notification shall include copies of any judgment and sentences not previously delivered as required by subsection B of this section. Then within seventy-two (72) hours following such notification, the county sheriff shall transport the designated excess inmate or inmates to a penal facility designated by the Department. The sheriff shall notify the Department of the transport of the inmate prior to the reception of the inmate. The Department shall schedule the reception date and receive the inmate within seventy-two (72) hours of notification that the county jail is at capacity, unless other arrangements can be made with the sheriff.

F. The Department will be responsible for the cost of housing the inmate in the county jail including costs of medical care provided from the date the judgment and sentence was ordered by the court until the date of transfer of the inmate from the county jail. The Department shall implement a policy for determination of scheduled dates on which an inmate or multiple inmates are to be transferred from county jails. The policy shall allow for no less than three alternative dates from which the sheriff of a county jail may select and shall provide for weather-related occurrences or other emergencies that may prevent or delay transfers on the scheduled date. The policy shall be available for review upon request by any sheriff of a county jail. The cost of housing shall be the per diem rate specified in Section 38 of this title. In the event the inmate has one or more criminal charges pending in the same Oklahoma jurisdiction and the county jail refuses to transfer the inmate to the Department because of the pending charges, the Department shall not be responsible for the housing costs of the inmate while the inmate remains in the county jail with pending charges. Once the inmate no longer has pending charges in the jurisdiction, the Department shall be responsible for the housing costs of the inmate for the period beginning on the date the judgment and sentence or final order was ordered by the Court. In the event the inmate has other criminal charges pending in another Oklahoma jurisdiction, the Department shall be responsible for the housing costs while the inmate remains in the county jail awaiting transfer to another jurisdiction or until the date the inmate is scheduled to be transferred to the Department, whichever is earlier. Once the inmate is transferred to another jurisdiction, the Department is not responsible for the housing cost of the inmate until such time that another judgment and sentence is received by the Department from another Oklahoma jurisdiction.

The sheriff may submit invoices for the cost of housing the inmate on a monthly basis. Final payment for housing an offender will be made only after the official judgment and sentence is received by the Department of Corrections.

G. Form for Notice of Judgment and Sentencing.

In the District Court of _____ County

The State of Oklahoma

State of Oklahoma,)

)

Plaintiff)

)

vs.)

Case No. _____

Defendant,)

The Honorable Judge _____

)

D.O.B. _____)

NOTICE OF JUDGMENT AND SENTENCE

On this ____ day of _____, _____, to the best knowledge and belief of the undersigned, the conviction(s) and sentence(s) of the above-captioned defendant was/were announced and ordered as follow:

Count 1: _____ O.S. _____

Count 1 Sentence: _____

Count 2: _____ O.S. _____

Count 2 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

Count 3: _____ O.S. _____

Count 3 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

Count 4: _____ O.S. _____

Count 4 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

Credit for time served: _____

Judge of the District Court
or

Clerk of the District Court

Added by Laws 1981, S.J.R. No. 14, p. 1291, § 2, emerg. eff. April 13, 1981. Amended by Laws 2001, c. 204, § 1, eff. July 1, 2001; Laws 2004, c. 239, § 3, eff. July 1, 2004; Laws 2008, c. 366, § 7, eff. July 1, 2009; Laws 2015, c. 307, § 1, eff. Nov. 1, 2015; Laws 2017, c. 260, § 1, eff. Nov. 1, 2017; Laws 2019, c. 247, § 1.

§57-38. Jail reimbursement rate - Reimbursement for medical expenses.

The Department of Corrections shall reimburse any county which is required to retain an inmate pursuant to subsection E of Section 37 of this title in an amount not to exceed Twenty-seven Dollars (\$27.00) per day for each inmate during such period of retention, unless the actual daily cost as determined by the Department of Corrections Daily Rate as defined in this section, exceeds Twenty-seven Dollars (\$27.00). If the actual daily cost as determined by the Department of Corrections Daily Rate exceeds Twenty-seven Dollars (\$27.00), the county shall notify the Department of Corrections of the actual daily cost no later than September 30. If the county's actual daily cost is accepted by the Department that shall be the reimbursement rate for the county beginning the next fiscal year. If the Department rejects the county's actual daily cost application, then the actual daily cost reimbursement shall be determined by the State Auditor and shall be imposed beginning the next fiscal year. The Department shall distribute the reimbursement on a monthly basis upon receipt and approval of a billing statement from the county. The county shall use the reimbursement to defray expenses of equipping and maintaining the jail and payment of personnel. The provisions in this act shall be implemented by the Department to allow sufficient time for application to FY-2019. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county.

Added by Laws 1981, S.J.R. No. 14, p. 1291, § 3, emerg. eff. April 13, 1981. Amended by Laws 1992, c. 293, § 1, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 76, eff. July 1, 1997; Laws 1999, c. 51, § 3, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 24, eff. July 1, 1999; Laws 2006, 2nd Ex. Sess., c. 74, § 8; Laws 2015, c. 307, § 2, eff. Nov. 1, 2015; Laws 2017, c. 260, § 2, eff. Nov. 1, 2017.

§57-38.1. Reimbursement for disciplinary incarceration under community sentencing.

In jurisdictions where the local community sentencing system is receiving state funds, the state shall provide funding for county jail incarceration for disciplinary sanctions for eligible felony offenders pursuant to the provisions of the Oklahoma Community Sentencing Act at a rate of Twenty-four Dollars (\$24.00) per day per person imprisoned for a maximum term as provided by law.

Added by Laws 1999, 1st Ex.Sess., c. 4, § 28, eff. July 1, 1999.

§57-38.2. Reimbursement for incarceration ordered as an intermediate sanction.

The Department of Corrections shall reimburse each county in an amount not to exceed Thirty Dollars (\$30.00) per offender per day for county jail incarceration that is ordered as an intermediate sanction for eligible offenders under the provisions of subsection B of Section 991b and subsection H of Section 991c of Title 22 of the Oklahoma Statutes.

Added by Laws 2006, c. 288, § 1, eff. July 1, 2006.

§57-38.3. Reimbursement and payment for medical care and treatment.

A. As used in this section:

1. "Emergency care" means the medical or surgical care necessary to treat the sudden onset of a potentially life- or limb-threatening condition or symptom;

2. "Dental emergency" means acute problems in the mouth exhibiting symptoms of pain, swelling, bleeding or elevation of temperature; and

3. "Mental health emergency" means a person exhibiting behavior due to mental illness that may be an immediate threat to others or himself or herself that renders the person incapable of caring for himself or herself.

B. The Department of Corrections shall reimburse health care providers for medical care and treatment for inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Health care providers that are in the network established by the Department of Corrections in conjunction with the State and Education Employees Group Insurance Board shall be reimbursed according to the fee schedule established for that network; provided, that reimbursement will be no less than the fee structure that was in effect January 1, 2007, or the current fee schedule, whichever is greater. Health care providers that are out of network shall be reimbursed according to the Oklahoma Medicaid Fee Schedule; provided, that reimbursement shall be no less than the fee structure that was in effect January 1, 2007, or the current fee schedule, whichever is greater. Prior to obtaining nonemergency care outside the county jail facility, authorization must be received from the Department of Corrections. For any emergency care, dental emergency or mental health emergency care obtained outside the county jail facility, the Department of Corrections must be notified within twenty-four (24) hours. The Department of Corrections is hereby authorized to reject claims if proper notification has not been provided.

C. The sheriff shall be responsible for providing and paying for medical, dental and mental health care screening when an inmate is admitted, routine sick calls within the county jail and access to on-site physician services as is routinely provided for all inmates in the custody of the sheriff and as provided by Section 52 of Title 57 of the Oklahoma Statutes.

D. The Department of Corrections shall pay the pharmacy provider for medications provided to inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. If the pharmacy provider is a Medicaid provider, the pharmacy provider must bill the Department at Medicaid rates. The county jail shall be responsible for paying for any medications that are not listed on the Department of Corrections formulary, unless the county jail receives a written exception from the Department.

E. Dental and mental health care shall be provided through the designated host facility of the Department of Corrections for inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Each county jail is encouraged to work with local community mental health centers to provide necessary medications and emergency services that would be reimbursed pursuant to the provisions of this subsection.

F. The sheriff shall be responsible for transportation and security of inmates to all outside health care appointments including host facilities of the Department of Corrections.

G. Neither the Department of Corrections nor the sheriff shall be responsible for the cost of health care while an inmate is on escape status or for any injury incurred while on escape status.

H. The Department of Corrections shall not be responsible for payment of health care of inmates housed in the county jail under the following circumstances:

1. Prior to entry of a certified judgment and sentence pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes;
2. When an inmate is detained in the county jail pursuant to a writ of habeas corpus;
3. When an inmate is detained in the county jail for additional cases pending after a certified copy of the judgment and sentence has been entered;
4. When an inmate is detained in the county jail and his or her status is on hold for another jurisdiction; or
5. When an inmate is detained in the county jail and the inmate is sentenced to county jail time only.

Added by Laws 2008, c. 366, § 8, emerg. eff. June 3, 2008.

§57-41. Establishment or access to jail in another county - Private prison contractors.

Every county, by authority of the board of county commissioners and at the expense of the county, shall have a jail or access to a jail in another county for the safekeeping of prisoners lawfully committed.

A county may enter into contracts with private prison contractors to provide and operate jail facilities for the county.

R.L. 1910, § 4579. Amended by Laws 1978, c. 244, § 17, eff. July 1, 1978; Laws 1987, c. 80, § 7, operative July 1, 1987.

§57-42. Common jails used as prisons, when.

The common jails in the several counties in the charge of the respective sheriffs, shall be used as prisons:

1. For the detention of persons charged with offenses, and duly committed for trial.

2. For the detention of persons who may be duly committed, to secure their attendance as witnesses on the trial of any criminal cause.

3. For the confinement of persons pursuant to a sentence, upon a conviction for an offense and of all other persons duly committed for any cause authorized by law.

4. For the confinement of persons who may be sentenced to imprisonment in the state prison, until they shall be removed thereto.

R.L. 1910, § 4580.

§57-43. Repealed by Laws 1985, c. 62, § 4, eff. Nov. 1, 1985.

§57-44. Repealed by Laws 1978, c. 244, § 42, eff. July 1, 1978.

§57-45. Repealed by Laws 1978, c. 244, § 42, eff. July 1, 1978.

§57-46. Repealed by Laws 1978, c. 244, § 42, eff. July 1, 1978.

§57-47. Sheriff to have charge of the jail.

The sheriff, or such person designated by law in his place, shall have charge of the county jail of his county and of all persons by law confined therein, and such sheriff or other officer is hereby required to conform, in all respects, to the rules and directions promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes and of the district judge and communicated to him by the proper authority.

R.L. 1910, § 4585. Amended by Laws 1978, c. 244, § 19, eff. July 1, 1978.

§57-48. Jail register.

The sheriff, or other officers performing the duties of sheriff of each county in this state shall procure at the expense of the county a suitable book, or computer record that shall be considered the original for all purposes, to be called the jail register, in which the said sheriff, by himself or his jailer, shall enter:

1. The name of each prisoner with the date and cause of his commitment, and the authority committing him; and, if committed for a criminal offense, a description of his person;

2. The date or manner of his discharge or escape, as the case may be;

3. What sickness, if any, has prevailed in the jail during the year, and if known what were the causes of such disease;

4. The habits of the prisoners as to personal cleanliness, diet and order;

5. The means furnished prisoners of literary, moral and religious instruction, and of labor; and

6. All other matters required by said rules, or in the discretion of such sheriff deemed proper; and the said sheriff, or other officers performing the duties of sheriff, shall carefully keep and preserve the said jail register or computer record in the office of the jailer of his county, and at the expiration of such office shall deliver the same to his successor in office.

R.L. 1910, § 4586. Amended by Laws 1994, c. 367, § 1, emerg. eff. June 9, 1994.

§57-49. Sheriff shall furnish court with copy of register or computer record.

The sheriff shall furnish the district court with a copy of the register or computer record upon the request of the presiding judge of the district court.

R.L. 1910, § 4587. Amended by Laws 1994, c. 367, § 2, emerg. eff. June 9, 1994.

§57-50. Repealed by Laws 1994, c. 367, § 11, emerg. eff. June 9, 1994.

§57-51. Duty of county board - Medical officer - Reports.

It shall be the duty of the county commissioners, at the expense of their county, to provide suitable means for warming the county jail and its cells or apartments, beds and bedding, and such other permanent fixtures and to make such repairs as may be prescribed by the district judge or the State Department of Health. The commissioners shall also have power to appoint a medical officer to the jail and pay him such salary as they may think reasonable and proper, which shall be drawn out of the county treasury, and said

medical officer or any physician or surgeon who may be employed in the jail shall make a report in writing whenever required by said commissioners, district judge or grand jury.

R.L. 1910, § 4589. Amended by Laws 1978, c. 244, § 20, eff. July 1, 1978.

§57-51.1. Persons with Acquired Immune Deficiency Syndrome (AIDS) - Violation of § 1192.1 of Title 21 - Transfer to Department of Corrections for extended medical care.

Any person who has the Acquired Immune Deficiency Syndrome (AIDS) disease who is confined in the county jail in violation of Section 1192.1 of Title 21 of the Oklahoma Statutes, whether convicted or pending trial, may be transferred to the Department of Corrections for extended medical care for the duration of the sentence imposed or pending trial. At the request of the medical officer, physician or surgeon employed by said jail, the county sheriff shall make application to the Department of Corrections for a transfer of the person and the Department of Corrections may accept the person under the following conditions:

1. The person's right to a speedy trial is not delayed by the transfer to a state facility;
2. The person's right to confer with legal counsel is not restricted by the transfer to a state facility;
3. The county agrees to a mutual exchange of inmates from the Department of Corrections for the medical care and custody of the person to be transferred;
4. The medical care or custody of the person is necessary to preserve the health and safety of the public, the inmates of the county jail or the person being transferred;
5. The person to be transferred may be adequately treated in the state facility; and
6. The state facility has medical bed space available for the person.

Added by Laws 1992, c. 319, § 3, emerg. eff. May 27, 1992.

§57-52. Sheriff to provide board, medical care and necessities - Compensation - Purchases.

It shall be the duty of the sheriff of each county to provide bed clothing, washing, board and medical care when required, and all necessities for the comfort and welfare of prisoners as specified by the standards promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes and he shall be allowed such compensation for services required by the provisions of Sections 41 through 64 of this title, as may be prescribed by the county commissioners. All purchases made pursuant to the provisions of this section shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1505 of Title 19 of the Oklahoma Statutes, including the use

of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.

R.L. 1910, § 4590. Amended by Laws 1978, c. 244, § 20, eff. July 1, 1978; Laws 1991, c. 166, § 2, eff. July 1, 1991.

§57-53. Monthly inspections.

The sheriff or designated employee shall visit the county jail in person and inquire into the condition of each prisoner at least once each month and it shall be his duty to comply with all standards promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes.

R.L. 1910, § 4591. Amended by Laws 1978, c. 244, § 22, eff. July 1, 1978; Laws 1994, c. 367, § 3, emerg. eff. June 9, 1994.

§57-54. Person authorized to act as jailer - Civilian employees - Oath - Liability - Jails operated by private prison contractors.

The jailer, jail director or keeper of the jail shall, unless the sheriff elects to act as jailer in person, be a deputy appointed by the sheriff; provided, that the sheriff may, with approval as provided in Section 162 of Title 19 of the Oklahoma Statutes, appoint civilian employees as the sheriff may require to operate the county jail. Those persons hired as civilian employees need not complete the training prescribed for peace officers, as provided by Section 3311 of Title 70 of the Oklahoma Statutes, but need only complete such training as the sheriff deems necessary for the civilians to properly perform the duties assigned to them, or such training as may otherwise be prescribed by law. The jailer shall take the necessary oaths before entering upon the duties of the office. A jailer may be authorized by the sheriff of the county to use nonlethal weaponry upon completion of appropriate training. The sheriff shall in all cases be liable for the negligence and misconduct of the jailer as of other deputies.

The provisions of this section shall not apply to jails operated by private prison contractors pursuant to a contract with the board of county commissioners.

R.L. 1910, § 4592. Amended by Laws 1980, c. 98, § 1, emerg. eff. April 10, 1980; Laws 1987, c. 80, § 8, operative July 1, 1987; Laws 2001, c. 325, § 2, eff. Nov. 1, 2001; Laws 2019, c. 78, § 1, emerg. eff. April 17, 2019.

§57-55. Penalty for sheriff's neglect.

If the sheriff or jailer in charge of any county jail shall neglect or refuse to comply with any of the rules and regulations established by the district judge, or pursuant to Section 192 of Title 74 of the Oklahoma Statutes or to any other duties required of him by Sections 41 through 64 of this title, he shall, on conviction thereof, by indictment for each case of such failure or neglect of

duty as aforesaid, pay into the county treasury of the proper county, for the use of such county, a fine not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) to be assessed by the district court of the proper district.

R.L. 1910, § 4593. Amended by Laws 1978, c. 244, § 23, eff. July 1, 1978.

§57-56. Penalty for breaking jail.

If any person imprisoned pursuant to a sentence of imprisonment in a county or city jail, or any person committed to a county or city jail for the purpose of detaining him for trial, for any misdemeanor or traffic offense, escapes therefrom, either while actually confined therein or while permitted to be at large as a trusty, he shall be punished by confinement in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

R.L. 1910, § 4594. Amended by Laws 1951, p. 160, § 1; Laws 1983, c. 47, § 2, eff. Nov. 1, 1983.

§57-57. Separate rooms for different classes and sexes - Classifying prisoners - Double celling barrack-style living space - Construction contracts with private contractors.

A. In the city and county jails in this state, there shall be provided sufficient and convenient apartments for confining prisoners of different sexes and classification separate and apart from each other. The sheriff of each county of this state shall notify the Department of Corrections of the prisoner capacity of the county jail by July 1, 2003. After that date, changes in prisoner capacity shall be reported within thirty (30) days of the change. For purposes of this section, "prisoner capacity" means the capacity determined by the State Fire Marshal pursuant to Section 317 of Title 74 of the Oklahoma Statutes.

B. In the city and county jails in this state, there shall be a system of classifying prisoners, based upon the severity of the charges, past criminal history and other relevant factors.

C. In the city and county jails in this state, prisoners classified pursuant to subsection B of this section may be confined two per cell or barrack-style, provided the living space meets the square footage requirements set forth in Section 192 of Title 74 of the Oklahoma Statutes.

D. All funds used by the Department of Corrections to contract with private contractors for the building of prisons and pre-release centers will be subject to appropriations by the Legislature.

E. Nothing in this section shall authorize contracts with private contractors for construction of prison facilities, unless authorized by the Legislature.

R.L. 1910, § 4595. Amended by Laws 1990, c. 307, § 1, emerg. eff. May 30, 1990; Laws 1994, c. 367, § 4, emerg. eff. June 9, 1994; Laws 1995, c. 1, § 19, emerg. eff. March 2, 1995; Laws 2003, c. 82, § 2, emerg. eff. April 15, 2003.

NOTE: Laws 1994, c. 368, § 1 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995.

§57-58. Employment of prisoners.

Wherever any person shall be confined in any jail pursuant to the sentence of any court, if such sentence or any part thereof shall be that he be confined at hard labor, the sheriff of the county in which such person shall be confined shall furnish such convict with suitable tools and materials to work with, if, in the opinion of the said sheriff, the said convict can be profitably employed either in the jail or yard thereof, and the expense of said tools and materials shall be defrayed by the county in which said convict shall be confined, and said county shall be entitled to his earnings. And it shall be the duty of said sheriff, if in his opinion the said convict can be more profitably employed outside of said jail or yard, either for the county or for any municipality in said county, so to employ said convict, either in work on public streets or highways or otherwise; and in so doing he shall take all necessary precaution to prevent said convict's escape, by ball and chain or otherwise, and fifty percent (50%) of the profits of such employment, after paying all expenses incident thereto, may be retained by said sheriff as his fees therefor, the balance to be paid into the treasury of the proper county to the credit of the general fund; and when a convict is imprisoned in the county jail for nonpayment of a fine he may be employed by said sheriff as provided in this chapter; and in case any convict employed outside of the jail yard shall escape, he shall be deemed as having escaped from the jail proper.

R.L. 1910, § 4596.

§57-58.1. Public property maintenance and jail work details.

From and after the effective date of this act, any and all prisoners committed to the county jail pursuant to sentence of any state or municipal court for nonpayment of a fine or jail time shall upon the order of the county commissioner or sheriff be required to assist in maintaining, repairing or beautifying the county courthouse, jail or public property and the grounds thereof or working in the jail as a cook or any other jail work detail assigned by the sheriff or jail administrator.

Added by Laws 1955, p. 299, § 1. Amended by Laws 1994, c. 367, § 5, emerg. eff. June 9, 1994.

§57-58.2. Order of jail administrator for prisoner labor - Supply of guards.

The jail administrator, upon the request of the county commissioners or the sheriff, shall issue an order requiring the prisoners to perform such duties under the direction of the maintenance superintendent or janitor of the county courthouse, upon the request of the maintenance superintendent or janitor, and shall supply such guards as may be necessary to prevent an escape by the prisoners.

Added by Laws 1955, p. 299, § 2. Amended by Laws 1994, c. 367, § 6, emerg. eff. June 9, 1994.

§57-58.3. Sentence and fine or cost credits for prisoner labor.

Prisoners employed as provided herein shall be given a credit of two (2) days on a jail sentence for each day worked, and a credit of Fifty Dollars (\$50.00) per day upon the payment of a fine or court cost, if sentenced for nonpayment of a fine or court cost. The sheriff shall be authorized to order the credit be given to the prisoner on the records of the court where the conviction of the prisoner is filed.

Added by Laws 1955, p. 299, § 3. Amended by Laws 1994, c. 367, § 7, emerg. eff. June 9, 1994; Laws 2008, c. 413, § 4, eff. Nov. 1, 2008.

§57-59. Grand juries shall examine prisons.

The grand jury at each term of the district court, shall make personal inspection of the condition of the county prison, as to the sufficiency of the same for the safekeeping of prisoners, their convenient accommodation and health, and shall inquire into the manner in which the same has been kept since the last term, and the court shall give this duty in special charge to such grand jury, and lay before them all rules and regulations in force relating to county jails and prison discipline; and it shall be imperative upon the board of county commissioners to issue the necessary orders, or cause to be made the necessary repairs, in accordance with the complaint or recommendation of the grand jury.

R.L. 1910, § 4597.

§57-60. Sheriff to be paid for keeping prisoners.

Whenever a prisoner is committed for crime, or in any suit in behalf of the state, the county board shall allow the sheriff his reasonable charge for supplying such prisoners.

R.L. 1910, § 4598.

§57-61. Sheriff to keep copy of order of confinement.

When a prisoner is confined by virtue of any process directed to the sheriff, and which shall require to be returned to the court whence it issued, such sheriff shall keep a copy of the same, together with the returns made thereon, which copy, duly certified by

such sheriff, shall be prima facie evidence of his right to retain such prisoner in custody.

R.L. 1910, § 4599.

§57-62. Commitments and discharges to be filed.

All instruments of every kind, or attested copies thereof, by which a prisoner is committed or liberated, shall be regularly endorsed and filed, and safely kept in a suitable box by such sheriff, or by his deputy, acting as a jailer.

R.L. 1910, § 4600.

§57-63. Box containing commitments and discharges to be delivered to successor.

Such box with its contents shall be delivered to the successor of the officer having charge of the prison.

R.L. 1910, § 4601.

§57-64. County without prison.

When there is no sufficient prison in any county, every judicial or executive officer of such county who has power to order or sentence any person to the county jail, may, upon application of the sheriff, order any person charged with a criminal offense whereof such officer has jurisdiction, and ordered to be committed to prison, to be sent to the jail of the county nearest having a sufficient jail, and the sheriff of such nearest county shall, on exhibit of such order, receive and keep in custody, in the jail of his county, the prisoner ordered to be committed as aforesaid, at the expense of the county from which said prisoner was sent, and the said sheriff shall, upon the order of the officer committing such prisoner, redeliver such prisoner when demanded.

R.L. 1910, § 4602.

§57-65. Credit for good behavior and blood donations - Duty of sheriff.

Any person in this state convicted of a crime, who is serving time as a prisoner in the county jail of any county in the State of Oklahoma as a result of said conviction of crime, shall be entitled to receive five (5) days' credit for every four (4) days' time in said county jail provided said prisoner shall have obeyed the rules and regulations promulgated by the sheriff in charge of said county jail in a satisfactory manner. Each prisoner shall also, in addition thereto, be entitled to a deduction of three (3) days for each pint of his blood he donates during his first thirty (30) days of confinement in the county jail, and to five (5) days for each pint of his blood he donates during any sixty-day period thereafter to the American Red Cross or to a hospital approved for such purpose by the sheriff. And the sheriff of said county is hereby authorized to

order said credit to be given to said prisoner on the records of the court out of which said conviction is had.

Added by Laws 1933, c. 123, p. 271, § 3. Amended by Laws 1969, c. 204, § 1, emerg. eff. April 18, 1969.

§57-66. Repealed by Laws 1986, c. 207, § 90, operative Nov. 15, 1986.

§57-67. Repealed by Laws 1986, c. 207, § 88, operative July 1, 1986.

§57-68. Jail facilities operated by private prison contractor - Application of state law.

A. Except as otherwise provided, any state law governing jails shall apply to jail facilities operated by a private prison contractor.

B. Any offense which would be a crime if committed within a county jail also shall be a crime if committed in a jail facility operated by a private prison contractor.

Added by Laws 1987, c. 80, § 9, operative July 1, 1987.

§57-69. Meals for county jail and correctional facilities personnel.

In order to protect the health and safety of certain law enforcement personnel and the citizens of this state, and to provide the state with the benefit of proper security within the county jails and correctional facilities of this state, all jailers, jail directors, keepers of the jail, sheriffs, deputies, correctional employees, or any other law enforcement personnel working within the county jail or correctional facility may, upon the approval of the sheriff or facility head, be served the same meals served to the prisoners within such county jail or correctional facility. There shall be no cost to the law enforcement personnel for such meals. The county sheriff or facility head shall pay for these meals out of the funds appropriated to the county sheriffs or the State Department of Corrections. The county and all of its officers and agents are hereby prohibited from recouping the cost of such meals either directly or indirectly or otherwise considering such costs or their impact when establishing the charges to municipalities for housing municipal prisoners in the county jail; provided, a municipality may negotiate the manner of establishing such charges.

Added by Laws 1994, c. 81, § 1, eff. July 1, 1994. Amended by Laws 2009, c. 229, § 1, eff. Nov. 1, 2009.

§57-91. Repealed by Laws 1969, c. 137, § 2, eff. April 9, 1969.

§57-92. Repealed by Laws 1969, c. 137, § 2, eff. April 9, 1969.

§57-93. Repealed by Laws 1969, c. 137, § 2, eff. April 9, 1969.

§57-94. Repealed by Laws 1969, c. 137, § 2, eff. April 9, 1969.

§57-95. Delivery of sentenced person by sheriff or detention center - Receipts.

A. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail shall be transported by the sheriff of the county where the person is sentenced, or transported by a designated representative of the sheriff, to the Department of Corrections at the Lexington Assessment and Reception Center or other location designated by the Director of the Department of Corrections.

B. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail and who is not housed in a county jail shall be transported by the detention center, or transported by a designated representative of the detention center, to the Department of Corrections at the Lexington Assessment and Reception Center or other location designated by the Director of the Department of Corrections.

C. The sheriff shall deliver the person to the Department at such center together with:

1. A certified copy of the judgment and sentence from the court ordering such imprisonment, unless the judgment and sentence previously has been sent electronically by an authorized clerk of the court;

2. A certificate setting forth the number of days served in the county jail after the pronouncement of judgment and rendering of sentence for the offenses committed;

3. A copy of any medical, dental, or mental health records of the defendant for conditions reviewed or treated while in the custody of the sheriff;

4. Any medication or medical or dental device prescribed for the defendant while in the custody of the sheriff or for a preexisting condition; and

5. A copy of the presentence investigation report, if a report was prepared.

D. The Department of Corrections shall give the sheriff a receipt for each person received into the custody of the Department. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made.

E. The Department of Corrections shall reimburse the transporting agency as follows:

1. Mileage from the county sheriff's office to the appropriate reception center and back to the county sheriff's office; and

2. Hourly wage reimbursement for the transporting officer for the hours of transport travel and time spent at the reception center based on the transporting officer's normal hourly wage.

Reimbursement shall not exceed Thirty Dollars (\$30.00) an hour per officer. Documentation of the officer's hourly wage shall accompany all reimbursement requests to the Department.

The Department of Corrections shall have the authority to promulgate rules and forms for the reimbursement procedures provided in this section.

The Department of Corrections shall submit a quarterly report to the Chair of the Senate Appropriations Committee and Chair of the House of Representatives Appropriations and Budget Committee. Added by Laws 1969, c. 137, § 1, emerg. eff. April 9, 1969. Amended by Laws 1978, c. 13, § 2, emerg. eff. Feb. 14, 1978; Laws 1979, c. 221, § 14, emerg. eff. May 30, 1979; Laws 1997, c. 328, § 2; Laws 1998, c. 89, § 4, eff. July 1, 1998; Laws 1999, c. 51, § 4, eff. July 1, 1999; Laws 2004, c. 239, § 4, eff. July 1, 2004; Laws 2006, c. 294, § 4, eff. July 1, 2006; Laws 2019, c. 309, § 1, emerg. eff. May 7, 2019.

NOTE: Laws 1997, c. 133, § 23 repealed by Laws 1999, c. 51, § 5, eff. July 1, 1999 and by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999.

§57-96. Foreign convicted offenders - Transfer or exchange.

If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may, on behalf of the state and subject to the terms of the treaty, authorize the Director of the Department of Corrections to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this state in the treaty. Added by Laws 1981, c. 20, § 1, operative July 1, 1981.

§57-97. Department of Corrections Offender Transport Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Corrections to be designated the "Department of Corrections Offender Transport Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of any monies designated to the fund by law. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Corrections for the purpose of reimbursing the counties for the transport of offenders from county facilities to the Department upon conviction and sentencing.

Added by Laws 2019, c. 309, § 2, emerg. eff. May 7, 2019.

§57-101. Repealed by Laws 1941, p. 463, § 3.

§57-102. Repealed by Laws 1941, p. 463, § 3.

§57-103. Repealed by Laws 1941, p. 463, § 3.

§57-104. Repealed by Laws 1941, p. 463, § 3.

§57-105. Superseded.

§57-106. Superseded.

§57-107. Superseded.

§57-108. Superseded.

§57-109. Superseded.

§57-110. Repealed by Laws 1941, p. 463, § 3.

§57-111. Superseded.

§57-112. Repealed by Laws 1941, p. 463, § 3.

§57-113. Superseded.

§57-114. Repealed by Laws 1941, p. 463, § 3.

§57-115. Reentry program for offenders needing structured release.

A. A reentry program is hereby authorized to be created within the Department of Corrections by January 1, 2005, for offenders who need structured release prior to completion of the sentence. The reentry program shall be designed to provide structure and control as offenders near release to the community without supervision. No offender otherwise eligible for any community placement, halfway house, work release program, or minimum security placement shall be eligible for this program. The program shall not receive state appropriations and shall be fully funded by federal or private funds.

B. The reentry program shall begin in a county or counties selected by the Department and may expand or change to other locations within the state at the discretion of the Department. The program shall provide a continuum of services to meet the needs of offenders assigned or required to complete the program. The program duration shall be eighteen (18) months composed of twelve (12) months at minimum security level and six (6) months at community placement prior to release. The inmate is required to complete twelve (12) months at minimum security level prior to completing the six (6) months at community placement. The Department is authorized to use monitoring and supervision in all levels of security as necessary to ensure structure, control and compliance.

C. The Department shall designate at least one medium, minimum and community security level facility capable of serving male and female offenders assigned or required to complete the program. Male and female offenders shall not be housed in the same facility. Each of the designated facilities shall be solely devoted to the program. Nothing in this act shall require all offenders to be assigned to a reentry program prior to release without supervision.

D. Any offender assigned or required to complete a reentry program who subsequently fails, refuses or is noncompliant in the reentry program shall be removed from the program, after notice of a program failure, and placed in a higher security level facility according to the rules established for the program. Earned credits may be withheld for those inmates who fail to satisfactorily complete the program as provided by rule.

E. All services available in the reentry program shall be selected after open bid and the Department shall actively solicit faith-based and secular providers in all service provider categories. Offenders assigned to the reentry program shall choose a provider of services for each service category.

F. All service providers contracting for the reentry program shall be required to meet outcome-based standards and evaluations and are required to measure recidivism for all offenders placed for services with that provider according to the rules of the Department.

G. The Department shall consider offenders with long-term incarceration, violent offenses, repeat offenders with multiple incarcerations, offenders ineligible for parole who will be released without supervision, offenders with parole stipulations and offenders having consecutive sentences longer than the calculation of a life sentence for purposes of determining parole eligibility.

H. The Governor and the Pardon and Parole Board shall work together with the Department of Corrections within the capabilities of the reentry program and shall have the authority to stipulate that an offender shall be paroled, conditioned upon completion of the program, without further hearing recommendation or approval.

I. No offender shall be placed in the reentry program until the offender is within eighteen (18) months of release from the custody of the Department or is granted, by stipulation or otherwise, a parole release upon completion of the reentry program. Nothing in this act shall operate to reduce the length of a sentence to incarceration, except completion of the reentry program.

J. The Department shall establish rules and procedures to implement the provisions of this act. An annual report shall be generated at the completion of each calendar year. This report shall reflect the evaluation of the program based on the outcomes designated by the Department. Copies of said report shall be forwarded to the Governor, the Chair of the Sentencing Commission, the President Pro Tempore of the Senate, the Speaker of the House of

Representatives, and the majority and minority leaders of the Legislature.

Added by Laws 2004, c. 553, § 1, eff. July 1, 2004.

§57-131. Repealed by Laws 1941, p. 228, § 2.

§57-131a. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-132. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-133. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-134. Repealed by Laws 1943, p. 131, § 3.

§57-135. Repealed by Laws 1943, p. 131, § 3.

§57-135.1. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-135.2. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-135.3. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-136. Repealed by Laws 1953, p. 231, § 1.

§57-137. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-138. Earned credits - Eligibility.

A. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority. No earned credit deductions shall be credited or recorded for any inmate serving any sentence for a criminal act which resulted in the death of a police officer, a law enforcement officer, an employee of the Department of Corrections, or an employee of a private prison contractor and the death occurred

while the police officer, law enforcement officer, employee of the Department of Corrections, or employee of a private prison contractor was acting within the scope of their employment. No earned credit deductions shall be credited or recorded for any person who is referred to an intermediate revocation facility for violating any of the terms and conditions of probation.

B. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one of four class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department including but not limited to the criteria for awarding credits required by this subsection.

C. If an inmate is subject to misconduct, nonperformance or disciplinary action, earned credits may be removed according to the policies and procedures developed by the Department. Earned credits removed for misconduct, nonperformance or disciplinary action may be restored as provided by Department policy, if any.

D. 1. Class levels shall be as follows:

- a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, inmates on escape status.
- b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.
- c. Class level 3 shall include an inmate who has been incarcerated at least three (3) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.
- d. Class level 4 shall include an inmate who has been incarcerated at least eight (8) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. a. Until November 1, 2001, class level corresponding credits are as follows:
 - Class 1 - 0 Credits per month;
 - Class 2 - 22 Credits per month;
 - Class 3 - 33 Credits per month;
 - Class 4 - 44 Credits per month.
- b. Class level corresponding credits beginning November 1, 2001, for inmates who have ever been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:
 - Class 1 - 0 Credits per month;
 - Class 2 - 22 Credits per month;
 - Class 3 - 33 Credits per month;
 - Class 4 - 44 Credits per month.
- c. Class level corresponding credits beginning November 1, 2001, for inmates who have never been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:
 - Class 1 - 0 Credits per month;
 - Class 2 - 22 Credits per month;
 - Class 3 - 45 Credits per month;
 - Class 4 - 60 Credits per month.

Each inmate shall receive the above specified monthly credits for the class to which he or she is assigned. In determining the prior criminal history of the inmate, the Department of Corrections shall review criminal history records available through the Oklahoma State Bureau of Investigation, Federal Bureau of Investigation, and National Crime Information Center to determine the reported felony convictions of all inmates. The Department of Corrections shall also review the Office of Juvenile Affairs Juvenile On-line Tracking System for inmates who were adjudicated delinquent or convicted as a youthful offender for a crime that would be an offense enumerated in subsection E of this section.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

- a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level,
- b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level,
- c. cooperative behavior toward facility staff and other inmates, and

- d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

- a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.
- b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.
- c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.
- d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.
- e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

E. No person ever convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile in this state for any felony offense enumerated in this subsection or a similar felony offense pursuant to the provisions of another state, the United States, or a military court shall be eligible for the credits provided by the provisions of subparagraph c of paragraph 2 of subsection D of this section.

1. Assault, battery, or assault and battery with a dangerous weapon as defined by Section 645, subsection C of Section 652 of Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as defined by Section 650, subsection C of Section 650.2, 650.5, subsection B of Section 650.6, or subsection C of Section 650.7 of Title 21 of the Oklahoma Statutes;

3. Poisoning with intent to kill as defined by Section 651 of Title 21 of the Oklahoma Statutes;

4. Shooting with intent to kill as defined by Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as defined by Section 653 of Title 21 of the Oklahoma Statutes;

6. Assault with intent to commit a felony as defined by Section 681 of Title 21 of the Oklahoma Statutes;

7. Assaults while masked or disguised as defined by Section 1303 of Title 21 of the Oklahoma Statutes;

8. Entering premises of another while masked as defined by Section 1302 of Title 21 of the Oklahoma Statutes;

9. Murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes;
10. Solicitation for Murder in the first degree as defined by Section 701.16 of Title 21 of the Oklahoma Statutes;
11. Murder in the second degree as defined by Section 701.8 of Title 21 of the Oklahoma Statutes;
12. Manslaughter in the first degree as defined by Section 711, 712 or 714 of Title 21 of the Oklahoma Statutes;
13. Manslaughter in the second degree as defined by Section 716 or 717 of Title 21 of the Oklahoma Statutes;
14. Kidnapping as defined by Section 741 of Title 21 of the Oklahoma Statutes;
15. Burglary in the first degree as defined by Section 1431 of Title 21 of the Oklahoma Statutes;
16. Burglary with explosives as defined by Section 1441 of Title 21 of the Oklahoma Statutes;
17. Kidnapping for extortion as defined by Section 745 of Title 21 of the Oklahoma Statutes;
18. Maiming as defined by Section 751 of Title 21 of the Oklahoma Statutes;
19. Robbery as defined by Section 791 of Title 21 of the Oklahoma Statutes;
20. Robbery in the first degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;
21. Robbery in the second degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;
22. Armed robbery as defined by Section 801 of Title 21 of the Oklahoma Statutes;
23. Robbery by two or more persons as defined by Section 800 of Title 21 of the Oklahoma Statutes;
24. Robbery with dangerous weapon or imitation firearm as defined by Section 801 of Title 21 of the Oklahoma Statutes;
25. Any crime against a child provided for in Section 843.5 of Title 21 of the Oklahoma Statutes;
26. Wiring any equipment, vehicle or structure with explosives as defined by Section 849 of Title 21 of the Oklahoma Statutes;
27. Forcible sodomy as defined by Section 888 of Title 21 of the Oklahoma Statutes;
28. Rape in the first degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;
29. Rape in the second degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;
30. Rape by instrumentation as defined by Section 1111.1 of Title 21 of the Oklahoma Statutes;
31. Lewd or indecent proposition or lewd or indecent act with a child as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

32. Sexual battery of a person over 16 as defined by Section 1123 of Title 21 of the Oklahoma Statutes;
33. Use of a firearm or offensive weapon to commit or attempt to commit a felony as defined by Section 1287 of Title 21 of the Oklahoma Statutes;
34. Pointing firearms as defined by Section 1289.16 of Title 21 of the Oklahoma Statutes;
35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of the Oklahoma Statutes;
36. Inciting to riot as defined by Section 1320.2 of Title 21 of the Oklahoma Statutes;
37. Arson in the first degree as defined by Section 1401 of Title 21 of the Oklahoma Statutes;
38. Endangering human life during arson as defined by Section 1405 of Title 21 of the Oklahoma Statutes;
39. Injuring or burning public buildings as defined by Section 349 of Title 21 of the Oklahoma Statutes;
40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of Title 21 of the Oklahoma Statutes;
41. Extortion as defined by Section 1481 or 1486 of Title 21 of the Oklahoma Statutes;
42. Obtaining signature by extortion as defined by Section 1485 of Title 21 of the Oklahoma Statutes;
43. Seizure of a bus, discharging firearm or hurling missile at bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;
44. Mistreatment of a vulnerable adult as defined by Section 843.1 of Title 21 of the Oklahoma Statutes;
45. Sex offender providing services to a child as defined by Section 404.1 of Title 10 of the Oklahoma Statutes;
46. A felony offense of domestic abuse as defined by subsection C of Section 644 of Title 21 of the Oklahoma Statutes;
47. Prisoner placing body fluid on government employee as defined by Section 650.9 of Title 21 of the Oklahoma Statutes;
48. Poisoning food or water supply as defined by Section 832 of Title 21 of the Oklahoma Statutes;
49. Trafficking in children as defined by Section 866 of Title 21 of the Oklahoma Statutes;
50. Incest as defined by Section 885 of Title 21 of the Oklahoma Statutes;
51. Procure, produce, distribute, or possess juvenile pornography as defined by Section 1021.2 of Title 21 of the Oklahoma Statutes;
52. Parental consent to juvenile pornography as defined by Section 1021.3 of Title 21 of the Oklahoma Statutes;
53. Soliciting minor for indecent exposure as defined by Section 1021 of Title 21 of the Oklahoma Statutes;

54. Distributing obscene material or child pornography as defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;
55. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;
56. Procuring a minor for prostitution or other lewd acts as defined by Section 1087 of Title 21 of the Oklahoma Statutes;
57. Transporting a child under 18 for purposes of prostitution as defined by Section 1087 of Title 21 of the Oklahoma Statutes;
58. Inducing a minor to engage in prostitution as defined by Section 1088 of Title 21 of the Oklahoma Statutes;
59. A felony offense of stalking as defined by subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;
60. Spread of infectious diseases as defined by Section 1192 of Title 21 of the Oklahoma Statutes;
61. Advocate overthrow of government by force, commit or attempt to commit acts to overthrow the government, organize or provide assistance to groups to overthrow the government as defined by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma Statutes;
62. Feloniously discharging a firearm as defined by Section 1289.17A of Title 21 of the Oklahoma Statutes;
63. Possession, use, manufacture, or threat of incendiary device as defined by Section 1767.1 of Title 21 of the Oklahoma Statutes;
64. Causing a personal injury accident while driving under the influence as defined by Section 11-904 of Title 47 of the Oklahoma Statutes; or
65. Using a motor vehicle to facilitate the discharge of a firearm as defined by Section 652 of Title 21 of the Oklahoma Statutes.

F. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be

allowed the time spent on medical leave as time served. Any inmate placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from the term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection D of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center or other assessment and reception location determined by the Director of the Department of Corrections.

H. Additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

- Bachelor's degree.....200 credits;
- Associate's degree.....100 credits;
- High School Diploma or High School
Equivalency Diploma....90 credits;
- Certification of Completion of
Vocational Training....80 credits;
- Successful completion of
Alcohol/Chemical Abuse Treatment
Program of not less than four (4)
months continuous participation 70
credits;
- Successful completion of other
Educational Accomplishments or
other programs not specified in
this subsection.....10-30 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits.

I. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. Sent to the administrative office of the Department of Corrections on a quarterly basis; and
2. Provided to the inmate.

Added by Laws 1915, c. 57, § 12, emerg. eff. March 2, 1915. Amended by Laws 1957, p. 459, § 1, emerg. eff. June 6, 1957; Laws 1961, p. 438, § 1, emerg. eff. March 3, 1961; Laws 1968, c. 255, § 1; Laws 1970, c. 8, § 1, emerg. eff. Feb. 10, 1970; Laws 1973, c. 200, § 1, emerg. eff. May 17, 1973; Laws 1976, c. 219, § 1; Laws 1984, c. 137,

§ 1, eff. Nov. 1, 1984; Laws 1988, c. 122, § 1, eff. Nov. 1, 1988; Laws 1989, c. 237, § 6, eff. Nov. 1, 1989; Laws 1993, c. 125, § 5, emerg. eff. April 29, 1993; Laws 1993, c. 360, § 6, eff. Sept. 1, 1993; Laws 1997, c. 133, § 24, eff. July 1, 1999; Laws 1998, c. 89, § 5, eff. July 1, 1999; Laws 1998, 1st Ex. Sess., c. 2, § 17, emerg. eff. June 19, 1998; Laws 1999, 1st Ex. Sess., c. 5, § 11, eff. July 1, 1999; Laws 2001, c. 438, § 1, eff. July 1, 2001; Laws 2003, c. 146, § 1, emerg. eff. April 28, 2003; Laws 2004, c. 358, § 12, eff. Nov. 1, 2004; Laws 2009, c. 234, § 145, emerg. eff. May 21, 2009; Laws 2011, c. 11, § 1, eff. Nov. 1, 2011; Laws 2012, c. 228, § 6, eff. Nov. 1, 2012; Laws 2015, c. 360, § 4, eff. July 1, 2015.

NOTE: Laws 1993, c. 82, § 1 repealed by Laws 1993, c. 360, § 16, emerg. eff. June 10, 1993. Laws 2001, c. 437, § 26 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 24 from July 1, 1998, to July 1, 1999.

§57-138.1. Meritorious acts - Credit.

Every inmate of a state correctional facility may be entitled to a deduction of no more than one hundred (100) credits for each meritorious act performed and approved by the Department of Corrections. Such a deed, performed by an inmate, shall be within the public interest in enhancing public safety and life. The Department of Corrections shall not have the authority to revoke such credit awarded to an inmate.

Added by Laws 1981, c. 65, § 1, eff. Oct. 1, 1981.

§57-139. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-140. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-141. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-142. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-143. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-144. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-145. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-161. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-162. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-163. Repealed by Laws 1945, p. 184, § 7.

- §57-164. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-165. Repealed by Laws 1945, p. 184, § 7.
- §57-166. Repealed by Laws 1945, p. 184, § 7.
- §57-167.1. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-167.2. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-167.3. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-167.4. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-167.5. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-167.6. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.1. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.2. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.3. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.4. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.5. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.6. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.7. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.8. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-168.9. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-171. Unconstitutional.
- §57-172. Unconstitutional.
- §57-173. Unconstitutional.
- §57-174. Unconstitutional.
- §57-175. Unconstitutional.
- §57-176. Unconstitutional.

- §57-177. Unconstitutional.
- §57-178. Unconstitutional.
- §57-179. Unconstitutional.
- §57-180. Unconstitutional.
- §57-181. Unconstitutional.
- §57-182. Unconstitutional.
- §57-183. Unconstitutional.
- §57-184. Unconstitutional.
- §57-185. Unconstitutional.
- §57-186. Unconstitutional.
- §57-187. Unconstitutional.
- §57-188. Unconstitutional.
- §57-189. Unconstitutional.
- §57-190. Unconstitutional.
- §57-191. Unconstitutional.
- §57-192. Unconstitutional.
- §57-193. Unconstitutional.
- §57-194. Unconstitutional.
- §57-195. Unconstitutional.
- §57-201. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-202. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-203. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.
- §57-204. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-205. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-206. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-207. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-211. Occupational rosters.

The warden of each state penal institution shall establish and maintain occupational rosters of prisoners incarcerated in their respective institutions, showing prisoners who have special skills and talents in institutional maintenance, including but not limited to dairying, cooking, electrical work, steam boiler work, bricklaying, carpenter work, heat and air conditioning work, and common labor.

Added by Laws 1949, p. 382, § 1. Amended by Laws 1998, c. 238, § 1, eff. Nov. 1, 1998.

§57-212. Requisition of service of prisoners - Direction to furnish prisoner personnel.

When there is a need therefor at any state eleemosynary institution, maintenance services of prisoners may be requisitioned by the governing body of such institution. Such requisition shall be submitted to the Director of Corrections or the designee of the Director and shall state the services desired and the number of prisoners necessary therefor, and there shall be incorporated therein or attached thereto a detailed statement showing arrangements for quarters, subsistence, and security of the prisoners. If the Director of Corrections or the designee of the Director, after considering such requisition, finds that there is a need for the services desired or any part thereof, the Director or designee may thereupon direct the appropriate warden or superintendent to furnish qualified prisoner personnel to perform the services found to be needed at the institution for which the requisition was made.

Added by Laws 1949, p. 382, § 2. Amended by Laws 1983, c. 304, § 30, eff. July 1, 1983; Laws 1991, c. 145, § 1, eff. Sept. 1, 1991.

§57-213. Sending qualified prisoners to requisitioning institution - Limited clemency - Receipts - Return of prisoners.

Upon being directed to do so by the Director of Corrections or the designee of the Director, the appropriate warden or superintendent shall send to the institution for which the requisition was made, current qualified prisoners to perform the services found by the Director or the designee to be needed at such institution, and shall furnish the names of such prisoners to the State Pardon and Parole Board for the purpose of securing limited clemency for such prisoners for the performance of services at such institution. Any such prisoner shall be returned to the institution

from which he was sent, upon order of the Director or the designee or the head of such institution, either with or without notice, and the return of a prisoner shall be compulsory for a violation of any law or a violation of his parole agreement.

Added by Laws 1949, p. 382, § 3. Amended by Laws 1983, c. 304, § 31, eff. July 1, 1983; Laws 1991, c. 145, § 2, eff. Sept. 1, 1991.

§57-214. Immunity from civil suits.

The Director of Corrections and responsible officials at a state institution shall be considered individually and collectively to enjoy the sovereign immunity of the state, as provided in The Governmental Tort Claims Act, for civil suits which might arise from their administration of Sections 211 through 214 of this title when acting in their regular course of duty, and in good faith under the provisions of Sections 211 through 214 of this title.

Added by Laws 1949, p. 382, § 4. Amended by Laws 1983, c. 304, § 32, eff. July 1, 1983; Laws 1991, c. 145, § 3, eff. Sept. 1, 1991.

§57-214.1. High-voltage electric security fence system - Liability of electricity provider and parts suppliers.

A. The Department of Corrections may design and install high-voltage electrified security fence systems at all existing and proposed medium and maximum security prisons. At the time of installation there shall be posted universal danger signs on all sides of the system clearly visible to inmates and the public and also displaying in English the warning "Deadly Voltage". The installation of these electric fence systems shall be between double, twelve-foot high, security perimeter fences, with the exception of those locations where a building or wall constitutes a part of the security perimeter.

B. A provider of electricity for the electric fence system authorized by this section or the providers of parts for construction of the system shall not be liable for any accident, injury or death which may occur as a result of the construction or operation of the system, unless the accident, injury or death was caused by the gross negligence or willful or wanton misconduct of the provider or the provider's employee or agent.

Added by Laws 2007, c. 11, § 1, eff. Nov. 1, 2007.

§57-215. Short title.

This act may be cited as the Prisoners Public Works Act.

Added by Laws 1975, c. 211, § 1, emerg. eff. May 27, 1975.

§57-216. Definitions.

In this act, unless the context otherwise requires:

1. "Director" shall mean the Director of the Department of Corrections.

2. "Public works project" means a project that has been determined by the State Board of Corrections to be of necessity for the public well-being conducive to rehabilitation and the reduction of recidivism among participating inmates by the written request of a majority of the board of county commissioners, the governing body of any municipality or any agency of the State of Oklahoma or of the United States or any subdivision thereof.

3. "Prisoner" shall mean any person who is under the custody and control of the Department of Corrections. No prisoner shall be assigned to any public works project if the inmate:

- a. is deemed by the Director to be a threat to public safety,
- b. has escaped or attempted to escape from a correctional institution within the last ten (10) years, or
- c. has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes or Section 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 through 869, 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

Added by Laws 1975, c. 211, § 2, emerg. eff. May 27, 1975. Amended by Laws 1991, c. 145, § 4, eff. Sept. 1, 1991; Laws 2000, c. 224, § 1, eff. Nov. 1, 2000; Laws 2009, c. 234, § 146, emerg. eff. May 21, 2009.

§57-217. Lists of prisoners eligible for public work projects.

Upon approval by the Board of Corrections, the Director shall determine which prisoners shall be eligible for said public project, and shall establish and may modify lists of prisoners eligible for the said public projects. Upon the approval of said project by the Board of Corrections, the Director may send to the place and at the time designated the number of prisoners mutually agreed upon as necessary for the timely completion of said project.

Added by Laws 1975, c. 211, § 3, emerg. eff. May 27, 1975.

§57-218. Expense of prisoners.

The Department of Corrections may contract with any requesting public agency to provide inmate labor for public works projects. The Department of Corrections shall promulgate and adopt rules which may require the requesting agency for the public works project to pay up to the base cost plus ten percent (10%), on a monthly billing. The

rules shall provide guidelines which establish the criteria for how said charges are determined and the amounts the agencies are to be charged. The requesting agency shall furnish all tools and materials, unless otherwise agreed upon, necessary in the performance of said public works project. The prisoner, while assigned on said public works project, shall, for the purpose of punishment for escape, be deemed to be on a trusty status and shall be under the custody and control of the Department of Corrections. Added by Laws 1975, c. 211, § 4, emerg. eff. May 27, 1975. Amended by Laws 1977, 1st Ex. Sess., c. 5, § 25, emerg. eff. June 21, 1977; Laws 1991, c. 145, § 5, eff. Sept. 1, 1991.

§57-219. Jurisdiction.

The Director shall have full jurisdiction at all times over the discipline and control of prisoners performing work under this article.

Added by Laws 1975, c. 211, § 5, emerg. eff. May 27, 1975.

§57-220. Civil rights not restored.

This act is not intended to restore, in whole or in part, the civil rights of any prisoner used hereunder and said act shall not be so construed. No prisoner so used shall be considered as an employee of the requesting agency; nor shall any such prisoner come within any of the provisions of the Labor Code or be entitled to any benefits thereunder whether on behalf of himself or that of any other person.

Added by Laws 1975, c. 211, § 6, emerg. eff. May 27, 1975.

§57-221. Violation of rules and regulations.

Whenever a prisoner willfully violates rules and regulations for the public works project as promulgated by the Director, the Director may, after proper hearing, determine what portion, if any, of the time credits earned shall be forfeited.

Added by Laws 1975, c. 211, § 7, emerg. eff. May 27, 1975.

§57-222. Use of prison labor on private property prohibited - Exceptions - Definitions - Purpose of work performed.

A. It shall be unlawful to use prisoners assigned to said public works project on any property other than public property, except that inmate labor may be used on private property for a public purpose.

B. As used in this section "public purpose" means a purpose affecting the inhabitants of the state or political subdivision utilizing the inmate labor, as a group, and not merely as individuals. The work performed shall be essentially public and for the general good of the inhabitants of the state or political subdivision, and may include eradication of graffiti on private buildings or harvesting Eastern Red Cedar trees. For purposes of this section:

1. "Graffiti" shall include but not be limited to any inscription, slogan or drawing, crudely scratched, drawn, printed, painted or scribbled on a wall or other surface visible to the public and which is likely to endanger the health or safety of the public. Provided, however, that this definition shall never be construed to include any sign or advertising device lawfully erected or installed by the owner of property, lessee or authorized agent; and

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

C. The purpose of the work performed shall be to aid the federal government, a state agency or a political subdivision, utilizing the inmate labor in the exercise of a governmental function. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony.

Added by Laws 1975, c. 211, § 8, emerg. eff. May 27, 1975. Amended by Laws 1989, c. 92, § 1, eff. Nov. 1, 1989; Laws 1991, c. 145, § 6, eff. Sept. 1, 1991; Laws 1992, c. 160, § 1, emerg. eff. May 5, 1992; Laws 1997, c. 133, § 504, eff. July 1, 1999; Laws 2012, c. 219, § 1, eff. Nov. 1, 2012.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 504 from July 1, 1998, to July 1, 1999.

§57-223. Repealed by Laws 1991, c. 145, § 9, eff. Sept. 1, 1991.

§57-224. Service or maintenance work for other state, county, municipality or federal agency.

A. An inmate of a state correctional institution may be assigned to a state agency other than the Department of Corrections, to a county or municipal jail, or to a federal agency, for service and maintenance work for the federal agency, the state, county or municipality. Such transfer shall be subject to the approval of the chief administrative officer of the federal or state agency, sheriff of the county or the chief of police of a municipality, which will employ the inmate. Preference shall be given to inmates who, while incarcerated in a state correctional institution, have attained a high school diploma or equivalent general education diploma or completed a literacy program approved by the Department of Corrections. Such federal or state agency, county or municipality, shall be responsible for the security, lodging, food costs, and personal expense money of each inmate under the care of the chief administrative officer of the federal or state agency, county sheriff or the chief of police of such municipality. Any expense monies shall be approved by the chief administrative officer, sheriff or the chief of police.

B. The Department of Corrections shall reimburse the state, county or municipality for the actual costs paid for any emergency medical care for physical injury or illness of the inmate retained

under this act. The Director may transfer any inmate required to have extended medical care back into the custody of the Department. Added by Laws 1980, c. 62, § 1, eff. April 7, 1980. Amended by Laws 1981, c. 56, § 1; Laws 1988, c. 122, § 2, eff. Nov. 1, 1988; Laws 1991, c. 145, § 7, eff. Sept. 1, 1991.

§57-225. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-226. Disposition of monies received for providing primary health care and outpatient services for prisoners in county jails.

All monies received by the Department for providing primary health care and outpatient services to prisoners in county jails shall be deposited with the State Treasurer to the credit of the Department of Corrections Revolving Fund. All counties are permitted to negotiate with the Department the cost of providing onsite primary health care services for their respective jails. Monies deposited in the fund as a result of fiscal year negotiated and notarized agreements shall be expended to provide health care personnel, pharmaceuticals, medical supplies, medical training of jailers, medical record forms, and an integrated system of health assessment and screening of county prisoners.

Added by Laws 1983, c. 47, § 3, eff. Nov. 1, 1983. Amended by Laws 1983, c. 266, § 9, operative July 1, 1983.

§57-227. Application - Exemption from Workers' Compensation Act - Liability for injuries.

A. All provisions of this section and Section 228 of this title, except as otherwise noted herein, shall apply to eligible offenders who are:

1. Assigned to a work program for any government entity of this state pursuant to a municipal court order;
2. Assigned to a community service program pursuant to a deferred prosecution agreement pursuant to the provisions of Section 305.2 of Title 22 of the Oklahoma Statutes;
3. Assigned to a public works project pursuant to the provisions of Sections 58, 58.1 or 58.2 of this title;
4. Assigned to community service pursuant to a sentence ordered pursuant to the provisions of subparagraph c of paragraph 1 of subsection A of Section 991a, Section 991c or Section 995.3 of Title 22 of the Oklahoma Statutes;
5. Assigned to a public works project pursuant to the provisions of Section 215 et seq. of this title;
6. Assigned to community service as a condition of parole pursuant to the provisions of Section 10 of Article VI of the Constitution of the State of Oklahoma;
7. Assigned to an eleemosynary institution pursuant to the provisions of Section 212 et seq. of this title;

8. Assigned to any work release or private prison industry programs pursuant to the provisions of this title;

9. Assigned to the Community Service Sentencing Program pursuant to the provisions of Section 991a-4 of Title 22 of the Oklahoma Statutes, or

10. Assigned to a work program of a nonprofit organization with or without compensation.

B. Any eligible offender described in subsection A of this section shall be exempt from the provisions of the Workers' Compensation Act, Section 1 et seq. of Title 85 of the Oklahoma Statutes. Provided, such exemption shall not apply to employment of such person by a private for-profit employer. Provided further, such exemption shall not apply to those inmates employed in private prison industries involving a for-profit employer which deal in interstate commerce or which sell products or services to the federal government.

C. All state and local government agencies, nonprofit organizations, community service agencies, educational programs and other treatment programs are hereby immune from liability for torts committed by or against any eligible offender described in subsection A of this section; provided, those entities having court-mandated jurisdiction over the persons described in paragraphs 3, 5, 7 and 8 of subsection A of this section shall provide basic or necessary medical and dental care to said persons in such instances.

Added by Laws 1984, c. 96, § 1, emerg. eff. April 4, 1984. Amended by Laws 1987, c. 133, § 1, emerg. eff. June 3, 1987; Laws 1988, c. 150, § 3, eff. Nov. 1, 1988; Laws 1992, c. 405, § 3, eff. July 1, 1992.

§57-228. Tort immunity - Waiver - Insurance.

A. The State of Oklahoma, all counties and municipalities of this state and all of their officers, agents, servants and employees, and all nonprofit organizations are hereby immune from liability for torts committed by or against any eligible offender described in subsection A of Section 227 of this title. The state, counties and municipalities waive their immunity from liability for all torts committed by any eligible offender described in subsection A of Section 227 of this title to the extent of liability expressly and directly established in the Political Subdivision Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes. Provided, in no event shall the state, counties or municipalities be held liable for a decision to place an eligible offender in any of the programs described in subsection A of Section 227 of this title.

The waiver of immunity of the state shall take effect at 12:01 a.m. on October 1, 1985.

B. As provided by law, the State of Oklahoma or any county or municipality of this state is authorized to purchase insurance

policies or bonds or to self-insure to indemnify the state, county or municipality from any liability incurred pursuant to subsection A of this section. The state, county or municipality shall determine the daily cost of any such insurance policy, bond or self-insurance and such cost may be taxed and collected as costs from the client participant.

Added by Laws 1984, c. 96, § 2, emerg. eff. April 4, 1984. Amended by Laws 1992, c. 405, § 4, eff. July 1, 1992.

§57-231. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-232. Repealed by Laws 1961, p. 439, § 1.

§57-233. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-234. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-235. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-241. Repealed by Laws 1953, p. 231, § 1.

§57-242. Repealed by Laws 1953, p. 231, § 1.

§57-243. Repealed by Laws 1953, p. 231, § 1.

§57-244. Repealed by Laws 1953, p. 231, § 1.

§57-245. Repealed by Laws 1953, p. 231, § 1.

§57-251. Repealed by Laws 1953, p. 231, § 1.

§57-252. Repealed by Laws 1945, p. 184, § 7.

§57-254. Repealed by Laws 1953, p. 231, § 1.

§57-255. Repealed by Laws 1945, p. 184, § 7.

§57-261. Repealed by Laws 1953, p. 231, § 1.

§57-262. Repealed by Laws 1953, p. 231, § 1.

§57-263. Repealed by Laws 1953, p. 231, § 1.

§57-264. Repealed by Laws 1953, p. 231, § 1.

§57-271. Repealed by Laws 1953, p. 231, § 1.

§57-272. Repealed by Laws 1953, p. 231, § 1.

§57-273. Repealed by Laws 1953, p. 231, § 1.

§57-274. Repealed by Laws 1953, p. 231, § 1.

§57-277. Repealed by Laws 1953, p. 231, § 1.

§57-277a. Repealed by Laws 1953, p. 231, § 1.

§57-277b. Repealed by Laws 1953, p. 231, § 1.

§57-277c. Repealed by Laws 1953, p. 231, § 1.

§57-277d. Repealed by Laws 1953, p. 231, § 1.

§57-277e. Repealed by Laws 1953, p. 231, § 1.

§57-281. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-282. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-283. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-284. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-285. Repealed by Laws 1941, p. 462, § 1.

§57-286. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-287. Repealed by Laws 1941, p. 462, § 1.

§57-288. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-289. Repealed by Laws 1941, p. 462, § 1.

§57-290. Repealed by Laws 1961, p. 440, § 1.

§57-291. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-292. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-311. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-312. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-321. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-322. Repealed by Laws 1945, p. 184, § 7.

§57-323. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-324. Repealed by Laws 1967, c. 261, § 23, eff. May 8, 1967.

§57-331. Repealed by Laws 1941, c. 462, § 1.

§57-332. Pardons and paroles - Power of Governor.

The Governor shall have power to grant, after conviction, reprieves, commutations, paroles and pardons for all offenses, except cases of impeachment, upon such conditions and such restrictions and limitations as may be deemed proper by the Governor, subject, however, to the regulations prescribed by law and the provisions of Section 10 of Article VI of the Oklahoma Constitution.

Added by Laws 1915, c. 57, § 6. Amended by Laws 1997, c. 133, § 25, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 25 from July 1, 1998, to July 1, 1999.

§57-332.1. Professional investigators, clerical and administrative personnel.

The Pardon and Parole Board created by Article VI, Section 10, of the Oklahoma Constitution is authorized to employ professional investigators and such clerical and administrative personnel as may be required to carry out the duties and responsibilities under the provisions of this act.

Added by Laws 1943, p. 250, § 1. Amended by Laws 1973, c. 172, § 2, emerg. eff. May 16, 1973; Laws 1987, c. 156, § 1, eff. Nov. 1, 1987.

§57-332.1A. Training for the members of the Pardon and Parole Board.

A. Each member of the Pardon and Parole Board shall receive at least twelve (12) hours of training for the first year and six (6) hours of training per year thereafter on matters relating to the duties of the Board. The training shall be provided by personnel of the Pardon and Parole Board.

B. Each member of the Pardon and Parole Board shall complete annual training based on guidance from organizations that provide training and technical assistance related to the probation and parole process. Annual training curriculum shall include, but not be limited to, identifying, understanding and targeting criminogenic needs, the principles of effective intervention, core correctional practices and how to support and encourage offender behavior change. Added by Laws 1997, c. 347, § 1, eff. Nov. 1, 1997. Amended by Laws 2018, c. 263, § 1, eff. Nov. 1, 2018.

§57-332.1B. Pardon and Parole Board - Member eligibility.

A. To be eligible for appointment as a Pardon and Parole Board member, a person shall possess a bachelor's degree from an accredited college or university and have at least five (5) years of experience in one or more of the following fields:

1. Criminal justice;
2. Parole;
3. Probation;
4. Corrections;
5. Criminal law;
6. Law enforcement;
7. Mental health services;
8. Substance abuse services; or
9. Social work.

B. At least two members of the Pardon and Parole Board shall have five (5) years of training or experience in mental health services, substance abuse services or social work.

Added by Laws 2011, c. 218, § 4, eff. Nov. 1, 2011. Amended by Laws 2018, c. 263, § 2, eff. Nov. 1, 2018.

§57-332.2. Meetings of Pardon and Parole Board - Consideration of commutation - Notice of dockets and recommendations.

A. The Pardon and Parole Board, which shall meet only on the call of the Chairman, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said recommendation being advisory to the Governor and not binding thereon.

B. Any consideration for commutation shall be made only after application is made to the Pardon and Parole Board pursuant to the procedures set forth in this section. The Pardon and Parole Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within ten (10) business days of receipt of such application.

C. An application for commutation, other than those provided for in subsection F of this section, must be sent to the trial officials, who shall have twenty (20) business days to provide a written recommendation or protest prior to consideration of the application. Trial officials shall include:

1. The current elected judge of the court where the conviction was had;
2. The current elected district attorney of the jurisdiction where the conviction was had; or
3. The chief or head administrative officer of the arresting law enforcement agency.

D. In cases resolved prior to the tenure of the present officeholders, the recommendation or protest of persons holding such offices at the time of conviction may also be considered by the Board.

E. The recommendation for commutation of a sentence by a trial official may include the following:

1. A statement that the penalty now appears to be excessive;
2. A recommendation of a definite term now considered by the official as just and proper; and
3. A statement of the reasons for the recommendation based upon facts directly related to the case which were not available to the court or jury at the time of the trial or based upon there having been a statutory change in penalty for the crime which makes the original penalty appear excessive.

F. The Pardon and Parole Board shall establish an accelerated, single-stage commutation docket for any applicant who has been convicted of a crime that has been reclassified from a felony to a misdemeanor under Oklahoma law. The Pardon and Parole Board shall be empowered to recommend to the Governor for commutation, by majority vote, any commutation application placed on the accelerated, single-stage commutation docket that meets the eligibility criteria provided above. The Department of Corrections shall certify a list of potentially eligible inmates to the Pardon and Parole Board within thirty (30) days of the effective date of this act.

G. The Pardon and Parole Board shall schedule the application on a commutation docket in compliance with the notice requirements set forth herein. The Board shall provide the victim or representative of the victim at least twenty (20) days to offer recommendations or protests before consideration of the application.

H. Applications for commutation shall be given impartial review as required in Section 10 of Article VI of the Oklahoma Constitution.

I. Any consideration for pardon shall be made only after application is made to the Pardon and Parole Board. Upon receipt of an application for pardon, the Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within twenty (20) business days of receipt of such application. The district attorney and the victim or representative of the victim shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application. The Board shall schedule the application on a pardon docket in compliance with the notice requirements set forth herein.

J. In accordance with Section 10 of Article VI of the Oklahoma Constitution, the Board shall communicate to the Legislature, at each regular session, by providing a summary of the activities of the Board. This summary shall include, but not be limited to, the following Board activity:

1. The approval or recommendation rates of the Board for both violent and nonviolent offenses;
2. The parole approval rates for each individual Board member for both violent and nonviolent offenses; and
3. The percentage of public comments to and personal appearances before the Board including victim protests and personal appearances, district attorney protests and personal appearances, and delegate recommendations and personal appearances on behalf of the offender.

This summary shall be made available to the public through publication on the website of the Pardon and Parole Board.

K. The Pardon and Parole Board shall provide a copy of their regular docket and administrative parole docket to each district attorney in this state at least twenty (20) days before such docket is considered by the Board, or in the case of a supplemental, addendum or special docket, at least ten (10) days before such docket is considered by the Board, and shall notify the district attorney of any recommendations for commutations or paroles no later than twenty (20) days after the docket is considered by the Board.

L. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing at least twenty (20) days before an inmate is considered by the Board provided the Board has received a request from the victim or representatives of the victim for notice. The Board shall provide all victims or representatives of the victim with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the Board regarding the inmate or the crime. If requested by the victim or representatives of the victim, the Board shall allow the victim or representatives of the victim to testify at the parole hearing of the inmate for at least five (5) minutes.

M. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing of the decision of the Board no later than twenty (20) days after the inmate is considered by the Board.

N. Any notice required to be provided to the victims or the representatives of the victim shall be mailed by first-class mail to the last-known address of the victim or representatives of the victim. It is the responsibility of the victims or representatives of the victim to provide the Pardon and Parole Board a current mailing address. The victim-witness coordinator of the district attorney shall assist the victims or representatives of the victim with supplying their address to the Board if they wish to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided, the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the recommendation by the Board for parole. The Pardon and Parole Board may reconsider

previous action and may rescind a recommendation if deemed appropriate as determined by the Board.

O. For purposes of this section, "victim" shall mean all persons who have suffered direct or threatened physical or emotional harm, or financial loss as the result of the commission or attempted commission of criminally injurious conduct, and "representatives of the victim" shall mean those persons who are members of the immediate family of the victim, including stepparents, stepbrothers, stepsisters, and stepchildren.

P. All meetings of the Pardon and Parole Board shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes; provided that the Board shall have the authority to limit the number of persons attending in support of, or in opposition to, any inmate being considered for parole and shall have the authority to exclude persons from attendance in accordance with prison security regulations and the capacity of the meeting room. Persons excluded from attending the meeting under this provision shall be informed of their right to be informed of the vote of the Board in accordance with Section 312 of Title 25 of the Oklahoma Statutes. Provided further, nothing in this section shall be construed to prevent any member of the press or any public official from attending any meeting of the Pardon and Parole Board, except as provided by the Oklahoma Open Meeting Act.

Q. All victim information maintained by the Department of Corrections and the Pardon and Parole Board shall be confidential and shall not be released.

Added by Laws 1943, p. 250, § 2. Amended by Laws 1981, c. 95, § 1, eff. Oct. 1, 1981; Laws 1987, c. 117, § 3, eff. Nov. 1, 1987; Laws 1991, c. 14, § 1, eff. Sept 1, 1991; Laws 1992, c. 136, § 5, eff. July 1, 1992; Laws 1993, c. 29, § 1, emerg. eff. April 2, 1993; Laws 1993, c. 325, § 21, emerg. eff. June 7, 1993; Laws 1997, c. 357, § 7, emerg. eff. June 9, 1997; Laws 2013, c. 124, § 1, eff. Nov. 1, 2013; Laws 2018, c. 117, § 1, eff. Nov. 1, 2018; Laws 2019, c. 459, § 5, eff. Nov. 1, 2019.

§57-332.3. Repealed by Laws 1961, p. 440, § 1.

§57-332.4. Selection of Chairman - Compensation and expenses.

A. The Chair of the Pardon and Parole Board shall be selected by the Board. The Chair of the Pardon and Parole Board shall receive Twenty-four Thousand Eight Hundred Dollars (\$24,800.00) per annum, payable monthly, in the following allotment:

1. Four Hundred Dollars (\$400.00) for preparation for said meeting; and

2. One Thousand Six Hundred Sixty-seven Dollars (\$1,667.00) for the regular monthly Board meeting.

B. The members of the Board shall receive Twenty-two Thousand Eight Hundred Dollars (\$22,800.00) per annum, payable monthly in the following allotment:

1. Four Hundred Dollars (\$400.00) for preparation for said meeting; and

2. One Thousand Five Hundred Dollars (\$1,500.00) for the regular monthly Board meeting.

C. 1. Failure of any member to attend one Board meeting in any calendar year, except for justifiable excuse as determined by the Chair pursuant to written policy established by the Board, shall preclude the right of the member to receive his or her monthly compensation established by subsection A or B of this section.

2. In addition, any member who fails to attend two or more Board meetings in any calendar year except for extraordinary circumstances as determined by the Chair pursuant to written policy established by the Board shall be deemed to have committed official misconduct as such term is defined by Section 93 of Title 51 of the Oklahoma Statutes. To initiate a removal from office pursuant to this paragraph, the Board shall pass a resolution by a majority of the members of the Board detailing the alleged misconduct. Such removal shall be subject to the provisions of Chapter 3 of Title 51 of the Oklahoma Statutes.

3. Failure to attend meetings of the Board, pursuant to the policy established by the Board, shall constitute cause for removal pursuant to Section 10 of Article VI of the Oklahoma Constitution. Added by Laws 1945, p. 185, § 1. Amended by Laws 1968, c. 211, § 1, emerg. eff. April 22, 1968; Laws 1973, c. 172, § 3, emerg. eff. May 16, 1973; Laws 1975, c. 233, § 5, emerg. eff. May 30, 1975; Laws 1979, c. 47, § 31, emerg. eff. April 9, 1979; Laws 1980, c. 243, § 3, emerg. eff. May 16, 1980; Laws 1985, c. 178, § 25, operative July 1, 1985; Laws 1988, c. 257, § 3, operative July 1, 1988; Laws 1992, c. 293, § 2, emerg. eff. May 25, 1992; Laws 1998, c. 51, § 7, emerg. eff. April 2, 1998; Laws 2000, c. 415, § 16, eff. July 1, 2000; Laws 2001, c. 292, § 17, emerg. eff. May 31, 2001; Laws 2002, c. 7, § 2, emerg. eff. Feb. 15, 2002.

NOTE: Laws 2001, c. 433, § 75 repealed by Laws 2002, c. 7, § 4, emerg. eff. Feb. 15, 2002.

§57-332.4a. Pardon and Parole Board - Reimbursements.

The Chair and members of the Pardon and Parole Board shall receive reimbursement for reasonable and necessary expenses, according to the State Travel Reimbursement Act, while attending and going to and from meetings of the Board and in performing their official duties. Such compensation shall be paid by the State Treasurer by state warrant drawn against funds appropriated for such purpose by the Legislature. Hours worked by Board members shall be exempt from full-time-equivalent employee limits.

Added by Laws 2002, c. 7, § 1, emerg. eff. Feb. 15, 2002.

§57-332.5. Repealed by Laws 1975, c. 163, § 1, emerg. eff. May 20, 1975.

§57-332.6. Administration of oaths.

The Chairman and members of the Pardon and Parole Board and the Executive Revocation Hearing Officers shall have the authority, and are empowered, to administer oaths to witnesses appearing before the Pardon and Parole Board at any meeting of said Board or any executive parole revocation hearing.

Added by Laws 1945, p. 186, § 3. Amended by Laws 1987, c. 156, § 2, eff. Nov. 1, 1987.

§57-332.7. Consideration for parole.

A. For a crime committed prior to July 1, 1998, any person in the custody of the Department of Corrections shall be eligible for consideration for parole at the earliest of the following dates:

1. Has completed serving one-third (1/3) of the sentence;
2. Has reached at least sixty (60) years of age and also has served at least fifty percent (50%) of the time of imprisonment that would have been imposed for that offense pursuant to the applicable matrix, provided in Sections 598 through 601, Chapter 133, O.S.L. 1997; provided, however, no inmate serving a sentence for crimes listed in Schedules A, S-1, S-2 or S-3 of Section 6, Chapter 133, O.S.L. 1997, or serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this paragraph;

3. Has reached eighty-five percent (85%) of the midpoint of the time of imprisonment that would have been imposed for an offense that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 of Section 6, Chapter 133, O.S.L. 1997, pursuant to the applicable matrix; provided, however, no inmate serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this paragraph; or

4. Has reached seventy-five percent (75%) of the midpoint of the time of imprisonment that would have been imposed for an offense that is listed in any other schedule, pursuant to the applicable matrix; provided, however, no inmate serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this paragraph.

B. For a crime committed on or after July 1, 1998, and before November 1, 2018, any person in the custody of the Department of Corrections shall be eligible for consideration for parole who has completed serving one-third (1/3) of the sentence; provided, however, no inmate serving a sentence of life imprisonment without parole

shall be eligible to be considered for parole pursuant to this subsection.

C. For a crime committed on or after November 1, 2018, any person in the custody of the Department of Corrections shall be eligible for parole after serving one-fourth (1/4) of the sentence or consecutive sentences imposed, according to the following criteria:

1. A person eligible for parole under this subsection shall be eligible for administrative parole under subsection R of this section once the person serves one-fourth (1/4) of the sentence or consecutive sentences imposed; provided, however, no inmate serving a sentence of life imprisonment without parole, a sentence for a violent crime as set forth in Section 571 of this title or any crime enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes shall be eligible for administrative parole.

2. A person eligible for parole under this subsection shall be eligible for parole once the person serves one-fourth (1/4) of the sentence or consecutive sentences imposed; provided, however no inmate serving a sentence of life imprisonment without parole is eligible for parole.

D. The parole hearings conducted for persons pursuant to paragraph 3 of subsection A of this section or for any person who was convicted of a violent crime as set forth in Section 571 of this title and who is eligible for parole consideration pursuant to paragraph 1 of subsection A of this section, subsection B or paragraph 2 of subsection C of this section shall be conducted in two stages, as follows:

1. At the initial hearing, the Pardon and Parole Board shall review the completed report submitted by the staff of the Board and shall conduct a vote regarding whether, based upon that report, the Board decides to consider the person for parole at a subsequent meeting of the Board; and

2. At the subsequent meeting, the Board shall hear from any victim or representatives of the victim that want to contest the granting of parole to that person and shall conduct a vote regarding whether parole should be recommended for that person.

E. Any inmate who has parole consideration dates calculated pursuant to subsection A, B or C of this section may be considered up to two (2) months prior to the parole eligibility date. Except as otherwise directed by the Pardon and Parole Board, any person who has been considered for parole and was denied parole or who has waived consideration shall not be reconsidered for parole:

1. Within three (3) years of the denial or waiver, if the person was convicted of a violent crime, as set forth in Section 571 of this title, and was eligible for consideration pursuant to paragraph 1 of subsection A of this section, subsection B of this section or paragraph 2 of subsection C of this section, unless the person is within one (1) year of discharge; or

2. Until the person has served at least one-third (1/3) of the sentence imposed, if the person was eligible for consideration pursuant to paragraph 3 of subsection A of this section. Thereafter the person shall not be considered more frequently than once every three (3) years, unless the person is within one (1) year of discharge.

F. Any person in the custody of the Department of Corrections for a crime committed prior to July 1, 1998, who has been considered for parole on a docket created for a type of parole consideration that has been abolished by the Legislature shall not be considered for parole except in accordance with this section.

G. The Pardon and Parole Board shall promulgate rules for the implementation of subsections A, B and C of this section. The rules shall include, but not be limited to, procedures for reconsideration of persons denied parole under this section and procedure for determining what sentence a person eligible for parole consideration pursuant to subsection A of this section would have received under the applicable matrix.

H. The Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided, that whenever the population of the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.

I. Inmates sentenced to consecutive sentences shall not be eligible for parole consideration on any such consecutive sentence until one-third (1/3) of the consecutive sentence has been served or where parole has been otherwise limited by law, until the minimum term of incarceration has been served as required by law. Unless otherwise ordered by the sentencing court, any credit for jail time served shall be credited to only one offense.

J. The Pardon and Parole Board shall consider the prior criminal record of inmates under consideration for parole recommendation or granting of parole.

K. In the event the Board grants parole for a nonviolent offender who has previously been convicted of an offense enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571 of this title, such offender shall be subject to nine (9) months postimprisonment supervision upon release.

L. It shall be the duty of the Pardon and Parole Board to cause an examination to be made at the penal institution where the person

is assigned, and to make inquiry into the conduct and the record of the said person during his custody in the Department of Corrections, which shall be considered as a basis for consideration of said person for recommendation to the Governor for parole. However, the Pardon and Parole Board shall not be required to consider for parole any person who has completed the time period provided for in this subsection if the person has participated in a riot or in the taking of hostages, or has been placed on escape status, while in the custody of the Department of Corrections. The Pardon and Parole Board shall adopt policies and procedures governing parole consideration for such persons.

M. Any person in the custody of the Department of Corrections who is convicted of an offense not designated as a violent offense by Section 571 of this title, is not a citizen of the United States and is subject to or becomes subject to a final order of deportation issued by the United States Department of Justice shall be considered for parole to the custody of the United States Immigration and Naturalization Service for continuation of deportation proceedings at any time subsequent to reception and processing through the Department of Corrections. No person shall be considered for parole under this subsection without the concurrence of at least three members of the Pardon and Parole Board. The vote on whether or not to consider such person for parole and the names of the concurring Board members shall be set forth in the written minutes of the meeting of the Board at which the issue is considered.

N. Upon application of any person convicted and sentenced by a court of this state and relinquished to the custody of another state or federal authorities pursuant to Section 61.2 of Title 21 of the Oklahoma Statutes, the Pardon and Parole Board may determine a parole consideration date consistent with the provisions of this section and criteria established by the Pardon and Parole Board.

O. All references in this section to matrices or schedules shall be construed with reference to the provisions of Sections 6, 598, 599, 600 and 601, Chapter 133, O.S.L. 1997.

P. Any person in the custody of the Department of Corrections who is convicted of a felony sex offense pursuant to Section 582 of this title who is paroled shall immediately be placed on intensive supervision.

Q. A person in the custody of the Department of Corrections whose parole consideration date is calculated pursuant to subsection B or C of this section, and is not serving a sentence of life imprisonment without parole or who is not convicted of an offense designated as a violent offense by Section 571 of this title or any crime enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes shall be eligible for administrative parole under subsection R of this section.

R. The Pardon and Parole Board shall, by majority vote, grant administrative parole to any person in the custody of the Department of Corrections if:

1. The person has substantially complied with the requirements of the case plan established pursuant to Section 512 of this title;

2. A victim, as defined in Section 332.2 of this title, or the district attorney speaking on behalf of a victim, has not submitted an objection;

3. The person has not received a primary class X infraction within two (2) years of the parole eligibility date;

4. The person has not received a secondary class X infraction within one (1) year of the parole eligibility date; or

5. The person has not received a class A infraction within six (6) months of the parole eligibility date.

S. Any person granted parole pursuant to subsection R of this section shall be released from the institution at the time of the parole eligibility date of the person as calculated under subsection B or C of this section.

T. No less than ninety (90) days prior to the parole eligibility date of the person, the Department shall notify the Pardon and Parole Board in writing of the compliance or noncompliance of the person with the case plan and any infractions committed by the person.

U. The Pardon and Parole Board shall not be required to conduct a hearing before granting administrative parole pursuant to subsection R of this section.

V. Any person who is not granted administrative parole shall be otherwise eligible for parole pursuant to this section.

W. Any person who is granted administrative parole under subsection R of this section shall be supervised and managed by the Department of Corrections in the same manner as a parolee who has been granted parole pursuant to this section. The person shall be subject to all of the rules and regulations of parole.

Added by Laws 1947, p. 343, § 1. Amended by Laws 1980, c. 84, § 1, eff. Oct. 1, 1980; Laws 1987, c. 28, § 1, eff. Nov. 1, 1987; Laws 1988, c. 141, § 2, eff. Nov. 1, 1988; Laws 1989, c. 348, § 22, eff. Nov. 1, 1989; Laws 1993, c. 276, § 1, emerg. eff. May 27, 1993; Laws 1996, c. 168, § 1, eff. July 1, 1996; Laws 1997, c. 133, § 26, eff. July 1, 1997; Laws 1997, c. 333, § 23, eff. July 1, 1997; Laws 1998, c. 89, § 6, eff. July 1, 1998; Laws 1998, 1st Ex. Sess., c. 2, § 18, emerg. eff. June 19, 1998; Laws 1999, 1st Ex. Sess., c. 5, § 12, eff. July 1, 1999; Laws 2001, c. 437, § 27, eff. July 1, 2001; Laws 2003, c. 306, § 2, eff. Nov. 1, 2003; Laws 2004, c. 168, § 7, emerg. eff. April 27, 2004; Laws 2013, c. 124, § 2, eff. Nov. 1, 2013; Laws 2018, c. 117, § 2, eff. Nov. 1, 2018.

NOTE: Laws 1993, c. 187, § 2 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

NOTE: Laws 2004, c. 168, § 18, providing for an effective date of Nov. 1, 2004, was repealed by Laws 2004, c. 382, § 4, emerg. eff. June 3, 2004.

§57-332.7a. Crimes related to controlled dangerous substances - Reporting procedures - Consideration by Board.

A. The Department of Corrections shall establish procedures for obtaining drug-related information, pursuant to Section 1 of this act, and shall establish a method of reporting such information in relation to any person convicted and incarcerated in the State Penitentiary or placed on probation or parole.

B. The Pardon and Parole Board shall be provided any drug-related information on any person eligible for parole by the Department of Corrections prior to such person's consideration.

C. The Pardon and Parole Board shall consider the nature and relationship of the offense and offender to any controlled dangerous substance.

Added by Laws 1989, c. 361, § 2, emerg. eff. June 2, 1989.

§57-332.8. Conditions for parole - Employment and residence assistance.

No recommendations to the Governor for parole shall be made nor any paroles granted by the Board in relation to any inmate in a penal institution in the State of Oklahoma unless the Pardon and Parole Board considers the victim impact statements if presented to the jury, or the judge in the event a jury was waived, at the time of sentencing and, in every appropriate case, as a condition of parole, monetary restitution of economic loss as defined by Section 991f of Title 22 of the Oklahoma Statutes, incurred by a victim of the crime for which the inmate was imprisoned. In every case, the Pardon and Parole Board shall first consider the number of previous felony convictions and the type of criminal violations leading to any such felony convictions, then shall consider either suitable employment or a suitable residence, and finally shall mandate participation in education programs to achieve the proficiency level established in Section 510.7 of this title or, at the discretion of the Board require the attainment of a general education diploma, as a condition for release on parole. The Board shall consider the availability of programs and the waiting period for such programs in setting conditions of parole release. The Board may require any program to be completed after the inmate is released on parole as a condition of parole. A facsimile signature of the inmate on parole papers that is transmitted to the Board shall be an accepted means of acknowledgement of parole conditions. The probation and parole officer shall render reasonable assistance to any person making application for parole, in helping to obtain suitable employment or enrollment in an education program or a suitable residence. Any

inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of parole, may have his or her parole revoked. If an inmate's parole is revoked, such inmate shall be returned to confinement in the custody of the Department of Corrections.

Added by Laws 1947, p. 343, § 2. Amended by Laws 1979, c. 73, § 1, eff. Oct. 1, 1979; Laws 1983, c. 38, § 1, emerg. eff. April 20, 1983; Laws 1992, c. 136, § 6, eff. July 1, 1992; Laws 1993, c. 325, § 22, emerg. eff. June 7, 1993; Laws 1994, c. 2, § 19, emerg. eff. March 2, 1994; Laws 1997, c. 133, § 27, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 13, eff. July 1, 1999; Laws 2001, c. 437, § 28, eff. July 1, 2001; Laws 2013, c. 124, § 3, eff. Nov. 1, 2013.

NOTE: Laws 1993, c. 125, § 6 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 27 from July 1, 1998, to July 1, 1999.

§57-332.9. Repealed by Laws 1987, c. 156, § 9, eff. Nov. 1, 1987.

§57-332.10. Repealed by Laws 1987, c. 156, § 9, eff. Nov. 1, 1987.

§57-332.11. Repealed by Laws 1987, c. 156, § 9, eff. Nov. 1, 1987.

§57-332.12. Repealed by Laws 1987, c. 156, § 9, eff. Nov. 1, 1987.

§57-332.13. Repealed by Laws 1949, p. 384, § 2.

§57-332.14. Repealed by Laws 1987, c. 156, § 9, eff. Nov. 1, 1987.

§57-332.15. Board members not to represent inmates - Voting prohibited in certain cases.

From and after the effective date of this act, no member of the Pardon and Parole Board and/or their law firm or law partners or associate may represent in a legal capacity any inmate incarcerated in any state penal institution. If a member of the Pardon and Parole Board, or his law partners or associate or any member of his law firm undertakes the representation of an inmate in violation of this prohibition the member of the Board shall forfeit his office. In any case in which an inmate requesting a pardon or parole was represented in a legal capacity by any member of the Pardon and Parole Board and/or their law firm or law partners or associate prior to imposition of a prison term, the Board member who represented such inmate shall be disqualified from voting on such inmate's request for a pardon or parole.

Added by Laws 1975, c. 49, § 1.

§57-332.16. Time for Governor to act on parole recommendation - Exceptions.

A. No recommendation to the Governor for parole shall remain under consideration and in the possession of that office for a time longer than thirty (30) consecutive calendar days. Except as provided for in subsection B of this section, if upon expiration of the thirty-day time period no action is taken by the Governor to grant or deny parole, the recommendation for parole shall be deemed granted.

B. The Governor shall be required to review each parole recommendation and shall grant or deny parole for persons convicted of the following crimes:

1. Assault, battery, or assault and battery with a dangerous or deadly weapon as provided in Sections 645 and 652 of Title 21 of the Oklahoma Statutes;
2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as provided in Sections 650, 650.2, 650.5, 650.6 and 650.7 of Title 21 of the Oklahoma Statutes;
3. Poisoning with intent to kill as provided in Section 651 of Title 21 of the Oklahoma Statutes;
4. Shooting with intent to kill as provided in Section 652 of Title 21 of the Oklahoma Statutes;
5. Assault with intent to kill as provided in Section 653 of Title 21 of the Oklahoma Statutes;
6. Assault with intent to commit a felony as provided in Section 681 of Title 21 of the Oklahoma Statutes;
7. Assaults while masked or disguised as provided in Section 1303 of Title 21 of the Oklahoma Statutes;
8. Murder in the first degree as provided in Section 701.7 of Title 21 of the Oklahoma Statutes;
9. Murder in the second degree as provided in Section 701.8 of Title 21 of the Oklahoma Statutes;
10. Manslaughter in the first degree as provided in Sections 711, 712 and 714 of Title 21 of the Oklahoma Statutes;
11. Manslaughter in the second degree as provided in Sections 716 and 717 of Title 21 of the Oklahoma Statutes;
12. Kidnapping as provided in Section 741 of Title 21 of the Oklahoma Statutes;
13. Burglary in the first degree as provided in Section 1431 of Title 21 of the Oklahoma Statutes;
14. Burglary with explosives as provided in Section 1441 of Title 21 of the Oklahoma Statutes;
15. Kidnapping for extortion as provided in Section 745 of Title 21 of the Oklahoma Statutes;
16. Maiming as provided in Section 751 of Title 21 of the Oklahoma Statutes;

17. Robbery as provided in Section 791 of Title 21 of the Oklahoma Statutes;
18. Robbery in the first degree as provided in Section 797 of Title 21 of the Oklahoma Statutes;
19. Robbery in the second degree as provided in Section 797 of Title 21 of the Oklahoma Statutes;
20. Robbery by two or more persons as provided in Section 800 of Title 21 of the Oklahoma Statutes;
21. Robbery with dangerous weapon or imitation firearm as provided in Section 801 of Title 21 of the Oklahoma Statutes;
22. Child abuse as provided in Section 843.5 of Title 21 of the Oklahoma Statutes;
23. Wiring any equipment, vehicle or structure with explosives as provided in Section 849 of Title 21 of the Oklahoma Statutes;
24. Forcible sodomy as provided in Section 888 of Title 21 of the Oklahoma Statutes;
25. Rape in the first degree as provided in Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;
26. Rape in the second degree as provided in Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;
27. Rape by instrumentation as provided in Section 1111.1 of Title 21 of the Oklahoma Statutes;
28. Lewd or indecent proposition or lewd or indecent act with a child as provided in Section 1123 of Title 21 of the Oklahoma Statutes;
29. Use of a firearm or offensive weapon to commit or attempt to commit a felony as provided in Section 1287 of Title 21 of the Oklahoma Statutes;
30. Pointing firearms as provided in Section 1289.16 of Title 21 of the Oklahoma Statutes;
31. Rioting as provided in Sections 1311 and 1321.8 of Title 21 of the Oklahoma Statutes;
32. Inciting to riot as provided in Section 1320.2 of Title 21 of the Oklahoma Statutes;
33. Arson in the first degree as provided in Section 1401 of Title 21 of the Oklahoma Statutes;
34. Injuring or burning public buildings as provided in Section 349 of Title 21 of the Oklahoma Statutes;
35. Sabotage as provided in Sections 1262, 1265.4 and 1265.5 of Title 21 of the Oklahoma Statutes;
36. Criminal syndicalism as provided in Section 1261 of Title 21 of the Oklahoma Statutes;
37. Extortion as provided in Sections 1481 and 1486 of Title 21 of the Oklahoma Statutes;
38. Obtaining signature by extortion as provided in Section 1485 of Title 21 of the Oklahoma Statutes;

39. Seizure of a bus, discharging firearm or hurling missile at bus as provided in Section 1903 of Title 21 of the Oklahoma Statutes;
40. Mistreatment of a mental patient as provided in Section 843.1 of Title 21 of the Oklahoma Statutes;
41. Using a vehicle to facilitate the discharge of a weapon as provided in Section 652 of Title 21 of the Oklahoma Statutes;
42. Aggravated drug trafficking as provided in Section 2-415 of Title 63 of the Oklahoma Statutes;
43. Racketeering as provided in Section 1403 of Title 22 of the Oklahoma Statutes;
44. Offenses of public corruption such as bribery of public officials as provided in Section 381 or 382 of Title 21 of the Oklahoma Statutes;
45. Embezzlement of public money as provided in Section 1451 et seq. of Title 21 or Section 641 of Title 19 of the Oklahoma Statutes;
46. Failure to pay and collect tax as provided in Section 1361 or 2385.3 of Title 68 of the Oklahoma Statutes;
47. Conspiracy to defraud the state as provided in Section 424 of Title 21 of the Oklahoma Statutes;
48. Child pornography as provided in Section 1021.2 or 1021.3 or defined in Section 1024.1 of Title 21 of the Oklahoma Statutes;
49. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;
50. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes;
51. Terrorism crimes, including biochemical assault as provided in Section 1268 of Title 21 of the Oklahoma Statutes;
52. Trafficking of children as provided in Section 865 et seq. of Title 21 of the Oklahoma Statutes; or
53. Trafficking of humans as provided in Section 748 et seq. of Title 21 of the Oklahoma Statutes.

C. When the Pardon and Parole Board makes a recommendation for a compassionate parole pursuant to subsection B of Section 332.18 of this title, the Board shall forward all relevant documentation to the Governor within four (4) business days of the parole review of the inmate. Upon receipt, the Governor shall have four (4) business days to grant or deny the compassionate parole.

Added by Laws 1979, c. 73, § 2, eff. Oct. 1, 1979. Amended by Laws 1998, c. 341, § 2, eff. July 1, 1998; Laws 2011, c. 218, § 5, eff. Nov. 1, 2011.

§57-332.17. Repealed by Laws 2013, c. 124, § 6, eff. Nov. 1, 2013.

§57-332.18. Placement on Board docket for medical reason.

A. The Director of the Department of Corrections shall have the authority to request the Executive Director of the Pardon and Parole Board to place an inmate on the Pardon and Parole Board docket for a

medical reason, out of the normal processing procedures. Documentation of the medical condition of such inmate shall be certified by the medical director of the Department of Corrections. The Pardon and Parole Board shall have the authority to bring any such inmate before the Board at any time, except as otherwise provided in subsection B of this section.

B. When a request is made for a medical parole review of an inmate who is dying or is near death as certified by the medical director of the Department of Corrections or whose medical condition has rendered the inmate no longer an unreasonable threat to public safety, the Executive Director shall place such inmate on the first available parole review docket for a compassionate parole consideration. Inmates who meet the criteria set out in this section are not subject to the two-stage hearing process in subsection C of Section 332.7 of this title.

C. No person shall be eligible for consideration for medical parole without the concurrence of at least three members of the Pardon and Parole Board. The vote on whether or not to consider such person for parole and the names of the concurring Board members shall be set forth in the written minutes of the meeting of the Board at which the issue is considered.

D. In the event that due to changes in the medical condition of the parolee granted medical parole or for other reasons, it is determined that the continuation of the medical parole presents an increased risk to the public, the parolee shall be subject to parole revocation. In such case, the Department of Corrections shall follow the revocation procedure for violators of parole set forth in Section 516 of this title.

E. The provisions of this section shall not apply to inmates serving a sentence of life without possibility of parole.

Added by Laws 1989, c. 306, § 6, emerg. eff. May 25, 1989. Amended by Laws 1998, c. 341, § 1, eff. July 1, 1998; Laws 2001, c. 437, § 29, eff. July 1, 2001; Laws 2002, c. 22, § 18, emerg. eff. March 8, 2002; Laws 2013, c. 124, § 4, eff. Nov. 1, 2013; Laws 2015, c. 42, § 1, eff. Nov. 1, 2015.

NOTE: Laws 2001, c. 204, § 2 and Laws 2001, c. 412, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§57-332.19. Action by Governor on application for pardon.

Within thirty (30) days after approval of an application for pardon, the Pardon and Parole Board shall forward all relevant documentation to the Governor. Upon receipt, the Governor shall have ninety (90) days to grant or deny the application for pardon. If an application for pardon is not approved by the Pardon and Parole Board, the application for pardon shall be deemed denied. If no action is taken by the Governor, the application shall be deemed denied. The Pardon and Parole Board shall notify the person making

application for pardon of all actions taken by the Pardon and Parole Board or the Governor regarding the application for pardon.

Added by Laws 1995, c. 115, § 1, eff. Nov. 1, 1995.

§57-332.20. Two-stage parole consideration process - Tracking effects - Data collection.

The Department of Corrections, in conjunction with the Pardon and Parole Board, shall implement a method for tracking the success and recidivism of persons who are required to have a two-stage parole consideration process pursuant to subsection C of Section 332.7 of this title for the first three (3) years following their individual release from incarceration or release to parole. Included in the annual and cumulative data to be collected for this category of offenders shall be offender demographics and statistics including:

1. Offense type;
2. Sentence length;
3. Release information, indicating parole including the offense to which parole applied and whether multiple offenses or concurrent offenses were reviewed for purposes of parole or timed-out sentence and the percent of sentence served;
4. Number of persons by offense type eligible for parole consideration in the first and second stages of parole consideration in the calendar year;
5. Number of persons by offense type actually recommended for parole in the calendar year;
6. Number of persons by offense type granted parole by the Governor in the calendar year;
7. Rearrest data in the calendar year and cumulatively over the offender's three-year data collection period;
8. Reincarceration data in the calendar year and cumulatively over the offender's three-year data collection period;
9. Employment data for the calendar year cumulatively over the offender's three-year data collection period; and
10. Other information deemed beneficial to analyzing the success and recidivism of this category of offenders annually and cumulatively over the offender's three-year data collection period.

The information collected shall be made available to the members of the Legislature, the Oklahoma State Bureau of Investigation, and the Governor, by the Department of Corrections or the Pardon and Parole Board annually upon request, but not later than March 1 following the first data collection period.

Added by Laws 2007, c. 149, § 1, eff. Nov. 1, 2007. Amended by Laws 2009, c. 178, § 12.

§57-332.21. Power of Board to parole certain prisoners.

A. The Pardon and Parole Board is empowered to parole a prisoner who:

1. Is sixty (60) years of age or older;
2. Has served, in actual custody, the shorter of ten (10) years of the term or terms of imprisonment, or one-third (1/3) of the total term or terms of imprisonment;
3. Poses minimal public safety risks warranting continued imprisonment;
4. Is not imprisoned for a crime enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes or Section 571 of Title 57 of the Oklahoma Statutes; and
5. Has not been convicted of a crime that would require the person to be subject to the registration requirements of the Sex Offenders Registration Act.

B. The authority to grant parole under Section 332.2 of Title 57 of the Oklahoma Statutes shall rest with the Pardon and Parole Board.

C. The Pardon and Parole Board shall use an evidence-based risk-assessment instrument to assess the public safety risk posed by aging prisoners upon release.

D. Unless eligible for release at an earlier date, an aging prisoner who has been committed to the Department of Corrections for a term or terms of imprisonment shall have the ability to request a parole hearing before the Pardon and Parole Board if the prisoner has served, in actual custody, the shorter of:

1. Ten (10) years of the term or terms of actual imprisonment;
- or
2. One-third (1/3) of the total term or terms of imprisonment.

E. Once a prisoner requests a parole hearing under subsection A of this section, the Pardon and Parole Board may place the prisoner on the next available docket.

F. The Pardon and Parole Board may grant parole to a prisoner if the Board finds by a preponderance of the evidence that the prisoner, if released, can live and remain at liberty without posing a substantial risk to public safety.

G. The Pardon and Parole Board may use the selected evidence-based risk-assessment instrument to make the determination provided for in subsection F of this section.

H. The Pardon and Parole Board may provide the prisoner the opportunity to speak on his or her own behalf and the option of having counsel present at the parole hearing.

I. For purposes of this section:

1. "Aging prisoner" means any person imprisoned by the Department of Corrections who is sixty (60) years of age or older; and

2. "Evidence-based" means programs or practices that have been scientifically tested in controlled studies and proven to be effective.

Added by Laws 2018, c. 117, § 3, eff. Nov. 1, 2018.

- §57-333. Repealed by Laws 1941, p. 462, § 1.
- §57-334. Repealed by Laws 1941, p. 462, § 1.
- §57-335. Repealed by Laws 1941, p. 462, § 1.
- §57-336. Repealed by Laws 1941, p. 462, § 1.
- §57-337. Repealed by Laws 1941, p. 462, § 1.
- §57-338. Repealed by Laws 1941, p. 462, § 1.
- §57-339. Repealed by Laws 1941, p. 462, § 1.
- §57-340. Repealed by Laws 1941, p. 462, § 1.
- §57-341. Repealed by Laws 1941, p. 462, § 1.
- §57-342. Repealed by Laws 1981, c. 272, § 46, eff. July 1, 1981.
- §57-343. Repealed by Laws 1941, p. 462, § 1.
- §57-344. Repealed by Laws 1941, p. 462, § 1.
- §57-345. Repealed by Laws 1987, c. 156, § 9, eff. Nov. 1, 1987.
- §57-346. Repealed by Laws 1987, c. 156, § 9, eff. Nov. 1, 1987.
- §57-347. Out-of-state parolee supervision - Compacts with other states.

The Governor of this state is hereby authorized and directed to execute a compact on behalf of the State of Oklahoma with any of the United States legally joining therein in the form substantially as follows:

A compact entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing with the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one (1) year prior to his coming to the sending state and has not resided within the sending state more than six (6) continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for their own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. Any legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of

law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six (6) months' notice in writing of its intention to withdraw from the compact to the other state party hereto.

Added by Laws 1945, p. 186, § 1.

§57-348. Partial invalidity.

If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Added by Laws 1945, p. 187, § 2.

§57-349. Short title.

This act may be cited as the Uniform Act for Out-of-State Parolee Supervision.

Added by Laws 1945, p. 187, § 3.

§57-349.1. Notification to sending state as to need for retaking or reincarceration - Hearing - Reports - Detention prior to hearing.

Where supervision of a parolee or probationer is being administered pursuant to the Interstate Compact for the Supervision of Parolees and Probationers, appropriate judicial or administrative authorities in this state shall notify the Compact Administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing shall be held in accordance with this act within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this state shall, as soon as practicable following termination of any such hearing, report to the sending state, furnish a copy of the hearing record and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed fifteen (15) days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

Added by Laws 1973, c. 191, § 1, emerg. eff. May 17, 1973.

§57-349.2. Hearing officer.

Any hearing pursuant to this act may be before the Administrator of the Interstate Compact for the Supervision of Parolees and Probationers, a deputy of such Administrator or any other person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violation, except that no hearing officer shall be the person making the allegation of violation.

Added by Laws 1973, c. 191, § 2, emerg. eff. May 17, 1973.

§57-349.3. Rights of parolee or probationer.

With respect to any hearing pursuant to this act, the parolee or probationer:

1. Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation;

2. Shall be permitted to advise with any persons whose assistance he reasonably desires, prior to the hearing;

3. Shall have the right to confront and examine any persons who have made allegations against him, unless the hearing officer determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons; and

4. May admit, deny or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions. A record of the proceedings shall be made and preserved.

Added by Laws 1973, c. 191, § 3, emerg. eff. May 17, 1973.

§57-349.4. Hearings held in other states - Effect.

In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the Interstate Compact for the Supervision of Parolees and Probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this act, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this state, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this state in making disposition of the matter.

Added by Laws 1973, c. 191, § 4, emerg. eff. May 17, 1973.

§57-350. Deduction from sentence of time spent on parole -
Revocation of parole.

A. Every person, hereinafter referred to as "convict", who has been or who in the future may be sentenced to imprisonment in any state penal institution shall, in addition to any other deductions provided for by law, be entitled to a deduction from his sentence for all time during which he has been or may be on parole. The provisions of this section are hereby declared to be both retroactive and prospective, and to apply to convicts who are on parole on the effective date of this act as well as to convicts who may be paroled thereafter; and shall at the discretion of the paroling authority apply to time on a parole which has been or shall be revoked.

B. Beginning November 1, 1987, the paroling authority also shall have the discretion to revoke all or any portion of the parole. Added by Laws 1959, p. 22, § 1. Amended by Laws 1981, c. 84, § 1; Laws 1987, c. 156, § 3, eff. Nov. 1, 1987.

§57-351. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§57-352. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§57-353. Repealed by Laws 1997, c. 133, § 607, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 607 from July 1, 1998, to July 1, 1999.

§57-353.1. Minimum and maximum terms of confinement - Assessment of terms by jury.

In all cases where a sentence of imprisonment in the State Penitentiary is imposed, the court, in assessing the term of the confinement, may fix a minimum and a maximum term, both of which shall be within the limits now or hereafter provided by law as the penalty for conviction of the offense. The minimum term may be less than, but shall not be more than, one-third (1/3) of the maximum sentence imposed by the court. Provided, however, that the terms of this section shall not limit or alter the right in trials in which a jury is used for the jury to assess the penalty of confinement and fix a minimum and maximum term of confinement, so long as the maximum confinement be not in excess of the maximum term of confinement provided by law for conviction of the offense.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 450, eff. July 1, 1999.

§57-354. Continuing study of prisoner by pardon and parole board - Hearings - Recommendations.

Upon the commitment to imprisonment of any prisoner, the Pardon and Parole Board shall cause a continuing study to be made of the

prisoner. When the prisoner has served the minimum sentence imposed, or as soon thereafter as he or she can be heard, the Pardon and Parole Board shall hear the application of the prisoner for parole, and shall make such recommendation to the Governor as, in its discretion, the public interest requires.

Added by Laws 1963, c. 78, § 2. Amended by Laws 2013, c. 124, § 5, eff. Nov. 1, 2013.

§57-355. Rules and regulations.

The Pardon and Parole Board shall make and promulgate such rules and regulations for the study, hearings, recommendations, and supervision of all parolees as necessary to carry out the intent of this act.

Added by Laws 1963, c. 78, § 3. Amended by Laws 1987, c. 156, § 4, eff. Nov. 1, 1987.

§57-356. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§57-357. Professional investigators - Qualifications - Waiver - Attorneys.

Professional investigators shall have a four-year degree from an accredited college or university, with a major in psychology, sociology, criminal justice or related areas of study. Provided that the agency may, at its discretion, waive the requirement of a specific major and may substitute criminal justice experience for the requirement of a major in psychology, sociology, criminal justice or related areas of study.

Provided, however, nothing in this act shall disqualify any persons currently holding the position of investigator from continuing to act in that capacity.

At least one of the employees of the Office of the Pardon and Parole Board shall be an attorney licensed to practice law in the State of Oklahoma.

Added by Laws 1974, c. 286, § 3, emerg. eff. May 29, 1974. Amended by Laws 1975, c. 233, § 3, emerg. eff. May 30, 1975; Laws 1976, c. 172, § 3, emerg. eff. June 1, 1976; Laws 1985, c. 215, § 3, emerg. eff. July 8, 1985; Laws 1986, c. 182, § 4, operative July 1, 1986.

§57-358. Office space for interviewers - Access to inmate records.

The Department of Corrections shall provide adequate office space at the institutions under their control for use by the professional investigators and shall provide access to inmate records including, but not limited to, records pertaining to institutional conduct and criminal history.

Added by Laws 1974, c. 286, § 4, emerg. eff. May 29, 1974. Amended by Laws 1975, c. 233, § 4, emerg. eff. May 30, 1975; Laws 1987, c. 156, § 5, eff. Nov. 1, 1987.

§57-359. Certain employees to become classified and subject to Merit System - Exceptions - Salary increases.

Effective July 1, 1982, all employees of the Oklahoma Pardon and Parole Board shall become classified employees and subject to the Merit System of Personnel Administration, except as otherwise provided by law. All incumbent employees of the Board shall be classified without the need to pass examinations. Incumbent employees shall receive not less than an eight percent (8%) wage and salary increase based on salaries received for the month ending June 30, 1982, pending final classification; provided that salary increases which fall between steps on the established salary schedule shall be advanced to the next regular salary step. All classification procedures shall be completed no later than October 1, 1982, and any salary adjustment which exceeds the salary increase granted these employees on July 1, 1982, shall be paid retroactive back to July 1, 1982.

Added by Laws 1982, c. 215, § 3, emerg. eff. April 29, 1982.

§57-360. Notification of pardon or parole.

A. Upon the granting of a parole by the Governor, and release of the inmate to the community, the Pardon and Parole Board shall provide written notification to the following:

1. The sheriff of the county in which the parolee is to reside;
2. The district attorney of the county in which the parolee is to reside;
3. The chief law enforcement officer of any incorporated city or town in which the parolee is to reside;
4. The sheriff of the sentencing county as defined in Section 513.2 of this title;
5. The district attorney of the sentencing county as defined in Section 513.2 of this title;
6. The chief law enforcement officer of any incorporated city or town in the sentencing county who has requested such notification; and
7. Any victim of the crime for which the parolee was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the parolee to any victim of the crime for which the parolee was convicted.

B. Upon the granting of a pardon by the Governor, the Pardon and Parole Board shall provide written notification to the following:

1. The sheriff of the sentencing county as defined in Section 513.2 of this title;

2. The district attorney of the sentencing county as defined in Section 513.2 of this title;

3. The chief law enforcement officer of any incorporated city or town in the sentencing county who has requested such notification; and

4. Any victim of the crime for which the person receiving the pardon was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the person receiving the pardon to any victim of the crime for which the person receiving the pardon was convicted.

C. Said notification shall be made on a monthly basis by the tenth day of the month following the granting of the pardon or parole.

Added by Laws 1987, c. 117, § 1, eff. Nov. 1, 1987. Amended by Laws 1988, c. 141, § 3, eff. Nov. 1, 1988; Laws 1990, c. 105, § 1, eff. Sept. 1, 1990.

§57-360.1. Notice to victim notification service provider of projected date of release.

The Department of Corrections shall provide notice of the projected date of release of an inmate to the designated Oklahoma victim notification service provider within sixty (60) days but not less than seven (7) days prior to the projected date of release of the inmate.

Added by Laws 2017, c. 380, § 4, eff. Nov. 1, 2017.

§57-361. Unconstitutional.

§57-362. Unconstitutional.

§57-363. Unconstitutional.

§57-364. Unconstitutional.

§57-365. Specialized parole.

A. Persons in the custody of the Department of Corrections sentenced for crimes committed prior to July 1, 1998, who meet the following guidelines may be considered by the Pardon and Parole Board for a specialized parole:

1. a. who are within one (1) year of projected release date and are serving a sentence for a crime listed in Schedule A, B, C, D or D-1 on the main sentencing matrix or S-1, S-2 or S-3 on the sex crimes matrix; or
- b. who are within two (2) years of projected release date and are serving a sentence for an offense that is in a different schedule of the main matrix or is on the drug

crimes or intoxicant crimes involving a vehicle matrix;
and

2. Who have completed at least one of the following:
 - a. general education diploma, or
 - b. adult literacy program, or
 - c. residential substance abuse program, or
 - d. participation in a prison public works program for ninety (90) consecutive days, or
 - e. a vocational-technical education program, or
 - f. other educational or rehabilitation program available in the department; and

3. Who are not incarcerated for an offense for which parole is prohibited pursuant to law.

B. Upon an inmate becoming eligible for specialized parole it shall be the duty of the Pardon and Parole Board, with or without application being made, to cause an examination to be made of the criminal record of the inmate and to make inquiry into the conduct and the record of the inmate during confinement in the custody of the Department of Corrections.

C. Upon a favorable finding by the Pardon and Parole Board, the Board shall recommend to the Governor that the inmate be placed on specialized parole. If approved by the Governor, notification shall be made to the Department of Corrections that said inmate has been placed on specialized parole.

D. Prior to the placement of an inmate on specialized parole, the Pardon and Parole Board shall provide written notification to the sheriff and district attorney of the county in which any person on specialized parole is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the placement of the person on specialized parole within the county or incorporated city or town. The Board also shall provide written notification of the placement of the person on specialized parole within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Board shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

Added by Laws 1988, c. 310, § 8, operative July 1, 1988. Amended by Laws 1989, c. 306, § 1, emerg. eff. May 25, 1989; Laws 1990, c. 105, § 2, eff. Sept. 1, 1990; Laws 1991, c. 291, § 13, eff. Sept. 1, 1991; Laws 1993, c. 125, § 7, emerg. eff. April 29, 1993; Laws 1997, c. 133, § 28, eff. July 1, 1997.

§57-365A. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§57-400. Acute psychiatric care units.

A. The Department of Corrections is hereby authorized to establish units at one or more institutions for the care and treatment of inmates who are or become in need of acute psychiatric care. The Department shall have the following powers and duties in the operation thereof:

1. The Department shall establish procedures to outline means of identification of inmates who are or become in need of acute psychiatric care and for assignment of such inmates to the units described in this subsection. Prior to assignment there shall be a due process hearing conducted by the Department of Corrections to determine whether the inmate is in need of acute psychiatric care. The inmate shall be entitled to have a staff representative appointed to represent him or her, if he or she so requests, but shall not have an attorney appointed or paid by the Department to represent him or her at the administrative hearing; and

2. Once an inmate has been assigned to a unit described in this subsection, treatment and medication may be administered to the inmate as provided in Section 5-204 of Title 43A of the Oklahoma Statutes.

B. The Carl Albert Mental Health and Substance Abuse Services Center shall provide to the Department of Corrections a psychiatrist as needed to assist in a unit described in subsection A of this section.

Added by Laws 1990, c. 245, § 4, emerg. eff. May 21, 1990. Amended by Laws 2019, c. 41, § 2, eff. Nov. 1, 2019.

§57-501. Citation.

This act shall be known and may be cited as the Oklahoma Corrections Act of 1967.

Added by Laws 1967, c. 261, § 1, operative July 1, 1967.

§57-502. Definitions

As used in this title, unless the context otherwise requires:

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

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

3. "Director" means the Director of the Department of Corrections;

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

5. "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center

located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Jim E. Hamilton Correctional Center located at Hodgen, Oklahoma; the Mabel Bassett Correctional Center located at McLoud, Oklahoma; the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the Northeast Oklahoma Correctional Center located at Vinita, Oklahoma; the Clara Waters and Kate Barnard Community Corrections Centers located at Oklahoma City, Oklahoma; the Community Corrections Centers located at Lawton, Enid, Oklahoma City and Union City; the Charles E. "Bill" Johnson Correctional Center, located east of Alva, Oklahoma; the Southern Oklahoma Resource Center located at Pauls Valley, Oklahoma; and other facilities under the jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;

6. "Intermediate revocation facility" means a corrections center operated by the Department of Corrections or a private facility or public trust operating pursuant to contract with the Department of Corrections which provides housing and intensive programmatic services for offenders who have violated the terms or conditions of probation as determined by a supervising probation officer.

"Intensive programmatic services" offered by the Department of Corrections includes, but shall not be limited to, alcohol and substance abuse counseling and treatment, mental health counseling and treatment and domestic violence courses and treatment programs;

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

8. "Private prison contractor" means:

- a. a nongovernmental entity or public trust which, pursuant to a contract with the Department of Corrections, operates an institution within the Department other than a halfway house or intermediate

- sanctions facility, or provides for the housing, care, and control of inmates and performs other functions related to these responsibilities within a minimum, medium, or maximum security level facility not owned by the Department but operated by the contractor, or
- b. a nongovernmental entity or public trust which, pursuant to a contract with the United States or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States or another state, and performs other functions related to these responsibilities other than a halfway house or intermediate sanctions facility within a facility owned or operated by the contractor.

Added by Laws 1967, c. 261, § 2, eff. May 8, 1967. Amended by Laws 1973, c. 152, § 1, emerg. eff. May 14, 1973; Laws 1980, c. 210, § 1, eff. Oct. 1, 1980; Laws 1982, c. 140, § 2, emerg. eff. April 9, 1982; Laws 1982, c. 346, § 9, emerg. eff. June 2, 1982; Laws 1983, c. 266, § 10, operative July 1, 1983; Laws 1984, c. 296, § 50, operative July 1, 1984; Laws 1985, c. 202, § 2, emerg. eff. June 28, 1985; Laws 1985, c. 327, § 16, emerg. eff. July 29, 1985; Laws 1986, c. 314, § 13, operative July 1, 1986; Laws 1987, c. 80, § 1, operative July 1, 1987; Laws 1987, c. 205, § 21, operative July 1, 1987; Laws 1989, c. 303, § 10, operative July 1, 1989; Laws 1991, c. 307, § 1, emerg. eff. June 4, 1991; Laws 1992, c. 319, § 4, eff. Sept. 1, 1992; Laws 1994, c. 277, § 1; Laws 1995, c. 266, § 1, emerg. eff. May 25, 1995; Laws 2002, c. 211, § 1, eff. July 1, 2002; Laws 2003, c. 3, § 44, emerg. eff. March 19, 2003; Laws 2006, c. 161, § 2, eff. Nov. 1, 2006; Laws 2012, c. 228, § 7, eff. Nov. 1, 2012; Laws 2016, c. 259, § 1, eff. Nov. 1, 2016.

NOTE: Laws 1991, c. 291, § 14 repealed by Laws 1992, c. 319, § 8, emerg. eff. May 27, 1992. Laws 2002, c. 81, § 1 repealed by Laws 2003, c. 3, § 45, emerg. eff. March 19, 2003.

§57-503. Board - Creation - Members - Terms - Removal.

There is hereby created the State Board of Corrections which shall be the governing board of the Department of Corrections. The Board shall consist of the following nine (9) members:

1. Five members appointed by the Governor;
2. Two members appointed by the Speaker of the House of Representatives; and
3. Two members appointed by the President Pro Tempore of the Senate.

Each member shall serve at the pleasure of his or her appointing authority and may be removed or replaced without cause. Any member of the Board shall be prohibited from voting on any issue in which the member has a direct financial interest. The Director of

Corrections shall be an ex officio member of the Board, but shall be entitled to vote only in case of a tie vote.

Added by Laws 1967, c. 261, § 3, emerg. eff. May 8, 1967. Amended by Laws 1992, c. 364, § 5, emerg. eff. June 4, 1992; Laws 2002, c. 375, § 6, eff. Nov. 5, 2002; Laws 2019, c. 3, § 1, emerg. eff. March 13, 2019.

NOTE: Laws 2002, c. 81, § 2 repealed by Laws 2003, c. 3, § 46, emerg. eff. March 19, 2003.

§57-504. Board - Officers - Rules and regulations - Travel expenses - Powers and duties.

(a) The Board shall elect from its members a chairman, vice chairman and a secretary. It shall adopt rules and regulations for its government and may adopt an official seal for the Department. Members shall be reimbursed for travel expenses, as provided in the State Travel Reimbursement Act while attending meetings of the Board or while performing other official duties.

(b) The Board shall have the following powers and duties:

(1) To establish policies for the operation of the Department;

(2) To establish and maintain such institutions as are necessary or convenient for the operation of programs for the education, training, vocational education and rehabilitation of prisoners under the jurisdiction of the Department;

(3) To lease, from time to time, without restriction as to terms, any property which said Board shall determine advisable to more fully carry into effect the operation of prison industries;

(4) To acquire, construct, extend, improve, maintain and operate any and all facilities of all kinds which in the judgment of the Board shall be necessary or convenient to foster the prison industries program;

(5) To require the Director and any other personnel of the Department, when deemed necessary by the Board, to give bond for the faithful performance of their duties;

(6) To appoint and fix the salary of the Director;

(7) To enter into contracts with private prison contractors; and

(8) To provide training to employees of private prison contractors and other governmental entities on a fee basis.

Added by Laws 1967, c. 261, § 4, operative July 1, 1967. Amended by Laws 1973, c. 152, § 2, emerg. eff. May. 14, 1973; Laws 1974, c. 211, § 1, emerg. eff. May. 15, 1974; Laws 1984, c. 137, § 2, eff. Nov. 1, 1984; Laws 1985, c. 178, § 26, operative July 1, 1985; Laws 1987, c. 80, § 2, operative July 1, 1987; Laws 1991, c. 145, § 8, eff. Sept. 1, 1991.

§57-504.1. Repealed by Laws 1977, 1st Ex.Sess., c. 5, § 31, emerg. eff. June 21, 1977.

§57-504.2. Repealed by Laws 1980, c. 210, § 11, eff. Oct. 1, 1980.

§57-504.3. Repealed by Laws 1980, c. 210, § 11, eff. Oct. 1, 1980.

§57-504.4. Repealed by Laws 1992, c. 405, § 6, eff. July 1, 1992.

§57-504.5. Repealed by Laws 1980, c. 210, § 11, eff. Oct. 1, 1980.

§57-504.6. Repealed by Laws 1992, c. 405, § 6, eff. July 1, 1992.

§57-504.7. Kate Barnard Community Corrections Center - Female inmates.

The Kate Barnard Community Corrections Center will house only female inmates. No inmate who is deemed dangerous or violent by the Department Classification Committee shall be placed in such center. Added by Laws 1978, c. 273, § 20, emerg. eff. May 10, 1978. Amended by Laws 1992, c. 405, § 2, eff. July 1, 1992.

§57-505. Department - Creation - Divisions.

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

Added by Laws 1967, c. 261, § 5, operative July 1, 1967. Amended by Laws 1975, c. 366, § 1, eff. Oct. 1, 1975; Laws 1980, c. 210, § 2, eff. Oct. 1, 1980.

§57-506. Director - Qualifications - Appointment - Removal.

There is hereby created the position of Director of Corrections. The Director shall be qualified for such position by character, knowledge, skill, ability, education, training and successful administrative experience and shall have five (5) years of professional level work. The Director of Corrections shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor and may be removed or replaced without cause. Compensation for the Director shall be determined by the Governor. The Director may be removed from office by a two-thirds (2/3) vote of the members elected to and constituting each chamber of the Legislature.

Added by Laws 1967, c. 261, § 6, operative July 1, 1967. Amended by Laws 1971, c. 83, § 1, emerg. eff. April 16, 1971; Laws 1974, c. 211, § 2, emerg. eff. May 15, 1974; Laws 1975, c. 366, § 10, emerg. eff. June 12, 1975; Laws 1980, c. 210, § 3, eff. Oct. 1, 1980; Laws 1987, c. 205, § 22, operative July 1, 1987; Laws 1988, c. 32, § 1, emerg. eff. March 18, 1988; Laws 2012, c. 267, § 1, eff. Nov. 1, 2012; Laws 2016, c. 386, § 2, eff. Nov. 1, 2016; Laws 2019, c. 3, § 2, emerg. eff. March 13, 2019.

§57-507. Director - Status - Powers and duties.

The Director shall be the executive officer of the Department and shall have the following general powers and duties:

(a) To supervise the activities of the Department and, subject to the policies established by the Board, to act for the Department in all matters, except as may be otherwise provided in this act.

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

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

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

Added by Laws 1967, c. 261, § 7, operative July 1, 1967. Amended by Laws 1979, c. 246, § 1, emerg. eff. May. 31, 1979.

§57-508. Divisions - Deputy Directors - Compensation - Qualifications of deputy directors.

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

Added by Laws 1967, c. 261, § 8, operative July 1 1967. Amended by Laws 1971, c. 83, § 2, emerg. eff. April 16, 1971; Laws 1973, c. 221, § 5, emerg. eff. May. 24, 1973; Laws 1974, c. 210, § 1, emerg. eff. May. 15, 1974; Laws 1975, c. 336, § 2, eff. Oct. 1, 1975; Laws 1980, c. 210, § 4, eff. Oct. 1, 1980; Laws 1983, c. 81, § 1, eff. Nov. 1, 1983; Laws 2012, c. 267, § 2, eff. Nov. 1, 2012.

§57-508.1. Legal Division.

There is hereby created within the Department of Corrections a Legal Division. The Director may employ or contract with attorneys as needed and determine their salaries. These attorneys may advise the Director, the Board of Corrections, administrative supervisors of facilities and Department personnel on legal matters and may appear for and represent the Director, the Board of Corrections, administrative supervisors of facilities and Department personnel in administrative hearings and other legal actions and proceedings. Added by Laws 1982, c. 35, § 1, emerg. eff. March 25, 1982.

§57-508.2. Renumbered as § 1517 of Title 22 by Laws 2003, c. 340, § 3, emerg. eff. May 29, 2003.

§57-508.2a. Repealed by Laws 2001, c. 377, § 8, eff. July 1, 2001.

§57-508.2b. Renumbered as § 1518 of Title 22 by Laws 2003, c. 340, § 3, emerg. eff. May 29, 2003.

§57-508.2c. Repealed by Laws 2013, c. 227, § 11, eff. Nov. 1, 2013.

§57-508.3. Construction Division.

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

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

C. 1. An inmate working for the Construction Division of the Department of Corrections shall be subject to all rules established for inmate work by the State Board of Corrections and subject to all statutes governing the operation of the Construction Division of the Department of Corrections.

2. Inmates working for the Construction Division are not state employees, and are specifically forbidden from organizing into unions or other associations in connection with their work or from engaging in any strike, work stoppage, slowdown or collective bargaining process. This prohibition applies to any inmates forming a union

local or similar organization at any Construction Division project or location; provided, however, it shall not prohibit any inmate from otherwise achieving or retaining status as a union member.

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

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

5. As used in paragraph 3 of this subsection, "costs of incarceration" shall include all costs associated with maintaining an inmate in the custody of the Department of Corrections and shall include costs paid by the state for medical care for the inmate. Added by Laws 1996, c. 166, § 1, eff. July 1, 1996.

§57-508.4. Investigations Division.

A. There is hereby created the Investigations Division within the Department of Corrections. The purpose of the Division shall be to investigate allegations of criminal acts by inmates, offenders or employees of the Department, as well as to investigate allegations of constitutional or policy violations.

B. The Director of the Department of Corrections shall employ the proper personnel and adopt the necessary procedures to carry out the duties of the Investigations Division and shall appoint a Director of the Division who shall administer the activities of the Division.

C. The Investigations Division of the Department of Corrections shall have the jurisdiction and authority to investigate all allegations of criminal behavior at any facility owned or operated by the Department, or any private prison facility or other facility with which the Department contracts to house inmates from the State of Oklahoma.

D. The Investigations Division shall have jurisdiction and authority to investigate any escape committed by prisoners under the custody and control of the Department of Corrections. If it is determined that a prisoner has escaped the custody of the Department, in violation of Section 443 of Title 21 of the Oklahoma Statutes, the Department is authorized to issue a warrant for the arrest of the escapee and the warrant shall have the force and effect of any warrant of arrest issued by a district court in the state. Nothing in this section shall affect the authority of a district attorney to issue an arrest warrant for the escapee.

E. All officers, investigators, agents and immediate supervisory staff of listed positions assigned to the Investigations Division shall be deemed peace officers and shall possess the powers granted by law to peace officers. Officers, investigators, agents and supervisory staff of the Investigations Division shall meet all of

the training and qualifications for peace officers required by Section 3311 of Title 70 of the Oklahoma Statutes. Added by Laws 2002, c. 88, § 1, eff. July 1, 2002. Amended by Laws 2016, c. 372, § 1; Laws 2019, c. 144, § 1, eff. Nov. 1, 2019.

§57-509. Penal institutions.

The Oklahoma State Penitentiary shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Oklahoma State Reformatory shall be located at Granite in Greer County, State of Oklahoma; and the Lexington Assessment and Reception Center shall be located at Lexington in Cleveland County, State of Oklahoma; and the Jackie Brannon Correctional Center shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Joseph Harp Correctional Center shall be located at Lexington in Cleveland County, State of Oklahoma; and the Howard C. McLeod Correctional Center shall be located at Farris in Atoka County, State of Oklahoma; and the Mack H. Alford Correctional Center shall be located at Stringtown in Atoka County, State of Oklahoma; and the Jim E. Hamilton Correctional Center shall be located at Hodgen in LeFlore County, State of Oklahoma; and the Mabel Bassett Correctional Center shall be located at McCloud, in Pottawatomie County, State of Oklahoma; and the R.B. "Dick" Conner Correctional Center shall be located at Hominy in Osage County, State of Oklahoma; and the James Crabtree Correctional Center shall be located at Helena in Alfalfa County, State of Oklahoma; and the Jess Dunn Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the Northeast Oklahoma Correctional Center shall be located at Vinita in Craig County, State of Oklahoma; and the John Lilley Correctional Center shall be located at Boley in Okfuskee County, State of Oklahoma; and the William S. Key Correctional Center shall be located at Fort Supply in Woodward County, State of Oklahoma; and the Dr. Eddie Walter Warrior Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the Clara Waters and Kate Barnard Community Corrections Centers shall be located at Oklahoma City in Oklahoma County, State of Oklahoma; and the Lawton Community Corrections Center shall be located at Lawton in Comanche County, State of Oklahoma; and the Enid Community Corrections Center shall be located at Enid in Garfield County, State of Oklahoma; and the Union City Community Corrections Center shall be located at Union City in Canadian County, State of Oklahoma; and the Charles E. "Bill" Johnson Correctional Center shall be located east of Alva in Woods County, State of Oklahoma; and the Washita Valley Correctional Center shall be located at Pauls Valley in Garvin County, State of Oklahoma; and said institutions and community corrections centers are hereby established within the Department. Said Department shall be the legal successor of and, except as otherwise provided in the Oklahoma Corrections Act of 1967, shall have the powers and duties vested by

law in the Office of Management and Enterprise Services in all matters relating to penal institutions, heretofore or hereafter established by the Department, which institutions and community corrections centers shall be under the administrative direction and control of the Department.

Added by Laws 1967, c. 261, § 9, eff. May 8, 1967. Amended by Laws 1973, c. 152, § 3, emerg. eff. May 14, 1973; Laws 1980, c. 210, § 5, eff. Oct. 1, 1980; Laws 1982, c. 140, § 3, emerg. eff. April 9, 1982; Laws 1982, c. 346, § 10, emerg. eff. June 2, 1982; Laws 1983, c. 266, § 11, operative July 1, 1983; Laws 1984, c. 296, § 51, operative July 1, 1984; Laws 1985, c. 202, § 3, emerg. eff. June 28, 1985; Laws 1985, c. 327, § 17, emerg. eff. July 29, 1985; Laws 1986, c. 314, § 14, operative July 1, 1986; Laws 1987, c. 205, § 23, operative July 1, 1987; Laws 1989, c. 303, § 11, operative July 1, 1989; Laws 1991, c. 291, § 15, eff. July 1, 1991; Laws 1994, c. 277, § 2; Laws 1995, c. 266, § 2, emerg. eff. May 25, 1995; Laws 1999, c. 72, § 1, emerg. eff. April 7, 1999; Laws 2002, c. 81, § 3, eff. Nov. 1, 2002; Laws 2003, c. 320, § 1, eff. July 1, 2003; Laws 2012, c. 304, § 245; Laws 2016, c. 259, § 2, eff. Nov. 1, 2016; Laws 2019, c. 301, § 1, eff. Nov. 1, 2019.

NOTE: Laws 1983, c. 304, § 33 repealed by Laws 1984, c. 296, § 54, operative July 1, 1984.

§57-509.1. Oklahoma Children's Center at Taft - Transfer to Department of Corrections.

A. It is the finding of the Legislature that certain property currently under the control of the Department of Human Services could be better utilized if transferred to the Department of Corrections.

B. The Oklahoma Children's Center and the property related thereto, located at Taft, Oklahoma, is hereby transferred from the Department of Human Services to the Department of Corrections.

C. All official records maintained by the Oklahoma Children's Center while said institution was under the supervision, management, operation, and control of the Department of Human Services shall be transferred to the Department of Human Services.

D. The Department of Corrections shall establish a women's correctional institution on the property transferred pursuant to subsection B of this section.

E. The Department of Corrections and the Oklahoma Department of Career and Technology Education shall establish inmate training programs for women on the property transferred pursuant to subsection B of this section.

F. The Department of Corrections and Oklahoma Department of Career and Technology Education shall give first priority on employment at the Jess Dunn Correctional Center to those present employees of the Department of Human Services now working at the Oklahoma Children's Center. Written justification for hiring any

employees necessary to staff positions needed for this transition, other than present employees of the Department of Human Services, must be filed with the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate for a period of one (1) year.

G. All agreements involving the town of Taft entered into by the Department of Human Services relative to water or sewer facilities or otherwise shall be assumed by the Department of Corrections.

H. The George Nigh Training Center (the Oklahoma Children's Center) physical facility shall not be altered until after March 15, 1989.

Added by Laws 1986, c. 184, § 1, emerg. eff. May 20, 1986. Amended by Laws 1988, 3rd Ex. Sess., c. 1, § 9, emerg. eff. Sept. 2, 1988; Laws 1989, c. 303, § 12, operative July 1, 1989; Laws 2001, c. 33, § 41, eff. July 1, 2001.

§57-509.2. Town of Taft - Patrols and law enforcement.

A. In addition to their other security and oversight obligations, the Department of Corrections shall patrol the perimeters of the Jess Dunn Correctional Center and the George Nigh Training Center and also make patrols through the town of Taft.

B. Due to the unusual circumstance that the facilities named in Section 1 of this act are so closely situated to the town of Taft and for the further reason that said town is without any local law enforcement officer on an ongoing basis, it is the intent of the Legislature that the Department of Public Safety shall establish a permanent trooper position to be based and stationed in the town of Taft.

Added by Laws 1986, c. 184, § 2, emerg. eff. May 20, 1986.

§57-509.3. Western State Psychiatric Center at Fort Supply - Maintenance and management of certain buildings.

If funding is provided by the Legislature for the transfer of a portion of the land and facilities at Western State Psychiatric Center at Fort Supply, Oklahoma, to the Department of Corrections, the Department of Corrections shall maintain the following buildings at the correctional institution at Fort Supply, Oklahoma, as historical sites:

1. Cottage #14N;
2. Cottage #16;
3. Museum;
4. Cottage #12;
5. Cottage #14S;
6. Maintenance Storage Building #4;
7. Maintenance Storage Building #5;
8. Maintenance Storage Building #6; and
9. The Green House.

Management of these historical buildings shall be the responsibility of the Oklahoma Historical Society. Added by Laws 1988, c. 310, § 15, operative July 1, 1988. Amended by Laws 1993, c. 323, § 7, emerg. eff. June 7, 1993.

§57-509.4. Special treatment program for inmates with severe psychiatric problems.

The Department of Corrections shall develop and implement a special treatment program for inmates with severe psychiatric problems, including inmates convicted of sex-related offenses and inmates that have prior convictions for sex-related offenses. Added by Laws 1989, c. 86, § 1, eff. Nov. 1, 1989. Amended by Laws 2003, c. 306, § 3, eff. Nov. 1, 2003.

§57-509.5. Inmate work centers in Indian Country Land - Civil and criminal jurisdiction - Expiration, cancellation or termination of agreement.

A. Pursuant to applicable federal law, the State of Oklahoma assumes both the civil and criminal jurisdiction with respect to all criminal offenses and civil causes of actions over Indian Country land wherein the state has entered into an agreement with the applicable tribes or other appropriate authority for use of said land as an inmate work center as established in Section 563 of Title 57 of the Oklahoma Statutes.

B. Upon the expiration, cancellation or other mutual termination of the agreement the assumption of both civil and criminal jurisdiction shall be deemed withdrawn by operation of law and the land shall be Indian Country under the exclusive control of the Indian tribes and federal authority together and any improvements thereon shall inure to the benefit of the tribes. Provided, that in the event of expiration, cancellation or other mutual termination, the State of Oklahoma, through the Department of Corrections shall have twelve (12) months in which to vacate and relocate the offenders, unless otherwise extended by the parties.

Added by Laws 1989, c. 303, § 13, operative July 1, 1989.

§57-509.6. Special unit for elderly, disabled and sick inmates.

The Department of Corrections is authorized, pursuant to the Board of Corrections resolution on May 22, 1998 and subject to legislative appropriation, to establish a special correctional unit expansion at the Joseph Harp Correctional Center in Lexington, Oklahoma, designed solely for the imprisonment of elderly persons, physically disabled persons, persons in need of infirmary care, and persons in need of specialized care or treatment as an outpatient in the Oklahoma City Metropolitan area in the custody of the Department. The Department shall consider the unique needs of the elderly offender and the physically disabled offender when designing the unit

or renovating an existing unit for this purpose and when implementing any program or service for such persons.

Only the following offenders shall be eligible for placement in the facility:

1. Persons age fifty-five (55) years or older who are deemed not suitable for placement in the general population of another facility;

2. Persons who are physically disabled upon reception into the custody of the Department, or who become physically disabled during the term of their incarceration within the custody of the Department, and whose disability requires the continuous use of a wheelchair or other special equipment, or whose disability requires special assistance, services or accommodations which another facility is not designed or equipped to meet;

3. Persons requiring an infirmary with twenty-four-hour nursing care; and

4. Persons having appointments or other needs for medical services which are provided at Griffin Memorial Hospital, Oklahoma Memorial Hospital or other medical facilities in the Oklahoma City metropolitan area and that are coming from and returning to other Department correctional facilities.

Added by Laws 1998, c. 418, § 66, eff. July 1, 1998.

§57-510. Penal institutions – Director's specific powers and duties.

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

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

2. To fix the duties of the wardens and to appoint and fix the duties and compensation of such other personnel for each penal institution as may be necessary for the proper operation thereof. However, correctional officers hired after November 1, 1995, shall be subject to the following qualifications:

- a. the minimum age for service shall be twenty (20) years of age. The Director shall have the authority to establish the maximum age for correctional officers entering service,
- b. possession of a minimum of thirty (30) semester hours from an accredited college or university, or possession of a high school diploma acquired from an accredited high school or GED equivalent testing program,
- c. satisfactory completion of minimum testing or professional evaluation through the Merit System of Personnel Administration to determine the fitness of the individual to serve in the position. All written evaluations shall be submitted to the Department of Corrections, and

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

3. The Director shall designate as correctional peace officers, correctional officers who are employed in job classifications of correctional security officer, correctional security manager, correctional chief of security and chief of security upon satisfactory completion of a basic course of instruction for correctional officers, as provided for in paragraph 4 of this subsection. The peace officer authority of employees designated as correctional peace officers shall be limited to: maintaining custody of prisoners; preventing attempted escapes; pursuing, recapturing and incarcerating escapees and parole or probation violators and arresting such escapees, parole or probation violators; serving warrants; carrying firearms; preventing contraband from entering any penal institutions; arresting individuals who commit crimes at any penal institution; and performing any duties specifically required for the job descriptions. Such powers and duties of correctional peace officers may be exercised for the purpose of maintaining custody, security, and control of any prisoner being transported inside and outside this state as authorized by the Uniform Criminal Extradition Act and the Interstate Corrections Compact. The Director may implement policies that place additional limitations on the authority of correctional peace officers. The Director shall issue an identification card to each correctional peace officer that identifies the person as a correctional peace officer and grants the person the authority to carry a firearm and make arrests pursuant to this paragraph. Should a correctional peace officer terminate employment for any reason, fail to remain qualified as a correctional peace officer or for reasons stated in policies of the Department, the correctional peace officer shall return the identification card to the supervisor of the correctional peace officer immediately;

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

- a. the minimum qualifying score that must be shot to pass the firearms training program shall be equal to the minimum qualifying score required by the Council on Law Enforcement Education and Training for peace officers, and
- b. the Director may waive any number of hours or courses required to complete the basic course of instruction

for any person who, in the opinion of the Director, has received sufficient training or experience that such hours of instruction would be unduly burdensome or duplicative; however, completion of the firearms training program shall not be waived;

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

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

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

8. To maintain such industries, factories, plants, shops, farms, and other enterprises and operations, hereinafter referred to as prison industries, at each penal institution as the State Board of Corrections deems necessary or appropriate to employ the prisoners or teach skills, or to sustain the penal institution; and as provided for by policies established by the State Board of Corrections, to allow compensation for the work of the prisoners, and to provide for apportionment of inmate wages, the amounts thus allowed to be kept in accounts by the Board for the prisoners and given to the inmates upon discharge from the penal institution, or upon an order paid to their families or dependents or used for the personal needs of the prisoners. Any industry that employs prisoners shall be deemed a "State Prison Industry" if the prisoners are paid from state funds

including the proceeds of goods sold as authorized by Section 123f of Title 74 of the Oklahoma Statutes. Any industry in which wages of prisoners are paid by a nongovernmental person, group, or corporation, except those industries employing prisoners in work-release centers under the authority of the Department of Corrections shall be deemed a "Private Prison Industry";

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

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

11. To regulate the operation of canteens for prisoners;

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

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

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

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

16. To maintain a program of research and statistics;

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

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

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

Board, for recommendation to the Governor, violations of terms and conditions of paroles; upon request of the Governor, make investigations and inquiries as to persons who are to be, or who might be, considered for reprieves or leaves of absence; report to the Pardon and Parole Board, for recommendation to the Governor, whether a parolee is entitled to a pardon, when the terms and conditions of the parole have been completed; make presentence investigations for, and make reports thereof to, trial judges in criminal cases consistent with other laws of the state; supervise persons on felony probation or parole; and develop and operate, subject to the policies and guidelines of the Board, work-release centers, community treatment facilities or prerelease programs at appropriate sites throughout this state;

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

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

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

23. To conduct continual planning and research and periodically evaluate the effectiveness of the various correctional programs instituted by the Department; manage the designing, building, and maintaining of all the capital improvements of the Department; establish and maintain current and efficient business, bookkeeping, and accounting practices and procedures for the operations of all penal institutions and facilities, and for the Department's fiscal affairs; conduct initial orientation and continuing in-service training for the Department employees; provide public information services; inspect and examine the condition and management of state penal and correctional institutions; investigate complaints concerning the management of prisons or alleged mistreatment of

inmates thereof; and hear and investigate complaints as to misfeasance or nonfeasance of employees of the Department;

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

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

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

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

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

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

B. When an employee of the Department of Corrections has been charged with a violation of the rules of the Department or with a felony pursuant to the provisions of a state or federal statute, the Director may, in the Director's discretion, suspend the charged employee, in accordance with the Oklahoma Personnel Act and/or the Merit System of Personnel Administration Rules, pending the hearing and final determination of the charges. Notice of suspension shall be given by the Director, in accordance with the provisions of the Oklahoma Personnel Act. If after completion of the investigation of the charges, it is determined that such charges are without merit or are not sustained before the Oklahoma Merit Protection Commission or

in a court of law, the employee shall be reinstated and shall be entitled to receive all lost pay and benefits.

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

Added by Laws 1967, c. 261, § 10, operative July 1, 1967. Amended by Laws 1967, c. 325, § 3, emerg. eff. May 16, 1967; Laws 1971, c. 83, § 3, emerg. eff. April 16, 1971; Laws 1973, c. 152, § 4, emerg. eff. May 14, 1973; Laws 1974, c. 155, § 1, emerg. eff. May 4, 1974; Laws 1977, c. 257, § 1, eff. Oct. 1, 1977; Laws 1979, c. 246, § 2, emerg. eff. May 31, 1979; Laws 1980, c. 210, § 6, eff. Oct. 1, 1980; Laws 1981, c. 345, § 1, emerg. eff. June 30, 1981; Laws 1982, c. 338, § 47, eff. July 1, 1982; Laws 1983, c. 81, § 2, eff. Nov. 1, 1983; Laws 1986, c. 158, § 5, operative July 1, 1986; Laws 1986, c. 314, § 16, operative July 1, 1986; Laws 1995, c. 175, § 1, eff. Nov. 1, 1995; Laws 1995, c. 310, § 22, eff. Nov. 1, 1995; Laws 1997, c. 351, § 1, eff. July 1, 1997; Laws 2001, c. 412, § 1, eff. July 1, 2001; Laws 2003, c. 82, § 3, emerg. eff. April 15, 2003; Laws 2004, c. 168, § 8, emerg. eff. April 27, 2004; Laws 2006, c. 294, § 5, eff. July 1, 2006; Laws 2007, c. 151, § 3, eff. July 1, 2007; Laws 2008, c. 72, § 1, eff. July 1, 2008; Laws 2009, c. 232, § 1, eff. Nov. 1, 2009; Laws 2011, c. 160, § 3, eff. Nov. 1, 2011; Laws 2012, c. 267, § 3, eff. Nov. 1, 2012; Laws 2013, c. 30, § 1, eff. Nov. 1, 2013; Laws 2014, c. 384, § 1, eff. Nov. 1, 2014; Laws 2016, c. 115, § 1, eff. Nov. 1, 2016; Laws 2017, c. 42, § 20; Laws 2018, c. 279, § 1, eff. Nov. 1, 2018.

NOTE: Laws 1981, c. 64, § 1 repealed by Laws 1983, c. 81, § 3, eff. Nov. 1, 1983. Laws 2016, c. 194, § 1 repealed by Laws 2017, c. 42, § 21.

§57-510.1. Time away from correctional facility for committed offender - Purposes.

A. The Department of Corrections may extend the limits of the place of confinement of a committed offender at any of the state correctional facilities by authorizing such committed offender under special conditions to be away from such correctional facility but within the state. Such authority may be granted for any of the following purposes:

1. To attend the funeral of a relative;
2. To visit a critically ill relative;
3. To obtain medical, psychiatric, sociological or social services in the community; or
4. To participate in public works projects.

B. Except as provided in subsection C of this section, the Department of Corrections may extend the limits of the place of confinement of a committed offender at any of the state correctional facilities by granting the offender a pass authorizing the committed

offender to be away from the correctional facility, but within the state, for any of the following purposes:

1. To contact prospective employers;
2. To secure a suitable residence for use upon release on parole or discharge;
3. To participate in work, educational and training programs in the community; or
4. For any other reasons consistent with the reintegration of a committed offender into the community, if authorized by law.

C. Offenders whose controlling, concurrent, or consecutive sentence is for a sex or incest related offense or drug trafficking offense or who have a prior conviction for a sex or incest offense or drug trafficking offense shall not be eligible for passes authorized by subsection B of this section at minimum security facilities. Offenders assigned to a community treatment center or a community security facility whose controlling, concurrent, or consecutive sentence is for a sex or incest related offense or drug trafficking offense or who have a prior conviction for a sex or incest offense or drug trafficking offense shall not be eligible for passes authorized by subsection B of this section until they are within eleven (11) months of current release date or on a parole stipulation for work release of one hundred eighty (180) days or less, except that offenders with a conviction for forcible sodomy, rape in the first degree, rape by instrumentation, or lewd or indecent act with a child shall not be eligible for passes until they are within six (6) months of current release date or in the final ninety (90) days of a parole stipulation.

D. For the purpose of this section, "relative" means the offender's father, mother, child, stepchild or adopted child, brother, sister, current spouse, or grandparents, and upon acceptable documentation, any person who served a parental capacity. Any approved visit may be considered a cost of incarceration reimbursable to the Department.

E. A person away from a correctional facility, pursuant to this section, and who is classified in medium or higher security shall be accompanied by an officer or other employee of the Department.

F. A committed offender is, during his absence, to be considered as in the custody of the correctional facility and the time of such absence is to be considered as part of the term of sentence. Failure to return to the facility shall be deemed an escape and subject to such penalty as provided by law.

G. Except as provided in subsection C of this section and subject to the approval of the Department, the administrator of a county or municipal jail or correctional facility may grant leave authority to a committed offender in such jail or facility for the purposes specified in subsections A or B of this section.

Added by Laws 1980, c. 197, § 1, emerg. eff. May. 12, 1980. Amended by Laws 1985, c. 202, § 4, emerg. eff. June 28, 1985; Laws 1989, c. 149, § 1, emerg. eff. May 8, 1989; Laws 1997, c. 357, § 9, emerg. eff. June 9, 1997; Laws 2002, c. 43, § 1, eff. Nov. 1, 2002 and Laws 2002, c. 465, § 1, eff. July 1, 2002.

§57-510.2. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§57-510.3. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§57-510.4. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§57-510.5. Oklahoma Inmate Literacy Act - Short title.

Sections 1 through 4 of this act shall be known and may be cited as the "Oklahoma Inmate Literacy Act".

Added by Laws 1993, c. 125, § 1, emerg. eff. April 29, 1993.

§57-510.6. Intent of Legislature - Educational opportunities for inmates.

It is the intent of the Legislature to provide the opportunity for inmates in the Department of Corrections to receive a basic education and further to provide incentives for inmates to participate in education programs.

Added by Laws 1993, c. 125, § 2, emerg. eff. April 29, 1993.

§57-510.6a. Correctional teachers or vocational instructors - Salary and fringe benefits - Nonteaching administrators - Pay raises.

A. Persons certified to teach in the State of Oklahoma and meeting all minimum qualifications set by the Office of Management and Enterprise Services, who are hired or employed as Correctional Teachers or Vocational Instructors by the Department of Corrections educational program, shall receive in salary the minimum amounts specified in Section 18-114.12 of Title 70 of the Oklahoma Statutes multiplied by a factor of 1.20. Correctional Teachers serving as lead workers with supervisory responsibilities shall receive the minimum amounts specified above multiplied by a factor of 1.25. Correctional Teachers who have a special education certificate shall receive salary of an additional five percent (5%). Correctional Teachers shall receive the benefits set forth in Sections 1370 and 1707 of Title 74 of the Oklahoma Statutes; provided, however, Correctional Teachers shall not be eligible for longevity payments pursuant to Section 840-2.18 of Title 74 of the Oklahoma Statutes.

B. Persons employed by the Department of Corrections school system as nonteaching administrators shall be in the unclassified

service and shall not be placed under the classified service; however, any classified employee occupying an administrative position prior to July 1, 2000, shall retain the right to remain in the classified service. At such time as such position becomes vacant, it shall be placed in the unclassified service.

C. Except as provided by this section of law, the employment of persons by the Department of Corrections educational program as teachers or administrators shall be entirely governed by the provisions of Title 74 of the Oklahoma Statutes and any other laws or rules regarding state employees and their employment; however, no Department of Corrections Correctional Teacher or Vocational Instructor, whose salary is calculated in accordance with the provisions of this section, shall be entitled to receive any pay increases for state employees authorized elsewhere in statute, rule or law. Correctional Teachers or Vocational Instructors shall receive any legislated pay increases granted in addition to the Title 70 minimum salary schedule; provided, such increases are given to all common education/vocational technical teachers.

D. The salaries for all Correctional Teachers and Vocational Instructors shall be adjusted annually on July 1 unless legislation authorizes a pay raise for educators with an implementation date other than July 1, in which case the annual adjustment shall occur on the date of the pay raise implementation.

E. The monthly salaries of Correctional Teachers and Vocational Instructors employed by the Department of Corrections on the effective date of this act will be adjusted according to the procedures authorized in subsection A of this section on the first day of the month following the effective date of this act. Longevity payments will be eliminated in the month following the effective date of this act for Correctional Teachers and Vocational Instructors whose salaries are calculated according to the provisions of this section. The salaries of the employees governed by this section who are employed on the effective date of this act will be recalculated. The recalculation will be based on the provisions of subsection A of this section for actual time employed as a Department of Corrections Correctional Teacher or Vocational Instructor between July 1, 2004, and the last day of the month in which this act becomes effective. Authorized employees will receive a one-time payment equal to the difference between the recalculated salary amount and the compensation received.

Added by Laws 2000, c. 282, § 1, eff. July 1, 2000. Amended by Laws 2005, c. 424, § 1, eff. July 1, 2005; Laws 2012, c. 304, § 246.

§57-510.7. High school equivalency development - Duties of Department of Corrections.

A. The Department of Corrections shall establish a program to ensure that inmates have an opportunity to achieve at least a high

school equivalency development level of proficiency in reading, writing and computation skills, to the extent resources are available. The provisions of this subsection shall apply to all inmates in the custody of the Department of Corrections, except those inmates identified and documented, through the testing requirements provided in subsection B of this section, to be incapable of benefiting from education programs, and except those inmates who have already achieved a general educational development level of proficiency in reading, writing and computation skills.

B. The Department of Corrections, in fulfilling its duty to assess the educational and training needs of an inmate as part of the assessment and reception process required by Section 530.1 of this title, shall administer an examination to determine the educational proficiency level of the inmate, the existence of any learning disabilities, and any other factors relevant to determining if the inmate is capable of achieving the educational proficiency level established in subsection A of this section and if so, to determine the type of education programs necessary to bring the inmate to the high school equivalency development level of proficiency. Added by Laws 1993, c. 125, § 3, emerg. eff. April 29, 1993. Amended by Laws 2009, c. 264, § 1, eff. Nov. 1, 2009; Laws 2015, c. 360, § 5, eff. July 1, 2015.

§57-510.8. Priority of placement - Refusal to participate - Waiver of educational requirements.

A. The Department of Corrections shall implement procedures to ensure that priority for placement of eligible inmates in education programs be given to inmates lacking basic literacy skills and to inmates closest to their projected release dates.

B. Any incarcerated inmate that refuses to participate in recommended education programs shall be ineligible for earned credits as provided in Section 138.1 of this title and shall jeopardize the eligibility of the inmate for parole or participation in the Preparole Conditional Supervision Program.

C. Any eligible inmate who has not achieved the educational proficiency level established in Section 510.7 of this title, prior to the date of eligibility for parole or preparole conditional supervision, shall be required by the Pardon and Parole Board to participate in education programs approved by the Board to achieve the proficiency level or, at the discretion of the Board, to obtain a high school equivalency diploma as a condition of parole or preparole conditional supervision. If education programs are not available in the community where the inmate resides, or if the Board finds that the educational requirements would be a financial hardship on the inmate or that the inmate is not physically able to participate, the Board may waive the educational requirement set forth in this section.

Added by Laws 1993, c. 125, § 4, emerg. eff. April 29, 1993. Amended by Laws 2009, c. 264, § 2, eff. Nov. 1, 2009; Laws 2015, c. 360, § 6, eff. July 1, 2015.

§57-510.8a. Pilot programs on phonetics and reading.

The Department of Corrections is hereby authorized to establish a pilot program at the Charles E. "Bill" Johnson Correctional Center, Alva, Oklahoma, and one or more pilot programs in other correctional facilities in this state on phonetics and reading using pre- and post-testing evaluations, subject to availability of funds.

Added by Laws 2003, c. 41, § 1, eff. July 1, 2003.

§57-510.8b. Pilot diversion program.

A. The Oklahoma Legislature, recognizing the need for increased community diversion programs and reentry services for nonviolent offenders and inmates who are also the primary caregiver to minor children, hereby authorizes the Department of Corrections to establish pilot programs that shall consist of private donations and state funds. The purpose of the pilot programs shall be to provide diversion programs to reduce the high rate of incarceration for nonviolent offenders who are also the primary caregiver of minor children and to provide reentry services for inmates with minor children that both employ evidence-based practices and techniques.

B. The pilot diversion program may consist of, but shall not be limited to, the following:

1. Identify the population of nonviolent offenders that are also the primary caregiver of minor children who have been charged with a criminal offense and are at risk of being incarcerated for such offense; and

2. Develop a community-based diversion program that provides comprehensive and gender-specific services to offenders who are also the primary caregiver of minor children.

C. The pilot reentry program may consist of, but shall not be limited to, the following:

1. Identify the population of nonviolent inmates that have been sentenced to a term of incarceration under the custody of the Department of Corrections who, prior to incarceration, were the primary caregiver of minor children;

2. Develop a comprehensive, gender-specific reentry plan for inmates who upon release from custody will be the primary caregiver of minor children;

3. Modify existing reentry programs and services to better address the needs of inmates who upon release from custody will be the primary caregiver of minor children;

4. Develop new reentry programs and services that focus on parenting and life skills, family supports and employment skills;

5. Develop or modify existing substance abuse treatment and rehabilitation programs offered to inmates who upon release from custody of the Department of Corrections will be the primary caregiver of minor children; and

6. Develop partnerships within communities to assist in providing support services and employment opportunities to inmates who will be the primary caregiver of minor children after the inmate has been discharged from the custody of the Department of Corrections.

D. The Department of Corrections shall promulgate rules necessary to implement the provisions of this section.

Added by Laws 2010, c. 320, § 1, eff. Nov. 1, 2010.

§57-510.8c. Criminal Justice Pay for Success Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Office of Management and Enterprise Services to be designated the "Criminal Justice Pay for Success Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated to the Criminal Justice Pay for Success Revolving Fund and monies which may otherwise be available to the Office of Management and Enterprise Services for use as provided for in this section.

B. All monies appropriated to the fund shall be budgeted and expended by the Office of Management and Enterprise Services for the purpose of funding contracts for those criminal justice programs that have outcomes associated with reducing public sector costs. Pursuant to contract, the Office of Management and Enterprise Services shall provide payment to social service providers for the delivery of predefined criminal justice outcomes. The Office of Management and Enterprise Services shall approve only those contracts that meet the following requirements:

1. The social service provider can provide not less than Two Million Dollars (\$2,000,000.00) in capital to fund the delivery of services necessary to achieve the predefined criminal justice outcomes;

2. The social service provider can provide verifiable evidence of successful completion rates of persons who participated in the diversion or reentry program offered by the service provider; and

3. Persons participating in the diversion or reentry programs offered by the service provider are not under the custody or control of the Department of Corrections.

C. Expenditures from the fund shall be made upon verification by the Office of Management and Enterprise Services that successful completion of the diversion or reentry program was achieved by the participant pursuant to contract. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims

filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. Added by Laws 2014, c. 198, § 1, eff. Nov. 1, 2014.

§57-510.9. Electronic Monitoring Program.

A. There is hereby created the Electronic Monitoring Program for inmates in the custody of the Department of Corrections who are sentenced for a nonviolent offense not included as a violent offense defined in Section 571 of this title. The Department is authorized to use an electronic monitoring global positioning device to satisfy its custody duties and responsibilities.

B. After an inmate has been processed and received through a Department Assessment and Reception Center, has a home offer, and has met the criteria established in subsection C of Section 521 of this title, the Director of the Department of Corrections may assign the inmate, if eligible, to the Electronic Monitoring Program. Nothing shall prohibit the Director from assigning an inmate to the Electronic Monitoring Program while assigned to the accredited halfway house or transitional living facility. The following inmates, youthful offenders, and juveniles shall not be eligible for assignment to the program:

1. Any inmate serving a sentence of more than ten (10) years who has twenty-four (24) months or more left on the sentence or any inmate serving a sentence of five (5) years or less whose initial custody assessment requires placement above the minimum security level;
2. Inmates convicted of a violent offense within the previous ten (10) years or convicted of a violation enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes;
3. Inmates convicted pursuant to Section 11-902 of Title 47 of the Oklahoma Statutes who are not receptive to substance abuse treatment and follow-up treatment;
4. Inmates deemed by the Department to be a security risk or threat to the public;
5. Inmates requiring educational, medical or other services or programs not available in a community setting as determined by the Department;
6. Inmates convicted of any violation of subsection C of Section 644 of Title 21 of the Oklahoma Statutes or who have an active protection order that was issued under the Protection from Domestic Abuse Act;
7. Inmates who have outstanding felony warrants or detainers from another jurisdiction;
8. Inmates convicted of a sex offense who, upon release from incarceration, would be required by law to register pursuant to the Sex Offender Registration Act;

9. Inmates convicted of racketeering activity as defined in Section 1402 of Title 22 of the Oklahoma Statutes;

10. Inmates convicted pursuant to subsection F of Section 2-401 of Title 63 of the Oklahoma Statutes;

11. Inmates convicted pursuant to Section 650 of Title 21 of the Oklahoma Statutes;

12. Inmates who have escaped from a medium or maximum custody penal or correctional institution within the previous ten (10) years; or

13. Inmates who currently have active misconduct actions on file with the Department of Corrections.

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

1. The inmate discharges the term of the sentence;

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

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

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

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

F. Upon an inmate assigned to the Electronic Monitoring Program becoming eligible for parole consideration, pursuant to Section 332.7 of this title, the Department of Corrections shall deliver the inmate, in person, to a correctional facility for an interview, together with any Department records necessary for the Pardon and Parole Board's investigation. Inmates assigned to the Electronic Monitoring Program shall not be allowed to waive consideration or recommendation for parole.

G. Prior to placement of any eligible inmate assigned to the Electronic Monitoring Program being placed in a community setting, the Department of Corrections shall deliver a written notification to the sheriff and district attorney of the county, and the chief law enforcement officer of any incorporated city or town in which the inmate is to be monitored and supervised under the program. The Department of Corrections shall provide notice of the projected date of release of an inmate to the designated Oklahoma victim notification service provider within sixty (60) days but not less than seven (7) days prior to the projected date of release of the inmate.

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

I. The Department of Corrections shall develop policies and procedures necessary to implement the Electronic Monitoring Program, including but not limited to methods of monitoring and supervision, disciplinary action, reassignment to higher and lower security levels, removal from the program, and costs of monitoring and supervision to be paid by the inmate, if any.

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

Added by Laws 1993, c. 276, § 5, emerg. eff. May 27, 1993. Amended by Laws 1997, c. 133, § 30, emerg. eff. April 22, 1997; Laws 1999, 1st Ex. Sess., c. 5, § 14, eff. July 1, 1999; Laws 2004, c. 242, § 1, emerg. eff. May 5, 2004; Laws 2004, c. 507, § 2, emerg. eff. June 9, 2004; Laws 2011, c. 218, § 6, eff. Nov. 1, 2011; Laws 2013, c. 146, § 1, eff. Nov. 1, 2013; Laws 2015, c. 397, § 5, eff. Nov. 1, 2015; Laws 2016, c. 210, § 31, emerg. eff. April 26, 2016; Laws 2017, c. 380, § 5, eff. Nov. 1, 2017; Laws 2018, c. 249, § 1, emerg. eff. May 8, 2018.

NOTE: Editorially renumbered from § 510.5 of this title to avoid a duplication in numbering.

NOTE: Laws 2015, c. 312, § 1 repealed by Laws 2016, c. 210, § 32, emerg. eff. April 26, 2016.

§57-510.10. Electronic monitoring of inmates.

A. The Department of Corrections and the Pardon and Parole Board are hereby authorized to use electronic monitoring devices for any

inmate sentenced for a crime, any person granted parole, or as disciplinary sanction as authorized by law.

B. The electronic monitoring of an inmate pursuant to this section shall be in addition to active supervision required by law. An inmate assigned to electronic monitoring shall be required to pay the Department of Corrections or the Pardon and Parole Board for all or part of any monitoring equipment or fee, supervision cost, or other costs while assigned to electronic monitoring. The Department of Corrections or the Pardon and Parole Board shall determine whether the person has the ability to pay all or part of such costs or fee.

C. From and after the effective date of this act, any person in the custody of the Department of Corrections who is assigned to a community corrections center, community work center, or halfway house, and who has any current or previous convictions for a crime which would require the person to register as a sex offender pursuant to the Oklahoma Sex Offenders Registration Act, shall be assigned to a global position monitoring system for the duration of the registration period. Any offender paroled who is subject to the provisions of the Oklahoma Sex Offenders Registration Act shall be assigned to global position monitoring.

D. As used in this section, "electronic monitoring" means monitoring of an inmate within a specified location or locations by means of a global positioning device approved by the Department of Corrections or the Pardon and Parole Board with active supervision by correctional officers, employees of the Department of Corrections, or probation and parole officers of the Pardon and Parole Board. A global position monitoring system must utilize a backup data storage collection system.

E. The Department of Corrections and the Pardon and Parole Board shall promulgate and adopt rules and procedures necessary to implement the provisions of this section.

Added by Laws 1993, c. 276, § 15, emerg. eff. May 27, 1993. Amended by Laws 1997, c. 133, § 31, eff. July 1, 1997; Laws 1999, 1st Ex. Sess., c. 5, § 15, eff. July 1, 1999; Laws 2004, c. 242, § 2, emerg. eff. May 5, 2004; Laws 2005, c. 188, § 3, emerg. eff. May 17, 2005; Laws 2015, c. 312, § 2, eff. Nov. 1, 2015.

NOTE: Editorially renumbered from § 510.6 of this title to avoid a duplication in numbering.

§57-511. Repealed by Laws 1974, c. 285, § 19, emerg. eff. May. 29, 1974.

§57-512. Supervision of inmates paroled from state institutions - Conditions for release - Violations.

Any inmate in a state penal institution who has been granted a parole shall be released from the institution upon the following conditions:

1. That he comply with specified requirements of the Division of Community Services of the Department of Corrections under the active supervision of a Probation and Parole Officer. Such active supervision shall be for a period not to exceed three (3) years, except as provided in paragraph 2 of this section.

2. That he be actively supervised by a Probation and Parole Officer for an extended period not to exceed the expiration of the maximum term or terms for which he was sentenced if convicted of a sex offense or upon the determination by the Division of Community Services that the best interests of the public and the parolee will be served by such an extended period of supervision.

Provided, for the purposes of this section, the term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

The Probation and Parole Officer, upon information sufficient to give him reasonable grounds to believe that the parolee has violated the terms of and conditions of his parole, shall notify the Deputy Director of the Division of Community Services in accordance with Section 516 of Title 57 of the Oklahoma Statutes.

Added by Laws 1967, c. 261, § 12, operative July 1, 1967. Amended by Laws 1978, c. 236, § 1; Laws 1993, c. 166, § 3, eff. Sept. 1, 1993.

§57-513. Discharged prisoners - Clothing, transportation and funds.

A. When any prisoner shall be discharged from the institution, the warden or superintendent shall furnish the prisoner with proper and necessary clothing and a railroad or bus ticket to the home community of the prisoner within the State of Oklahoma, if it is not in the county in which the institution is located; and if the home community of the prisoner is outside the State of Oklahoma, the warden or superintendent may furnish the necessary tickets to the home community of the prisoner or the county in which the sentence was imposed; and if the inmate trust account of the prisoner does not have at least a credit balance of Fifty Dollars (\$50.00), the warden, superintendent or Chief Financial Officer may furnish such additional sum from the petty cash fund as will afford the prisoner Fifty Dollars (\$50.00).

B. Funds necessary to provide said clothing, transportation and Fifty Dollars (\$50.00) allowed in subsection A of this section shall be drawn from a petty cash fund established by the Department of Corrections pursuant to Section 513.1 of this title.

Added by Laws 1967, c. 261, § 13, operative July 1, 1967. Amended by Laws 1974, c. 285, § 16, emerg. eff. May 29, 1974; Laws 2008, c. 171, § 1, eff. Nov. 1, 2008.

§57-513.1. Petty cash fund.

To satisfy the requirements of subsections A and B of Section 513 of this title, and to timely acquire goods and services that cannot

be secured through normal purchasing and invoice processes, there is hereby created a petty cash fund within the Department of Corrections. The Director of the Office of Management and Enterprise Services and the Director of the Department of Corrections are authorized to fix the maximum amount of the petty cash fund, and the Director of the Office of Management and Enterprise Services shall prescribe the rules and procedures for the administration of the petty cash fund. The Department of Corrections is directed to develop a written policy to specify which units, facilities and institutions within the Department are authorized to make disbursements from the petty cash fund.

Added by Laws 1977, 1st Ex. Sess., c. 5, § 12, emerg. eff. June 21, 1977. Amended by Laws 1978, c. 273, § 12, emerg. eff. May 10, 1978; Laws 1980, c. 315, § 11, eff. July 1, 1980; Laws 1982, c. 346, § 11, emerg. eff. June 2, 1982; Laws 1983, c. 266, § 12, operative July 1, 1983; Laws 1984, c. 296, § 52, operative July 1, 1984; Laws 1985, c. 202, § 8, emerg. eff. June 28, 1985; Laws 1985, c. 327, § 18, emerg. eff. July 29, 1985; Laws 1986, c. 314, § 15, operative July 1, 1986; Laws 1987, c. 205, § 24, operative July 1, 1987; Laws 1989, c. 303, § 14, operative July 1, 1989; Laws 1990, c. 258, § 18, operative July 1, 1990; Laws 1991, c. 291, § 16, eff. July 1, 1991; Laws 1994, c. 277, § 3; Laws 1995, c. 266, § 3, emerg. eff. May 25, 1995; Laws 2000, c. 415, § 8, eff. July 1, 2000; Laws 2006, c. 294, § 6, eff. July 1, 2006; Laws 2008, c. 171, § 2, eff. Nov. 1, 2008; Laws 2012, c. 304, § 247.

§57-513.2. Notification of completion of sentence or discharge of inmate from custody.

The Department of Corrections shall notify the district attorney or requesting law enforcement agency of the sentencing county whenever an inmate completes his sentence or is otherwise discharged from the custody of the Department, except those discharged under the procedures and supervision of the Pardon and Parole Board. The notification shall be on a monthly basis and shall be made within ten (10) days following the month reported upon. The notification shall include the names of those inmates released under the provisions of the Oklahoma Prison Overcrowding Emergency Powers Act, Section 570 et seq. of this title. For the purposes of this section, "sentencing county" shall mean the county from which the inmate received the last sentence served prior to release but shall not refer to any sentences received which include inmate status as an element of the offense. Should the inmate be released from concurrent sentences then each sentencing county district attorney shall receive the notification. The district attorney shall disseminate the information provided herein to any and all law enforcement agencies deemed appropriate by the district attorney and to any victim of the crime for which the inmate was convicted. Notification shall be made to a victim by

mailing the notification to the last-known address of the victim, if such information is requested by the victim. The district attorney shall not give the address of the inmate to any victim of the crime for which the inmate was convicted. The notifications required herein shall commence within ten (10) days following the first full month subsequent to the effective date of this act.
Added by Laws 1985, c. 112, § 12, eff. Nov. 1, 1985. Amended by Laws 1987, c. 117, § 2, eff. Nov. 1, 1987; Laws 1990, c. 105, § 3, eff. Sept. 1, 1990; Laws 1993, c. 276, § 6, emerg. eff. May 27, 1993.

§57-513.2a. Failure to give notification - Improper disclosure - Immunity from liability.

Neither the Pardon and Parole Board, District Attorney's office, Department of Corrections, nor their members, agents, servants or employees shall be liable for any civil claim of damages, alleged to have arisen from a failure to give any notice under this act, nor from a disclosure of the whereabouts of any person who had been convicted, paroled or pardoned.
Added by Laws 1990, c. 105, § 4, eff. Sept. 1, 1990.

§57-514. Repealed by Laws 1980, c. 210, § 11, eff. Oct. 1, 1980.

§57-515. Probation-parole officers.

All probation-parole officers shall be deemed peace officers and shall possess the powers granted by law to peace officers. Probation-parole officers shall meet all of the training and qualifications for peace officers required by Section 3311 of Title 70 of the Oklahoma Statutes. Qualifications for probation-parole officers shall be good character and a bachelor's degree from an accredited college or university including at least twenty-four (24) credit hours in any combination of psychology, sociology, social work, criminology, education, criminal justice administration, penology or police science.

Added by Laws 1967, c. 261, § 15, operative July 1, 1967. Amended by Laws 1971, c. 83, § 4, emerg. eff. April 16, 1971; Laws 1974, c. 155, § 2, emerg. eff. May 4, 1974; Laws 1975, c. 106, § 1; Laws 1975, c. 366, § 5, eff. Oct. 1, 1975; Laws 1976, c. 188, § 1, emerg. eff. June 4, 1976; Laws 1986, c. 314, § 17, operative July 1, 1986; Laws 1987, c. 156, § 6, eff. Nov. 1, 1987; Laws 1988, c. 310, § 11, operative July 1, 1988; Laws 2012, c. 267, § 4, eff. Nov. 1, 2012.

§57-515a. Felony probation supervision.

A. Felony probation supervision, whether conducted by the Department of Corrections, a district attorney or private supervision provider shall incorporate all minimum supervision standards provided for in subsection B of this section.

B. Upon receiving an offender on probation supervision, the supervising agency shall:

1. Conduct an intake and orientation for the offender. The offender shall present to the principal office of the supervising agency within three (3) business days of sentencing or within three (3) business days of release from confinement if any term of incarceration is ordered, for the purpose of intake and orientation to probation supervision. The intake shall consist of the personal information of the offender and shall include, but not be limited to, name, address, phone numbers, employment and employment history, family information and criminal history. The supervising agency shall also provide an orientation to the offender. The orientation shall explain rules and conditions, reporting instructions, consequences for violations of the rules and conditions, and expectations of the offender subject to probation supervision;

2. Require the offender to complete within ninety (90) days of intake and orientation, an approved substance abuse assessment and evaluation, if deemed appropriate by the court; provided, however, a substance abuse assessment and evaluation shall not be required if the offender has been previously assessed within one (1) year prior to the date of sentencing, unless ordered by the court. Substance abuse assessments and evaluations ordered by the court shall be administered and scored by assessment personnel certified by the Department of Mental Health and Substance Abuse Services;

3. Monitor the compliance or noncompliance of the offender with all monetary obligations and probation requirements ordered by the court which may include, but not be limited to, the following:

- a. substance abuse testing,
- b. employment or education verification,
- c. criminal history background checks,
- d. verification of the payment of fines, costs, assessments, restitution, prosecution fees and supervision fees,
- e. verification of attendance and completion of community service requirements, or
- f. verification of attendance and completion of counseling or treatment programs;

4. Provide sanctions in the event the offender violates the rules and conditions of probation supervision which may include, but not be limited to, the following:

- a. increased reporting requirements,
- b. increased substance abuse testing,
- c. increased counseling or substance abuse meetings,
- d. short-term period of incarceration in jail,
- e. additional community service hours,
- f. electronic monitoring or installation of an ignition interlock device, or

g. revocation or acceleration of the suspended or deferred sentence; and

5. Provide a written sanction report to the court and offender specifying the violation, sanction and plan to correct the noncompliant behavior of the offender. When recommending a short-term period of incarceration in jail, additional community service hours, electronic monitoring or installation of an ignition interlock device, the supervising agency shall obtain court approval prior to implementing the sanction.

C. The supervising agency shall have the authority to implement additional supervision requirements including, but not limited to, the following:

1. Individualized treatment plans based upon the results of any substance abuse assessment and evaluation. The individualized treatment plan may include additional reporting requirements and additional counseling and substance abuse meeting requirements. The treatment plan shall be developed to assist the offender with successful progress toward completion of probation supervision;

2. Random substance abuse testing to ensure the compliance and sobriety of the offender; and

3. Progress reports as requested by the court.

Added by Laws 2014, c. 414, § 2, eff. Nov. 1, 2014.

§57-516. Parole violators.

A. Except as provided in subsection B of this section, the probation and parole officer shall, upon information sufficient to give the officer reasonable grounds to believe that the parolee has violated the terms of and conditions of parole, notify the Department of Corrections. If it is determined that the facts justify revocation action, the Department shall issue a warrant for the arrest of the parolee and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. The parolee shall, after arrest, be immediately incarcerated in the nearest county jail, intermediate sanctions facility, or a Department of Corrections facility to await action by the Governor as to whether the parole will be revoked. Parole time shall cease to run after the issuance of a warrant for arrest by the Department of Corrections, and earned credits shall not be accrued during any period of time when the parolee is incarcerated pending revocation action by the Governor.

B. Any parolee determined to have violated any terms or conditions of parole by the supervising parole officer may be given the option, at the discretion of the Department of Corrections, to be placed in an intermediate sanctions facility for disciplinary sanction and programmatic services in lieu of revocation or when revocation action by the Governor is deemed unnecessary for the nature of the violation. Any parolee for whom a warrant for arrest

issues as provided in subsection A of this section may, at the discretion of the Department or the Governor, be placed in an intermediate sanctions facility pending or following any action by the Governor as to revocation of parole or required additional conditions to remain on parole. A parolee may be received and processed into the custody of the Department on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

Added by Laws 1967, c. 261, § 16, operative July 1, 1971. Amended by Laws 1975, c. 366, § 6, eff. Oct. 1, 1975; Laws 1980, c. 210, § 7, eff. Oct. 1, 1980; Laws 1985, c. 132, § 1, emerg. eff. June 7, 1985; Laws 1987, c. 156, § 7, eff. Nov. 1, 1987; Laws 2002, c. 211, § 2, eff. July 1, 2002.

§57-517. Probation violators.

A. A Probation and Parole Officer, upon information sufficient to give the officer reasonable grounds to believe that a probationer has been charged with or found guilty of committing a felony or misdemeanor offense, or has escaped from custody as provided in Section 443 of Title 21 of the Oklahoma Statutes, shall notify the Department. If it is determined that the facts justify revocation action, the Department shall issue a warrant for the arrest of the probationer and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. A probationer shall, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanctions facility to await action by the court as to whether the probation will be revoked.

B. A Probation and Parole Officer, upon information sufficient to give the officer reasonable grounds to believe that a probationer has violated the terms or conditions of probation, may notify the Department. If it is determined that the facts justify disciplinary sanctions, the Department shall issue a warrant for the arrest of the probationer and the warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. The probationer shall, after arrest, be immediately incarcerated in the nearest county jail or intermediate sanction facility to await action by the court as to whether disciplinary sanctions shall be imposed. Upon approval of the court and the Department of Corrections, the probationer shall be placed in an intermediate revocation facility for disciplinary sanction and intensive programmatic services in lieu of a first revocation. Repeated violations by the probationer of the terms and conditions of probation may result in a revocation proceeding.

C. Any probationer for whom a warrant for arrest issues as provided in subsection A of this section may, at the discretion of the court, be placed in an intermediate sanctions facility pending or following any action by the court as to revocation of probation or

required additional conditions to remain on probation. A probationer may be processed by the Department on an expedited basis through any facility serving such purpose or may be processed directly by the intermediate sanctions facility.

D. Nothing in this section shall preclude a district attorney from initiating an application to revoke a suspended sentence pursuant to subsection A of this section without a recommendation from the Department or from initiating an application to revoke a suspended sentence and referring the person to an intermediate revocation facility without a recommendation from the Department pursuant to subsection B of this section, when the district attorney believes that competent evidence justifies the revocation of the suspended sentence.

Added by Laws 1967, c. 261, § 17, operative July 1, 1967. Amended by Laws 1975, c. 366, § 7, eff. Oct. 1, 1975; Laws 1980, c. 210, § 8, eff. Oct. 1, 1980; Laws 2002, c. 211, § 3, eff. July 1, 2002; Laws 2012, c. 228, § 8, eff. Nov. 1, 2012.

§57-518. Repealed by Laws 1980, c. 210, § 11, eff. Oct. 1, 1980.

§57-519. Repealed by Laws 1975, c. 369, § 2, emerg. eff. June 18, 1975.

§57-520. Repealed by Laws 1968, c. 204, § 3, eff. April 22, 1968.

§57-521. Commitment to custody of Department - Assignment and classification to correctional facility - Pre-release reintegration services - Annual report.

A. Whenever a person is convicted of a felony and is sentenced to imprisonment that is not to be served in a county jail, the person shall be committed to the custody of the Department of Corrections and shall be classified and assigned to a correctional facility or program designated by the Department and authorized by law.

B. It is the intent of the Legislature that inmates in the custody of the Department of Corrections, prior to leaving the custody of the Department, be reintegrated into society through the use of work release programs, work centers, community corrections centers, intermediate sanctions facilities, accredited halfway houses and transitional living centers, subject to the availability of space and funding.

C. All persons who have nonassaultive institutional records and who are convicted of only previous and current nonviolent offenses and have a nonviolent juvenile record and are sentenced to the custody of the Department of Corrections shall be processed for assignment to a work release program, a work center, a community corrections center, an intermediate sanctions facility, an accredited halfway house, a transitional living facility, or any combination of

such placements not less than two hundred ten (210) calendar days immediately prior to release from the custody of the Department of Corrections, unless the offender is currently participating in another approved program based upon the offender's needs assessment. Other persons may be processed for assignment according to the offender's needs and security classification not more than one hundred eighty (180) days prior to release from the custody of the Department. This assignment shall be for the purpose of assisting the person in obtaining gainful employment, receiving reintegration skills, and locating a suitable post-release residence. For purposes of this subsection, assistance in obtaining employment, receiving reintegration skills, and a post-release residence shall be part of the function of the placement and shall not be construed to require or authorize any financial assistance or expenditure of state funds to any inmate or to any contract provider for additional program services to an individual inmate.

D. The provisions of subsections B and C of this section shall not be applicable to inmates, as determined on an individual basis by the Department of Corrections, who otherwise constitute a serious or immediate risk to public health and safety.

E. Nothing in this section shall require a county jail to provide any services that are not currently being provided.

F. Not later than February 1st of each year beginning February 1, 2011, the Director of the Department of Corrections shall post on the Department's website and transmit to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor, a report on the progress of the Department in meeting the goals and intent of subsections B and C of this section. Such report shall, at a minimum, include the following information:

1. A listing of all facilities owned, operated, and/or contracted to the Department by security level together with the number of inmates released from each facility during the preceding calendar year;

2. A total of the number of inmates released from physical custody during the preceding calendar year;

3. A total of the number of inmates employed by private employers prior to the inmate's release from physical custody; and

4. A total of the number of inmates exiting the Department's system who have spent less than one hundred eighty (180) calendar days in a halfway house.

The report shall be in such form and contain such other information as may be required or desired by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor.

Added by Laws 1967, c. 261, § 21, operative July 1, 1967. Amended by Laws 1978, c. 79, § 1, emerg. eff. March 27, 1978; Laws 1993, c. 276, § 7, emerg. eff. May 27, 1993; Laws 1994, c. 2, § 20, emerg. eff.

March 2, 1994; Laws 2000, c. 183, § 1, emerg. eff. May 3, 2000; Laws 2002, c. 211, § 4, eff. July 1, 2002; Laws 2003, c. 74, § 1, eff. Nov. 1, 2003; Laws 2010, c. 410, § 1, eff. Nov. 1, 2010.
NOTE: Laws 1993, c. 187, § 3 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§57-521.1. Transformational Justice Act - Reentry Policy Council - Travel expenses.

A. Upon November 1, 2007, a Reentry Policy Council shall be created, and shall continue until July 1, 2020, pursuant to the provisions of the Oklahoma Sunset Law, for the purpose of providing oversight of the reentry policies and programs operated by the Department of Corrections. The Council shall consist of eleven (11) members and shall be appointed as follows:

1. Three members shall be appointed by the Governor as follows:
 - a. one member shall be a law enforcement officer,
 - b. one member shall be a corrections official, and
 - c. one member shall be a crime victim;
2. Four members shall be appointed by the Speaker of the Oklahoma House of Representatives as follows:
 - a. one member shall be a member of the Oklahoma House of Representatives,
 - b. one member shall be a representative of a faith-based organization involved with the reintegration of inmates,
 - c. one member shall be a person who has been previously convicted of a criminal offense in Oklahoma, and
 - d. one member shall be a mental health and substance abuse official; and
3. Four members shall be appointed by the President Pro Tempore of the Oklahoma State Senate as follows:
 - a. one member shall be a member of the Oklahoma State Senate,
 - b. one member shall be a representative from a for-profit half-way house who specializes in reintegration of inmates,
 - c. one member shall be a representative from a nonprofit entity involved with the reintegration of inmates, and
 - d. one member shall be a district attorney, or his or her designee.

B. The Council shall:

1. Review corrections policies, programs and procedures to ensure that the primary purpose of each is public safety during imprisonment and after release;
2. Identify gaps in reentry programs and services as well as overlapping efforts, and recommend changes to address those issues;

3. Review policies to ensure that corrections facilities recruit and welcome volunteers;

4. Review the licensing procedures within this state to eliminate barriers to employment that are unrelated to the conduct underlying the conviction; and

5. Report annually to the Legislature and the Governor on the progress of the reentry initiative, including the impact on recidivism, effectiveness of agency coordination and communications, and the implementation of reentry plans and use of funding.

C. 1. Legislative members of the Council shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes from the legislative body in which they serve.

2. State agency employees who are members of the Council shall be reimbursed for their travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act.

3. All other Council members shall be reimbursed by the Office of Management and Enterprise Services for travel expenses incurred in the performance of their duties on the Council in accordance with the State Travel Reimbursement Act.

Added by Laws 2007, c. 274, § 2, eff. Nov. 1, 2007. Amended by Laws 2008, c. 211, § 1, emerg. eff. May 20, 2008; Laws 2012, c. 304, § 248; Laws 2019, c. 429, § 1, eff. Nov. 1, 2019.

§57-521.2. Transformational Justice Act - Transformational Justice Interagency Task Force - Revolving funds.

A. There is hereby created until July 1, 2010, the "Transformational Justice Interagency Task Force". The Transformational Justice Interagency Task Force shall be composed of the following members:

1. The Director of the Department of Corrections, or a designee;

2. The Executive Director of the Office of Juvenile Affairs, or a designee;

3. The Attorney General, or a designee;

4. The State Commissioner of Health, or a designee;

5. The Director of the Department of Human Services, or a designee;

6. The Commissioner of Mental Health and Substance Abuse Services, or a designee;

7. The Presiding Judge of the Oklahoma Court of Criminal Appeals, or a designee;

8. The Executive Coordinator of the District Attorneys Council, or a designee;

9. The Executive Director of the Oklahoma Indigent Defense System, or a designee;

10. Two members of the Oklahoma House of Representatives appointed by the Speaker of the Oklahoma House of Representatives; and

11. Two members of the Oklahoma State Senate appointed by the President Pro Tempore of the Senate.

B. The chair shall be appointed by the Speaker of the Oklahoma House of Representatives on or before December 1, 2007. The vice-chair shall be appointed by the President Pro Tempore of the Oklahoma State Senate on or before December 1, 2007. The chair shall convene the first meeting of the Task Force on or before January 1, 2008. The members of the Task Force shall elect any other officers during the first meeting and upon a vacancy in any office. The Task Force shall meet as often as necessary. Task Force members employed by the state shall be reimbursed for travel expenses related to their service on the Task Force by their respective agencies pursuant to the provisions of the State Travel Reimbursement Act. Legislative members of the Task Force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes. Remaining Task Force members shall be reimbursed travel expenses related to their service on the Task Force by their appointing authorities pursuant to the provisions of the State Travel Reimbursement Act.

C. The Transformational Justice Interagency Task Force shall:

1. Establish goals for reducing the rate of recidivism among inmates;

2. Coordinate the reentry programs of the state to help inmates find jobs, housing, substance abuse treatment, medical care, and mental health services;

3. Ensure that those who supervise offenders in prison are linked to those that will supervise them after release;

4. Identify methods to improve collaboration and coordination of reentry programs and services, including cross-training, management information systems that are accessible to partner agencies, screening procedures to assess and refer efficiently across federal, state and local boundaries, and policies and procedures that measure offender reentry management with well-defined performance-based outcomes;

5. Seek partnerships with faith-based and community groups to provide programs and services;

6. Identify effective evidence-based practices in reentry support, treatment and intervention programs;

7. Encourage expansion of family-based treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit;

8. Develop and establish a parenting skills program to be implemented by the Department of Corrections for inmates who are

within one (1) year of being released from incarceration. The parenting skills program shall provide education and training to develop and enhance inmate parenting skills with an emphasis on providing techniques to teach the inmate how to raise a healthier child who will be less at risk of engaging in future criminal activities;

9. Establish collaboration among corrections and community corrections, technical schools, community colleges, and the workforce development and employment service sectors to:

- a. promote, where appropriate, the employment of people released from prison and jail, through federal efforts such as educating employers about existing financial incentives and facilitate the creation of job opportunities, including transitional jobs, for this population that will benefit communities,
- b. connect inmates to employment, including supportive employment and employment services, before their release to the community, and
- c. address barriers to employment;

10. Include victims in the reentry process and facilitate victim-offender dialogue when the victim is willing; and

11. Communicate regularly with local agencies and faith-based and community groups.

D. There is hereby created in the State Treasury a revolving fund for the Office of Faith-Based Initiatives to be designated the "Reintegration of Inmates Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received from appropriated funds to be used for grants to volunteer organizations including, but not limited to, faith-based organizations which provide health, educational or vocational training and programs that assist the reintegration efforts of the Reentry Policy Council. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of Faith-Based Initiatives. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

E. There is hereby created in the State Treasury a revolving fund for the Department of Corrections to be designated the "Transformational Justice Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received from appropriated funds to be used for bonuses to corrections officials who demonstrate improvement in recidivism rates of inmates that were previously under the custody of the Department of Corrections. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by

the Department of Corrections. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

F. The Department of Corrections shall develop rules and policies which ensure that recidivism rates are included in the performance reviews, promotions and compensation adjustments of correctional officers.

Added by Laws 2007, c. 274, § 3, eff. Nov. 1, 2007. Amended by Laws 2012, c. 304, § 249.

§57-522. Repealed by Laws 1970, c. 20, § 3, operative April 5, 1970.

§57-523. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§57-524. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§57-525. Offices and residences for wardens.

On and after October 1, 1982, the Board of Corrections shall provide offices and residences for the wardens at the Oklahoma State Penitentiary and the Oklahoma State Reformatory and shall furnish and maintain them but shall not provide allowance for actual subsistence expenses for their families and guests therein, out of appropriated funds.

Added by Laws 1971, c. 228, § 7, emerg. eff. June 12, 1971. Amended by Laws 1982, c. 132, § 1, operative Oct. 1, 1982; Laws 1985, c. 56, § 1, eff. Nov. 1, 1985.

§57-526. Repealed by Laws 1977, 1st Ex. Sess., c. 5, § 31, emerg. eff. June 21, 1977.

§57-527. Repealed by Laws 1981, c. 303, § 20, eff. July 1, 1981.

§57-528. Employees - Duties and compensation.

The Director of the Department of Corrections shall appoint and fix the duties and compensation of employees necessary to carry out the duties imposed upon the Department of Corrections by law. The State Board of Corrections shall appoint the Director of the Department of Corrections with the advice and consent of the Senate. The salary of the Director shall be set by the Legislature in the annual appropriation bill.

Added by Laws 1973, c. 221, § 4, emerg. eff. May. 24, 1973. Amended by Laws 1979, c. 246, § 3, emerg. eff. May. 31, 1979; Laws 1981, c. 340, § 18, eff. July 1, 1981; Laws 1987, c. 205, § 25, operative July 1, 1987.

§57-528.1. Additional sick leave benefits.

A. Whenever employees of the Department of Corrections are injured in the line of duty and have used all their sick leave, the Director of the Department of Corrections shall determine if the injured employee was actually injured in the line of duty and whether the injured employee should be granted additional sick leave because of the injury. The Director may advance the injured employee not more than an additional forty-five (45) days' sick leave when necessary. Such sick leave advanced shall be accumulated back to the Department from the employee at the rate of five (5) days per year until the advanced number of days are repaid.

B. Such additional sick leave benefit shall be available to an employee, shall not be cumulative and shall be available for each separate injury incident.

Added by Laws 1982, c. 51, § 1, operative July 1, 1982.

§57-528.2. Limitations on additional sick leave benefits.

Workers' compensation and sick leave may not be drawn simultaneously.

Added by Laws 1982, c. 51, § 2, operative July 1, 1982.

§57-528.3. Repair and replacement of employee's personal property.

A. The Department of Corrections is authorized to repair or replace an employee's personal property if said personal property is damaged, destroyed or stolen by an offender while the employee is engaged in the performance of his duties. Any personal property repaired or replaced shall be comparable in kind, quality and cost. Reimbursement shall not duplicate insurance coverage carried by the employee in his individual capacity.

B. Provisions contained in subsection A of this section shall be applied to all claims filed after July 1, 1985.

Added by Laws 1988, c. 310, § 13, operative July 1, 1988.

§57-528.4. On-the-job safety and performance programs - Awards.

A. In order to establish a public employee benefit program to encourage safety in the workplace, the Department of Corrections is hereby directed to establish an on-the-job employee safety program which encourages work unit safety and reduces lost productivity and compensation costs. In order to promote job safety in work units and provide recognition for work units with exceptional or improving safety records, the Department of Corrections is authorized to expend from monies available in the Department of Corrections operating funds so much thereof as may be necessary for the purchase of recognition awards for presentation to the members of work units or individual employees with exceptional or improving safety records or for other significant contributions to achievement of safety-related

goals. Recognition awards shall consist of distinctive wearing apparel, service pins, or U.S. Savings Bonds, the value of which shall not exceed One Hundred Dollars (\$100.00) per employee, which recognize the safety achievement of the work unit or individual employees.

B. In order to establish a public employee benefit program to encourage outstanding performance in the workplace, the Department of Corrections is hereby directed to establish an on-the-job employee performance recognition program which encourages outstanding job performance and productivity. In order to promote excellence in job performance and provide recognition for work units with exceptional performance, the Department of Corrections is authorized to expend from monies available in the Department of Corrections operating funds so much thereof as may be necessary for the purchase of recognition awards for presentation to the members of work units or individual employees with exceptional job performance records or for other significant contributions to the operation of the Department. Recognition awards shall consist of distinctive wearing apparel, service pins, or U.S. Savings Bonds, the value of which shall not exceed One Hundred Dollars (\$100.00) per employee, which recognize the achievement of the work unit or individual employees. Added by Laws 1998, c. 120, § 1, eff. Nov. 1, 1998. Amended by Laws 1999, c. 38, § 1, eff. Nov. 1, 1999.

§57-528.5. Reimbursement for cost of commercial driver license.

A. The Department of Corrections is authorized to reimburse an employee of the Department of Corrections for any cost associated with initially obtaining or renewing a commercial driver license, if a commercial driver license is necessary for that employee's performance of official duties for the Department of Corrections.

B. Any employee who has received reimbursement pursuant to subsection A of this section may be required to reimburse the Department of Corrections a prorated amount of the cost of the commercial driver license upon leaving the employment of the Department of Corrections.

Added by Laws 1998, c. 221, § 1, eff. Nov. 1, 1998.

§57-528.6. Critical incidents - Paid administrative leave.

When an employee of the Department of Corrections has been exposed to, but not injured by, a critical work-related incident such as the death, injury or hostage-taking of another employee, the Director may, at the Director's discretion, place the employee on paid administrative leave for a period not to exceed three (3) working days or twenty-four (24) hours in a calendar year. The leave granted pursuant to this section shall not be charged to annual leave or sick leave.

Added by Laws 2001, c. 26, § 1, eff. July 1, 2001.

§57-528.7. Hourly wage increase for Department personnel.

Effective July 1, 2019, all personnel of the Department of Corrections in the following job classifications who were employed by the state on the last working day of June 2019 shall be awarded an increase of Two Dollars (\$2.00) per hour over their current hourly wage, or an equivalent amount if not receiving an hourly wage:

1. Chief of Security;
2. Construction/Maintenance Administrator;
3. Construction/Maintenance Technician;
4. Correctional Case Manager;
5. Correctional Chief of Security;
6. Correctional Records Officer;
7. Correctional Security Manager;
8. Correctional Security Officer;
9. Correctional Unit Assistant;
10. Customer Service Representative;
11. Food Service Manager;
12. Food Service Specialist;
13. Linen and Clothing Specialist;
14. Materiel Management Officer;
15. Materiel Management Specialist;
16. Unit Manager (DOC);
17. Advanced Practice Nurse;
18. Clinical Coordinator;
19. Correctional Health Service Administrator I;
20. Correctional Health Service Administrator II;
21. Correctional Health Service Administrator III;
22. Correctional Health Service Administrator IV;
23. Dental Care Assistant;
24. Dental Hygienist;
25. Dentist;
26. Health Information Technician;
27. Laboratory Technician;
28. Lead Psychiatrist;
29. Lead Staff Physician II;
30. Licensed Clinical Social Worker;
31. Licensed Practical Nurse;
32. Nursing Manager;
33. Optometrist;
34. Patient Care Assistant;
35. Psychiatrist;
36. Psychological Clinician;
37. Psychologist;
38. Regional Supervising Physician;
39. Registered Nurse;
40. Social Services Specialist; and

41. Staff Physician.

Added by Laws 2019, c. 452, § 1, eff. July 1, 2019.

§57-529. Medical research program - Expenses.

The Department of Corrections is authorized to pay expenses incurred in carrying out the medical research program at the State Penitentiary from funds received pursuant to such research program. Provided, however, that any funds not expended in carrying out such research program can only be expended for goods, services, personnel and capital improvement at the State Penitentiary at McAlester, the McLeod Honor Farm, the Stringtown Subprison and the Granite Reformatory. Provided, further, that the Department of Corrections be permitted to receive federal funds that may be available from the Federal Omnibus Crime Act.

Added by Laws 1973, c. 221, § 7, emerg. eff. May 24, 1973.

§57-530. Receiving center for new prisoners.

It is the intent of the State Legislature that all new prisoners sentenced to the custody of the Department of Corrections will be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall ensure administration of a risk and needs assessment, as defined in Section 502 of this title, physical and psychological examinations, mental health and substance abuse screens, inventory vocational skills, and assess educational and training needs. A risk and needs assessment shall not be required for any inmate who had a risk and needs assessment administered by personnel certified by the Department of Mental Health and Substance Abuse Services within six (6) months of being sentenced to the custody of the Department of Corrections. The Department of Corrections shall determine initial security and custody classifications, plan for immediate or possible future assignment to an institution, community treatment center or other alternative to incarceration authorized by law, provide orientation and instruction with respect to rules and procedures for prisoners, and perform other such activities deemed necessary by the Department of Corrections.

Added by Laws 1974, c. 285, § 10, emerg. eff. May 29, 1974. Amended by Laws 1978, c. 13, § 3, emerg. eff. Feb. 14, 1978; Laws 1993, c. 276, § 8, emerg. eff. May 27, 1993; Laws 1998, c. 89, § 7, eff. July 1, 1998; Laws 2017, c. 388 § 1, eff. Nov. 1, 2017.

§57-530.1. Assessment and reception of inmates - Duties of Department of Corrections.

A. The Department of Corrections, by the rules of that Department, shall have the following duties which shall be performed

as part of the assessment and reception process of the Department of Corrections, upon reception of each inmate:

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

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

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

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

5. To determine initial security and custody classifications;

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

7. To determine and recommend for placement in the Department of Corrections Mental Health Unit any inmate who is in need of acute psychiatric care;

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

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

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

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

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

B. An alcohol or substance abuse treatment center in which an inmate is placed shall provide services and standards of treatment as

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

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

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

Added by Laws 1978, c. 246, § 1, eff. Oct. 1, 1978. Amended by Laws 1990, c. 51, § 119, emerg. eff. April 9, 1990; Laws 1990, c. 245, § 1, emerg. eff. May 21, 1990; Laws 1990, c. 337, § 26; Laws 1993, c. 276, § 9, emerg. eff. May 27, 1993; Laws 1996, c. 168, § 2, eff. July 1, 1996; Laws 1997, c. 293, § 40, eff. July 1, 1997; Laws 1998, c. 238, § 2, eff. Nov. 1, 1998; Laws 2004, c. 143, § 2, eff. Nov. 1, 2004; Laws 2005, c. 441, § 3, eff. Jan. 1, 2006; Laws 2009, c. 264, § 3, eff. Nov. 1, 2009; Laws 2017, c. 388, § 2, eff. Nov. 1, 2017.

§57-530.2. Designating persons to receive personal property and remains of deceased inmate.

Within three (3) days after entry into the custody of the Department of Corrections, every inmate shall complete a notarized form provided by the Department of Corrections designating the name and address of any person who is to receive the personal property of the inmate held by any state correctional facility if the inmate dies. Each inmate shall have the opportunity to change the designation if he or she desires. In the event of the death of an inmate, the Department of Corrections shall deliver all money and personal property found within any state correctional facility belonging to the inmate to any person designated pursuant to the provisions of this section. In the event the inmate's designee declines to accept the inmate's remains and the Department of Corrections pays for cremation, the costs of the cremation shall be deducted from any balance due to the inmate's designee.

Added by Laws 1983, c. 149, § 1, emerg. eff. May 26, 1983. Amended by Laws 2012, c. 81, § 1, eff. Nov. 1, 2012.

§57-530.3. Aliens in custody of Department of Corrections - Identification - Assistance to the United States Department of Justice.

It is the intent of the Legislature that the Department of Corrections vigorously provide assistance to the United States Department of Justice:

1. For the identification of foreign-born nationals who are in the custody of the Department of Corrections;
2. In conducting interviews of and processing foreign-born nationals or suspected foreign-born nationals who are in the custody of the Department of Corrections; and
3. In conducting and completing the deportation process of inmates whom the United States Department of Justice determines to be aliens deportable from the United States. The Department of Corrections shall assist the Immigration and Naturalization Service in obtaining court certified copies of any records requested for use in official criminal or administrative proceedings.

The Department of Corrections shall implement rules for the determination of the place of birth of all inmates in the custody of the Department. This determination shall be completed by January 1, 1997. Upon completion of this determination, the Department of Corrections shall report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives how many inmates in the custody of the Department are not citizens of the United States. The Department of Corrections shall submit updated reports to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives on a quarterly basis.

The Department of Corrections shall also implement rules for the notification of the Immigration and Naturalization Service of the identity of all inmates in the custody of the Department of Corrections who are foreign-born nationals or that the Department of Corrections suspects are foreign-born nationals. The Department of Corrections shall convene a working group and include the Immigration and Naturalization Service in the formulation of rules for implementation of this section.

Added by Laws 1996, c. 168, § 3, eff. July 1, 1996.

§57-530.4. Oklahoma Criminal Illegal Alien Rapid Repatriation Act of 2009.

A. Notwithstanding any law to the contrary, the Director of the Department of Corrections may release a prisoner to the custody and control of the United States Immigration and Customs Enforcement, provided the Department has received an order of deportation for the prisoner from the United States Citizenship and Immigration Services, the prisoner has served at least one-third (1/3) of the total amount of incarceration imposed by the court, and the prisoner has not been convicted of an offense as provided in Section 13.1 of Title 21 of

the Oklahoma Statutes. The Director shall consider all sentences being served when calculating the total amount of incarceration, but shall not consider the suspended portion of any sentence.

B. If a prisoner released pursuant to this section returns illegally to the United States, upon notice from any federal or state law enforcement agency that the prisoner is incarcerated, the Director shall revoke the release of the prisoner and the prisoner shall serve the remainder of the incarceration originally imposed by the court. The prisoner shall not thereafter be eligible for parole on any sentence affected by the release provided above.

Added by Laws 2009, c. 455, § 2, emerg. eff. June 2, 2009.

§57-530.5. Inmate rehabilitation case plans.

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

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

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

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

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

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

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

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

Added by Laws 2017, c. 388, § 3, eff. Nov. 1, 2017.

§57-531. Disposition of monies derived from inmate work release program - Transfer of funds in Work Release Centers Revolving Fund.

Beginning July 1, 1983, all monies received by the Department for institutional care from wages earned by inmates while participating in the work release program shall be deposited in the State Treasury to the credit of the Department of Corrections Revolving Fund, and expenditures for operations of the work release centers may be made from said fund. On July 1, 1983, any cash remaining in the Work Release Centers Revolving Fund in excess of allotment balances or encumbrances for the fiscal year ending June 30, 1983, shall be

transferred to the Department of Corrections Revolving Fund and on November 15, 1983, all cash remaining in the Work Release Centers Revolving Fund shall be transferred to the Department of Corrections Revolving Fund.

Added by Laws 1974, c. 285, § 13, emerg. eff. May. 29, 1974. Amended by Laws 1979, c. 47, § 32, emerg. eff. April 9, 1979; Laws 1983, c. 266, § 13, operative July 1, 1983.

§57-532. Repealed by Laws 1975, c. 325, § 25, operative July 1, 1975.

§57-533. Centralized food buying - Management of agricultural and livestock services.

The Director of the Department of Corrections shall develop and promulgate a policy that will centralize, at the Department of Corrections, the procurement of all items of food supplies, other than fresh food local buys, for all institutions within the Department of Corrections. The Department shall manage all agricultural and livestock services so the maximum quantity and quality of fruit, vegetables, herbs, grasses, seeds, meat, poultry, eggs and dairy products are produced for institutional consumption with inmate or volunteer labor, which may include, but shall not be limited to, any type of work release labor, community or intermediate sanctions labor, jail labor or otherwise. Any excess food or product produced shall be sold at competitive prices to the public or private markets or sold or traded with other states or political subdivisions or state and local agencies for goods and services beneficial to the Department, this state, its political subdivisions, jails or any state or local agency of this state. The agricultural services division of the Oklahoma State University shall provide services to the Department for improved land utilization and product and livestock enhancements at least annually. The Department shall develop a detailed plan to implement the provisions of this section and shall submit the plan to the Legislature by January 15 of each year.

Added by Laws 1975, c. 325, § 4, emerg. eff. June 12, 1975. Amended by Laws 2006, c. 294, § 7, eff. July 1, 2006.

§57-534. Repealed by Laws 1976, c. 244, § 20, emerg. eff. June 17, 1976.

§57-534.1. Repealed by Laws 1977, 1st Ex. Sess., c. 5, § 31, emerg. eff. June 21, 1977.

§57-535. Filling of a designated grade in next lower grade.

Where there is more than one grade within a specific occupational class, as authorized in Section 11 of this act, the Director of the

Department of Corrections, each warden or each superintendent is authorized to fill a designated grade in the next lower authorized grade, provided the total number of employees in the specific occupational class does not exceed the total number of employees authorized for all grades of that specific occupational class. Added by Laws 1975, c. 325, § 18, emerg. eff. June 12, 1975.

§57-536. Repealed by Laws 1981, c. 340, § 28, eff. July 1, 1981.

§57-537. Canteen System Board of Directors - Canteen system operations.

A. There shall be established a Canteen System Board of Directors for all canteen system services operated within the Department of Corrections. The members of the Canteen System Board shall be appointed by the Director of the Department of Corrections. All canteen system operations shall be under the control of the Canteen System Board and shall operate pursuant to written guidelines established by the Board. The overall canteen operation composed of all correctional facility canteen operations, inmate telephone systems and inmate electronic mail systems shall be collectively called the Canteen System and such system shall be required to be self-supporting from sales receipts.

B. Each correctional facility may have a canteen system operation. Each facility canteen system when established shall require the warden of such facility or a designee to oversee the day-to-day canteen system operations according to the guidelines set by the Canteen System Board. The Chief Financial Officer of the Department shall act as custodian of all canteen system funds and be responsible for all expenditures from the canteen system accounts. The Chief Financial Officer shall make daily deposits of all sales receipts in the canteen system accounts. Canteen system profits generated by items or services for resale shall be identified monthly by the Chief Financial Officer and transferred periodically from the canteen system account to the Department of Corrections Inmate and Employee Welfare and Canteen System Support Revolving Fund. All disbursements made from the canteen system account shall be by voucher approved by the Chief Financial Officer and shall be payable through the Office of the State Treasurer. Documentation of each disbursement shall be kept on file by the Department. Canteen system records may be disposed of in accordance with the records disposition schedule approved by the Archives and Records Commission. The Department shall notify the State Records Administrator thirty (30) days in advance of its intent to dispose of any canteen records. The Department shall follow accounting procedures in accordance with state fiscal accounting procedures in administering canteen system funds. All profits from the canteen system shall be used exclusively for the benefit of the inmates of the various institutions and

personnel of the Department of Corrections and support of canteen system operations as determined by the Canteen System Board of Directors pursuant to subsection A of this section.

C. Inmates may work in a correctional facility canteen and shall receive reimbursement for such work through the institution incentive pay program.

D. Any audit of canteen system operations and accounts conducted by the State Auditor and Inspector shall be provided to the warden of the concerned institution.

E. Merchandise and services to be purchased for resale or distribution through the canteen system, inmate telephone equipment or services, and inmate electronic mail equipment and services shall be purchased by voucher drawn against canteen system accounts and all such purchases of goods and services shall be exempted from the provisions of The Oklahoma Central Purchasing Act. All revenues from canteen operations, inmate telephone system services and inmate electronic mail system operations shall be used exclusively for the benefit of the inmates of the various institutions and personnel of the Department of Corrections as determined by the Canteen System Board of Directors.

Added by Laws 1975, c. 325, § 20, emerg. eff. June 12, 1975. Amended by Laws 1979, c. 30, § 91, emerg. eff. April 6, 1979; Laws 1980, c. 210, § 9, eff. Oct. 1, 1980; Laws 1981, c. 89, § 1, emerg. eff. April 20, 1981; Laws 1981, c. 272, § 10, eff. July 1, 1981; Laws 1983, c. 117, § 1, eff. Nov. 1, 1983; Laws 1985, c. 319, § 9, operative Oct. 1, 1985; Laws 1986, c. 314, § 8, operative July 1, 1986; Laws 1987, c. 205, § 26, operative July 1, 1987; Laws 1998, c. 282, § 5, eff. Sept. 1, 1998; Laws 2008, c. 171, § 3, eff. Nov. 1, 2008; Laws 2009, c. 188, § 1; Laws 2010, c. 413, § 14, eff. July 1, 2010.

§57-537.1. Department of Corrections Inmate and Employee Welfare and Canteen System Support Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Corrections to be designated the "Department of Corrections Inmate and Employee Welfare and Canteen System Support Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all profits generated from the canteen system, any inmate telephone system and any inmate electronic mail system. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Corrections and the Canteen System Board of Directors for the benefit of inmates of the various institutions and personnel of the Department and to support canteen system operations according to written Department policy, welfare budget limitations, and upon approval of the Canteen System Board. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the

Director of the Office of Management and Enterprise Services for approval and payment. All expenditures from this fund shall comply with the applicable provisions of The Oklahoma Central Purchasing Act, unless specifically exempted by subsection E of Section 537 of this title.

B. All cash balances credited to the various Department canteen fund accounts that were previously budgeted and approved for inmate and staff welfare expenditures prior to November 1, 2008, but are not encumbered or expended as of June 30, 2008, shall be transferred to the Department of Corrections Inmate and Employee Welfare and Canteen System Support Revolving Fund upon implementation of the Department of Corrections consolidated canteen, trust and restitution accounting system. Effective November 1, 2008, profits generated from the canteen system, any inmate telephone systems, and any inmate electronic mail systems shall be identified and deposited in the Department of Corrections Inmate and Employee Welfare and Canteen System Support Revolving Fund.

Added by Laws 2008, c. 171, § 4, eff. Nov. 1, 2008. Amended by Laws 2012, c. 304, § 250.

§57-538. Vocational-technical education policies and programs.

A. The Department of Human Services, through the State Department of Rehabilitation Services, and the State Board of Career and Technology Education shall implement policies and programs consistent with available funds and applicable federal statutes, rules and regulations, to provide appropriate education, rehabilitation and vocational-technical training for persons in custody of the Department of Corrections who are candidates for work release programs, parole or release. It is the intent of the Oklahoma Legislature that such programs will be available so that said education and training will reasonably be expected to be completed before parole, release or work release begins.

B. The Department of Corrections shall work cooperatively with the State Department of Rehabilitation Services and the State Board of Career and Technology Education to provide suitable candidates to allow reasonable cost effectiveness in the operation of said education, rehabilitation and training programs. This shall be accomplished through development of a method for screening and classification of persons in all facilities operated by the Department of Corrections, such screening and classification to be done cooperatively with the above named agencies.

Added by Laws 1975, c. 325, § 21, emerg. eff. June 12, 1975. Amended by Laws 2001, c. 33, § 42, eff. July 1, 2001.

§57-539. Administrative actions.

The Director of the Department of Corrections shall:

1. Establish and implement a classification program that will insure the maximum utilization, by qualified inmates, of the vocational training facilities that exist within designated institutions;

2. Establish a system of identifying the current vocational-technical job skills of inmates upon reception at the Lexington Assessment and Reception Center and any other place of reception;

3. Establish a system of assigning inmates with vocational-technical job skills in lieu of using outside contractors for internal projects or repairs; and

4. Establish a system of internal periodic audits that will encompass all items of equipment, supplies, materials, livestock and poultry, purchased or produced, within the Department of Corrections and its institutions. Audits shall also include all continuing and special funds and special accounts.

Added by Laws 1975, c. 325, § 22, emerg. eff. June 12, 1975. Amended by Laws 1979, c. 30, § 92, emerg. eff. April 6, 1979; Laws 1998, c. 238, § 3, eff. Nov. 1, 1998; Laws 2010, c. 413, § 15, eff. July 1, 2010.

§57-539.1. Methods for selection of vocational or vocational-technical programs offered to inmates.

The Department of Corrections, the State Department of Rehabilitation Services and the State Board of Career and Technology Education shall use the following priorities and methods of selection when implementing any program for persons in custody of the Department of Corrections:

1. The assistance of the Oklahoma Department of Career and Technology Education or a technology center school within the State of Oklahoma;

2. The assistance of a private vocational or vocational-technical school within the State of Oklahoma;

3. The assistance of a public university, college or junior college located within the State of Oklahoma;

4. The assistance of a private university or college located within the State of Oklahoma;

5. The assistance of a private firm located within the State of Oklahoma; and

6. The assistance from any entity, public or private, located outside the State of Oklahoma.

Added by Laws 1991, c. 105, § 1, emerg. eff. April 25, 1991. Amended by Laws 1991, c. 307, § 5, emerg. eff. June 4, 1991; Laws 1993, c. 364, § 17, emerg. eff. June 11, 1993; Laws 2001, c. 33, § 43, eff. July 1, 2001.

§57-540. Repealed by Laws 1977, 1st Ex. Sess., c. 5, § 31, emerg. eff. June 21, 1977.

§57-541. Industries Revolving Fund.

A. There is hereby created in the State Treasury an Industries Revolving Fund for the Department of Corrections.

B. The revolving fund shall consist of earnings derived from prison industries operated by the Department of Corrections and from that portion of the prisoner's income apportioned and paid into the prison system to recover the cost of incarceration of the prisoners as provided by law. Funds derived from prisoner wages shall be maintained and accounted for separately in this fund. The Industries Revolving Fund shall be a continuing fund, not subject to fiscal year limitations, and shall be under the control and management of the State Board of Corrections.

C. Expenditures from the Industries Revolving Fund shall be budgeted and expended pursuant to the laws of the state and the statutes relating to public finance and to the institution. The fund may be used to purchase, maintain and repair machinery, to purchase materials and supplies for the prison industries and to defray any other expenses necessary to operation of the industries, with first priority being given to repairs, replacement and modernization of industrial or agricultural machinery or equipment. These funds may also be used to support the overall operation of the Department of Corrections subject to approval of the Director of the Department of Corrections. Expenditures from the fund derived from prisoner's income may be used for the maintenance of prisoners in prison institutions and all expenses related thereto under such rules as may be established by the State Board of Corrections. Warrants for expenditures from the Industries Revolving Fund shall be based on claims signed by an authorized employee or employees of the Department, and approved for payment by the Director of the Office of Management and Enterprise Services. The Department shall maintain a separate accounting of receipts and expenditures for each industry for periodic review by the Legislature. The fund may not be used to employ personnel in excess of those authorized by legislative action.

D. All funds in the Department of Corrections' Industries Revolving Funds not encumbered or obligated upon the operative date of this section shall be transferred to a single Industries Revolving Fund of the Department of Corrections.

E. The Administrator of Industrial Production will determine the prices of all goods produced through the state prison industries, and the Administrator of Agri-Services will determine the prices of all goods produced by Agri-Service units. These prices will be filed with the Budget Office.

When industrial or agricultural items or products are furnished to the institutions of the Department, or sold to other governmental agencies, payment therefor shall be made within thirty (30) days for deposit in the revolving account to be used in purchasing expendable

items, raw materials or other items needed to produce additional such products or items, and for such other purposes as are authorized by law. The Administrator of Industrial Production or Administrator of Agri-Services may establish higher prices for sale of products to governmental agencies, according to the current market value of each product.

F. The Department of Corrections is authorized to pay inmates for productive work in accordance with policies set by the State Board of Corrections. The State Board of Corrections shall certify the positions to be paid and the rate of pay in accordance with the responsibilities and skills required for the position. The Department of Corrections shall develop policies for payment of inmates in the Industries Program that promote productivity as well as compensate for responsibilities and skills. The Department shall file such policy statements with the Chairs of the appropriate committees of both the Senate and the House of Representatives as designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Any change in this policy by the State Board of Corrections may be voided by legislative action to rescind such policy.

Added by Laws 1975, c. 325, § 24, operative July 1, 1975. Amended by Laws 1976, c. 219, § 3; Laws 1977, c. 78, § 1, eff. Oct. 1, 1977; Laws 1979, c. 47, § 33, emerg. eff. April 9, 1979; Laws 1979, c. 254, § 20, emerg. eff. June 5, 1979; Laws 1981, c. 272, § 11, eff. July 1, 1981; Laws 1981, c. 303, § 11, eff. July 1, 1981; Laws 2000, c. 106, § 1, eff. July 1, 2000; Laws 2002, c. 131, § 3, emerg. eff. April 24, 2002; Laws 2002, c. 335, § 3, eff. July 1, 2002; Laws 2012, c. 304, § 251; Laws 2014, c. 301, § 1, emerg. eff. May 14, 2014.

§57-542. Repealed by Laws 1990, c. 180, § 2, eff. Sept. 1, 1990.

§57-543. Work release centers - Establishment and operation.

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

Added by Laws 1976, c. 163, § 5, emerg. eff. June 1, 1976.

§57-543.1. Employment of inmates during strikes and labor disputes.

Inmates employed through a work release program under the Division of Community Services of the Department of Corrections shall not report to work if a strike occurs at their place of employment. Inmates shall not be hired by any employer to replace any employee engaged in a strike or negotiation or arbitration involving a labor dispute.

Added by Laws 1980, c. 66, § 1, emerg. eff. April, 10, 1980.

§57-544. Repealed by Laws 1977, c. 119, § 3, eff. Oct. 1, 1977.

§57-545. Employment of inmates - Claims against inmates.

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

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

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

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

E. As used in subsection C of this section, "costs of incarceration" shall include all costs associated with maintaining an inmate in the custody of the Department of Corrections and shall include costs paid by the state for medical care for the inmate. Added by Laws 1977, c. 119, § 1, eff. Oct. 1, 1977. Amended by Laws 1993, c. 111, § 1, eff. Sept. 1, 1993.

§57-546. Repealed by Laws 1990, c. 4, § 1, emerg. eff. March 29, 1990.

§57-547. Repealed by Laws 1990, c. 4, § 1, emerg. eff. March 29, 1990.

§57-548. Repealed by Laws 1990, c. 4, § 1, emerg. eff. March 29, 1990.

§57-549. Powers and duties of State Board of Corrections.

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

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

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

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

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

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

5. The duty to establish the percentages of such wages which shall be available for apportionment to inmate mandatory savings; to the inmate for his or her personal use; to the lawful dependents of the inmate, if any; to the victim of the inmate's crime; for payment of creditors; for payment of costs and expenses for criminal actions against such inmate; and to the Department of Corrections for costs of incarceration. Provided, that not less than twenty percent (20%) of such wages shall be placed in an account, and shall be payable to the prisoner upon his or her discharge; however, inmates with a sentence of life without the possibility of parole shall be exempt from this provision. Funds from this account may be used by the inmate for fees or costs in filing a civil or criminal action as defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes or for federal action as defined in Section 1911 et seq. of Title 28 of the United States Code, 28 U.S.C., Section 1911 et seq.;

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

7. The power to invest funds held by the Department of Corrections on behalf of each inmate in a commingled offender interest-bearing account held by the Office of the State Treasurer. The State Treasurer shall post interest to this account monthly. The Department of Corrections, at such intervals as may be determined by the Board, will credit interest to the inmate based on the pro rata account balance of the inmate. Deposits into the inmate interest-bearing account will only be allowed when the trust fund draw account of the inmate has a balance in excess of One Hundred Dollars (\$100.00). Inmate mandatory savings account balances will not be used to determine the eligibility of the inmate to participate in the interest-bearing savings account. Inmates who participate in the interest-bearing account will only be allowed to transfer funds from their interest-bearing account to their draw account once every ninety (90) days. All inmate transfers from the interest-bearing account of the inmate to the draw account of the inmate must be approved by appropriate Department staff prior to transfer. All transfers of funds from an inmate interest-bearing account to external recipients must be reviewed and approved by appropriate Department staff prior to transfer. The Department will define in policy those rules and procedures that govern inmate interest-bearing account deposits and funds transfers; and

8. The power to invest canteen system, offender restitution and other offender-related collections by the Department of Corrections in a commingled interest-bearing account held by the Office of the State Treasurer and invested as prescribed by Section 89.2 of Title 62 of the Oklahoma Statutes. The State Treasurer shall post interest to this account monthly. By the fifteenth day of each month, the proportionate share of the interest from the canteen system, offender restitution and other offender-related collections, excluding that portion of the interest payable to the Victims Compensation Revolving Fund and any interest payable to inmates for the inmate interest-bearing account, shall be remitted to the State Treasurer from the Department of Corrections for deposit into the General Revenue Fund.

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

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

2. From this account, the State Board of Corrections may charge any inmate for costs of incarceration, an amount equivalent to one

hundred percent (100%) of any deposits from a workers' compensation benefit to said account.

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

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

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

Added by Laws 1977, c. 258, § 5, eff. Oct. 1, 1977. Amended by Laws 1981, c. 100, § 1, emerg. eff. April 22, 1981; Laws 1985, c. 57, § 2, eff. Nov. 1, 1985; Laws 1990, c. 180, § 1, eff. Sept. 1, 1990; Laws 1991, c. 95, § 1, eff. Sept. 1, 1991; Laws 1992, c. 319, § 5, eff. Sept. 1, 1992; Laws 1993, c. 29, § 2, emerg. eff. April 2, 1993; Laws 1995, c. 266, § 4, emerg. eff. May 25, 1995; Laws 1996, c. 166, § 2, eff. July 1, 1996; Laws 2004, c. 168, § 9, emerg. eff. April 27, 2004; Laws 2005, c. 159, § 3, emerg. eff. May 10, 2005; Laws 2006, c. 294, § 8, eff. July 1, 2006; Laws 2008, c. 171, § 5, eff. Nov. 1, 2008; Laws 2014, c. 265, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2004, c. 168, § 18, providing for an effective date of Nov. 1, 2004, for c. 168, § 9, which amended this section, was repealed by Laws 2004, c. 382, § 4, emerg. eff. June 3, 2004.

§57-549.1. Purchase of prison industries goods and services.

A. The Department of Corrections is authorized to purchase in the manner prescribed by law, facilities, equipment, raw materials and supplies, and to engage the supervisory personnel necessary to establish and maintain for this state at the penal institutions, now or hereafter under the control of the State Board of Corrections, industries and agricultural programs for the utilization of services of prisoners in the manufacture, production, processing or assembly of the articles or products as may be needed for the construction, operation, maintenance or use of any office, department, institution or agency supported in whole or in part by this state and the political subdivisions thereof. Upon the request of the Oklahoma Historical Society or the Oklahoma Tourism and Recreation Department, the Department of Corrections shall provide labor for and shall produce or manufacture articles, products or materials needed for the

repair, construction and maintenance of historical sites and state parks including, but not limited to, the production of materials and products needed for the reconstruction of historic forts in the state.

B. All articles and services provided by the Department of Corrections in the state correctional institutions, and not required for use therein, shall be purchased as required by all offices, departments, institutions, agencies, counties, schools, colleges, universities, or political subdivisions or any agency thereof of this state which are supported in whole or in part by this state, if such article or service is the lowest and best bid, and no such article or product may be purchased by any such office, department, institution, agency, county, school, college, university, or political subdivisions or agency thereof from any other source unless excepted from the provisions as hereinafter provided. Purchases made by the above-described state agencies may be made by submitting the proper requisition through the Office of Management and Enterprise Services or by direct order to the prison industries program of the Department of Corrections.

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

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

E. Not-for-profit corporations or charitable agencies chartered in Oklahoma or other states may purchase such goods and services. Units of the federal government and units of government in other states may also purchase such goods and services. All entities which contract with the state, its political units, its agencies, its

public institutions, not-for-profit corporations or charitable agencies chartered in Oklahoma may purchase goods or services from the Department of Corrections which are used in the performance of such contracts. Any church located in the State of Oklahoma may also purchase goods and services manufactured, produced, processed or assembled by the prison industries of the Department of Corrections. Any community action agency or council of governments within this state may purchase housing components produced by the prison industries of the Department of Corrections. Nothing shall prohibit the Department from bidding on portions of a state contract which are subcontracted by the primary contractor.

F. Others are prohibited from purchasing such goods and services, with the exception that all surplus agricultural products may be sold on the open market or bartered and exchanged for other food, feed or seed products of comparable value. The Department of Corrections shall keep complete and accurate records of any such barters or exchanges in such form and manner as the Office of Management and Enterprise Services may prescribe. A copy of such records shall be filed with the Office of Management and Enterprise Services no later than March 1 of each year for all barters or exchanges occurring in the previous calendar year. When practicable, the Department of Corrections may accept and process agricultural products from the public and may export the resulting products to foreign markets.

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

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

I. Exceptions from the mandatory provisions hereof may be made in any case where, in the opinion of the Office of Management and Enterprise Services, the article or product does not meet the reasonable requirements of or for such offices, departments, institutions or agencies, or in any case where the requisitions made cannot be reasonably complied with. No such offices, departments, institutions or agencies, shall be allowed to evade the intent and meaning of this section by slight variations from standards adopted by the Office of Management and Enterprise Services, when the articles, services or products produced, manufactured, processed or

assembled by the Department of Corrections, in accordance with established standards, are reasonably adapted to the actual needs of such offices, departments, institutions or agencies.

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

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

L. The Department of Corrections shall prepare catalogs containing the description of all goods and services provided, with the pricing of each item. Copies of such catalog shall be sent by the Department of Corrections to all offices, departments, institutions and agencies of this state, and shall be available for distribution to all other eligible customers. In lieu of preparing and distributing catalogs, the Department of Corrections may maintain a website that contains a description of all goods and services provided, with the pricing of each item.

M. The Department of Corrections may keep confidential:

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

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

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

Added by Laws 1983, c. 53, § 1, emerg. eff. April 26, 1983. Amended by Laws 1984, c. 159, § 1, eff. Nov. 1, 1984; Laws 1992, c. 77, § 1, eff. July 1, 1992; Laws 2003, c. 59, § 1, emerg. eff. April 10, 2003; Laws 2006, c. 267, § 1, eff. Nov. 1, 2006; Laws 2007, c. 1, § 39, emerg. eff. Feb. 22, 2007; Laws 2012, c. 304, § 252; Laws 2013, c. 15, § 40, emerg. eff. April 8, 2013; Laws 2018, c. 197, § 2.

NOTE: Laws 2006, c. 294, § 9 repealed by Laws 2007, c. 1, § 40, emerg. eff. Feb. 22, 2007. Laws 2012, c. 219, § 2 repealed by Laws 2013, c. 15, § 41, emerg. eff. April 8, 2013.

§57-549.2. Oklahoma Prison Industry Marketing Development Advisory Task Force.

A. 1. There is hereby created until July 1, 2007, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Prison Industry Marketing Development Advisory Task Force for the purpose of collaborative research, planning and the providing of information to the Legislature and cooperative marketing associations desiring to make investments into and create and design joint ventures for the development and advancement of the production, processing, handling and marketing of products grown, made or manufactured within correctional settings.

2. The Advisory Task Force shall consist of a representative from each of the following organizations or state agencies selected by that organization or agency:

- a. the State Department of Agriculture,
- b. the Department of Commerce,
- c. Oklahoma State University,
- d. Oklahoma University,
- e. the Oklahoma Center for the Advancement of Science and Technology,
- f. the Oklahoma Department of Career and Technology Education,
- g. the State Department of Corrections,
- h. two appointees selected by the Speaker of the House of Representatives,
- i. two appointees selected by the President Pro Tempore of the Senate, and
- j. two appointees selected by the Governor.

At all times the membership of the Advisory Task Force shall have represented on it at least one member well-versed in each of the following areas: agricultural economics, marketing, business and finance, and production.

3. Each member of the Advisory Task Force initially appointed shall make his appointment known to the Director of the Department of Agriculture and the Director of the Department of Commerce by August 1, 1996.

4. Any vacancies in the appointive membership of the Advisory Task Force shall be filled in the same manner as the original appointment.

B. Within fifteen (15) days from the initial appointment of membership for the Advisory Task Force, the Director of the Department of Agriculture and the Director of the Department of Commerce shall each appoint one member of the Advisory Task Force to serve as cochairs. If a vacancy occurs in such office, a new cochair shall be appointed from the Advisory Task Force in the same manner as the original appointment.

C. Other officers may be elected to serve the Advisory Task Force for terms of office as may be designated by the Advisory Task

Force members. The cochairmen of the Advisory Task Force or their designees shall preside at meetings.

D. The Advisory Task Force may meet at such times as may be set by the cochairmen of the Advisory Task Force.

E. Members of the Advisory Task Force shall receive no salary; however, all members of the Advisory Task Force may be reimbursed for their actual and necessary travel expenses as follows:

1. Advisory Task Force members employed by the state shall be reimbursed by their respective employing agency pursuant to the State Travel Reimbursement Act; and

2. Any other Advisory Task Force member may receive reimbursement from their appointing authority.

F. A majority of the members appointed to the Advisory Task Force shall constitute a quorum and a majority present may act for the Advisory Task Force.

G. The powers and duties of the Advisory Task Force are to:

1. Conduct a study of the process and procedures for creating and designing joint ventures for industrial and agricultural production within correctional settings;

2. Provide information to the Legislature relating to the design and creation of agricultural and industrial joint ventures within correctional settings and funding sources for such ventures; and

3. Work with municipalities, industries, state agencies and other political subdivisions of this state, other states, the federal government, schools of higher education and any other entity to determine areas of need for the development or expansion of agricultural and industrial joint ventures within correctional settings.

H. The Advisory Task Force shall provide a written progress report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on or before March 1 of each year.

I. The Department of Agriculture and the Department of Commerce shall provide staff assistance to the Advisory Task Force as necessary to assist the Advisory Task Force in the performance of its duties.

Added by Laws 1996, c. 165, § 1, eff. July 1, 1996. Amended by Laws 2001, c. 33, § 44, eff. July 1, 2001; Laws 2001, c. 414, § 7, eff. Aug. 23, 2001.

NOTE: Laws 2001, c. 12, § 1 repealed by Laws 2001, c. 414, § 15, eff. Aug. 23, 2001.

§57-550. Designation of persons to act on behalf of Board of Corrections.

In exercising the powers and duties granted to the Board of Corrections under this act, the Board is hereby authorized to designate such person or persons as it may deem necessary to perform those functions on its behalf.

Added by Laws 1977, c. 258, § 6, eff. Oct. 1, 1977.

§57-551. Transfer of personnel spaces and funds.

The State Employment Review Board, by majority vote, is authorized to determine and approve the transfer of personnel spaces and associated salary limits, and the transfer of funds necessary to support such transferred personnel spaces, within the Department of Corrections and its various institutions as may be deemed essential to the proper functioning and management of these agencies. The transfer of funds accomplished by the Board shall be exempt from the provisions of Section 41.12 of Title 62 of the Oklahoma Statutes.

Added by Laws 1977, 1st Ex.Sess., c. 5, § 9, emerg. eff. June 21, 1977.

§57-552. Referral of inmates to Pardon and Parole Board.

The Department Classification Committee shall have the authority to refer inmates, upon reception, to the Pardon and Parole Board under written rules and regulations governing such referrals promulgated by said Board. The Department Classification Committee shall seek to recommend prisoners requiring alcoholism treatment services to alcoholism treatment centers as a condition of a medical leave or parole. If a prisoner requiring such services is indigent, such services shall be provided by the Department of Mental Health and Substance Abuse Services.

Added by Laws 1977, 1st Ex.Sess., c. 5, § 10, emerg. eff. June 21, 1977. Amended by Laws 1987, c. 156, § 8, eff. Nov. 1, 1987; Laws 1990, c. 51, § 120, emerg. eff. April 9, 1990.

§57-553. Repealed by Laws 2002, c. 53, § 2, eff. Nov. 1, 2002.

§57-554. Repealed by Laws 1978, c. 273, § 23, emerg. eff. May 10, 1978.

§57-555. Purchase of utility easements.

The Department of Corrections may purchase utility easements for the purpose of constructing utility lines from penal institutions to supply lines of utility service providers when funds are available for that purpose.

Added by Laws 1977, 1st Ex.Sess., c. 5, § 21, emerg. eff. June 21, 1977.

§57-556. Lease of residences near penal institutions.

The Department of Corrections may lease residences near penal institutions for wardens, deputy wardens, superintendents and assistant superintendents of such institutions as needed and may buy the option to purchase said residences. The cost of the lease and

the option to purchase shall be paid from operating funds of the using institution or the Department of Corrections. Added by Laws 1977, 1st Ex.Sess., c. 5, § 22, emerg. eff. June 21, 1977.

§57-557. Department of Corrections Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Department of Corrections to be known as the Department of Corrections Revolving Fund. This revolving fund shall consist of monies received by each institution of the Department as reimbursements for noninmate individual food consumption; reimbursements from other state agencies and entities of government; receipts from sale of excess by-products, excess property, and salvage items; receipts from other ancillary services of the institution, not otherwise provided by law; receipts from the fees provided for in Sections 982 and 991d of Title 22 of the Oklahoma Statutes; monitoring fees for electronically monitored home detention; receipts from the fees provided for in Section 153 of Title 28 of the Oklahoma Statutes for convictions for driving under the influence of alcohol or other intoxicating substance; monies received for providing primary health care and outpatient services to prisoners in county jails; receipts by the Department for institutional care from wages earned by inmates while participating in the work release program; funds for prison rodeos and other special events; and any other receipts accruing to the credit of the Department of Corrections which are not directed by law to be deposited in another fund. Expenditures from said fund shall be for the general operating expenses of the Department of Corrections.

B. The Department of Corrections Revolving Fund shall also consist of those monies that are transferred to it by the Department of Corrections from the Industries Revolving Fund of the Department of Corrections for purposes as provided for in Section 541 of this title and expenditures shall be in accordance therewith. On July 1, 1983, any cash remaining in the Department of Corrections Industries Subsidiary Revolving Fund in excess of allotment balances or encumbrances for the fiscal year ending June 30, 1983, shall be transferred to the Department of Corrections Revolving Fund and on November 15, 1983, all cash remaining in the Department of Corrections Industries Subsidiary Revolving Fund shall be transferred to the Department of Corrections Revolving Fund.

C. The fund created by subsection A of this section shall be a continuing fund, under the control of the administrative authority of the Department of Corrections, and not subject to fiscal year limitations. Expenditures shall be made pursuant to the laws of the state and the statutes relating to the Department of Corrections and its institutions, and without legislative appropriation. Warrants for expenditures from said revolving fund shall be based on claims

signed by an authorized employee or employees of the Department of Corrections and approved for payment by the Director of the Office of Management and Enterprise Services.

Added by Laws 1978, c. 273, § 15, emerg. eff. May 10, 1978. Amended by Laws 1980, c. 315, § 7, eff. July 1, 1980; Laws 1983, c. 266, § 14, operative July 1, 1983; Laws 1992, c. 382, § 9, emerg. eff. June 9, 1992; Laws 1993, c. 10, § 5, emerg. eff. March 21, 1993; Laws 2012, c. 304, § 253.

NOTE: Laws 1992, c. 319, § 6 repealed by Laws 1993, c. 10, § 16, emerg. eff. March 21, 1993.

§57-557.1. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§57-557.2. Oklahoma Community Sentencing Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Community Sentencing Division within the Department of Corrections to be designated the "Oklahoma Community Sentencing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds appropriated to it by the Legislature, grants, gifts, bequests and any other lawful money received for the benefit of the statewide community sentencing system. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Division for state funding to approved community sentencing systems established pursuant to the provisions of the Oklahoma Community Sentencing Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 25, eff. July 1, 1999. Amended by Laws 2012, c. 304, § 254.

§57-558. Repealed by Laws 1991, c. 291, § 22, eff. July 1, 1991.

§57-559. Disposition of monies received for prison rodeos and other special events - Transfer of funds in Department of Corrections Rodeo and Special Events Revolving Fund.

Beginning July 1, 1983, all monies received by the Department for prison rodeos and other special events for inmates shall be deposited in the State Treasury to the credit of the Department of Corrections Revolving Fund and expenditures for prison rodeos, and other special events for inmates shall be made from said fund. The Board may also authorize expenditures from said fund for inmate recreation if said expenditures are in excess of the amount required to support special events and the prison rodeos, and if the fund can support such

additional expenditures. On July 1, 1983, any cash remaining in the Department of Corrections Rodeo and Special Events Revolving Fund in excess of allotment balances or encumbrances for the fiscal year ending June 30, 1983, shall be transferred to the Department of Corrections Revolving Fund and on November 15, 1983, all cash remaining in the Department of Corrections Rodeo and Special Events Revolving Fund shall be transferred to the Department of Corrections Revolving Fund.

Added by Laws 1979, c. 254, § 21, emerg. eff. June 5, 1979. Amended by Laws 1983, c. 266, § 15, operative July 1, 1983.

§57-560. Architectural contracts - Restrictions.

The Department of Corrections is hereby prohibited from contracting with any architectural firm for a specific project on which the architectural firm has been involved in any work preliminary to said project.

Added by Laws 1979, c. 254, § 22, emerg. eff. June 5, 1979.

§57-561. Incarceration, supervision and treatment at other than department facilities - Services offered - Standards - Private prison contractors.

A. The Department of Corrections is hereby authorized to provide for incarceration, supervision, and residential treatment at facilities other than those operated by the Department of Corrections. Services offered for persons under the custody or supervision of the Department are to include, but not be limited to, housing, alcoholism or drug treatment, mental health services, nursing home care, or halfway house placement. Such services must meet standards prescribed and established by the State Board of Corrections for implementing such a program, including but not limited to standards concerning internal and perimeter security, discipline of inmates, educational and vocational training programs, employment of inmates, and proper food, clothing, housing, and medical care. Such services must be contracted for in accordance with Section 85.7 of Title 74 of the Oklahoma Statutes. Such services, if provided by private prison contractors, shall be contracted for as required by this section.

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

C. Subject to the requirements of this section and Section 561.1 of this title, the Department of Corrections is hereby authorized to provide for the construction or operation or both construction and operation of correctional institutions of the Department of Corrections by private prison contractors. Such operation shall meet standards prescribed by the State Board of Corrections, including but not limited to, standards concerning internal and perimeter security, discipline of inmates, educational and vocational training programs, and proper food, clothing, housing, transportation, and medical care. Such services shall be contracted for in accordance with the provisions of Section 561.1 of this title and the provisions of this section.

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

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

Any person or firm wishing to be a private prison contractor may request at any time to be included in the comprehensive file, and shall be provided necessary forms within twenty (20) days of the request and the Department shall add such contractor to the list within twenty (20) days of receipt of a properly completed application.

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

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

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

Private prison contractors desiring consideration shall meet the requirements of this section and to be considered shall submit a letter expressing interest in the project to the Department within thirty (30) days of the postmark date of the letter of notification

mailed by the Department. Contractors shall file an updated application form at the request of the Department.

F. The Department shall define the scope of a proposed project, determine the various project components, phases and timetables, and prepare detailed project descriptions to guide prospective contractors. Before the Department awards a contract to a private prison contractor, the plans shall be approved by the State Board of Corrections.

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

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

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

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

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

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

J. The Office of Management and Enterprise Services shall render assistance to the Department of Corrections in implementing the contracting procedures provided for in this section. The Office of Management and Enterprise Services may have a representative at any meeting involving negotiations of a contract between the Department and a private prison contractor. Before submission of the proposed contract to the Council on Bond Oversight, and prior to the date as of which the proposed contract is executed by the State Board of Corrections, the Attorney General and the Director of the Office of Management and Enterprise Services shall review the proposed final version of the contract. The Attorney General and the Director of the Office of Management and Enterprise Services shall have a period of fifteen (15) days from receipt of the proposed final version of

the contract to approve the contract and execute the document. If either the Attorney General or the Director of the Office of Management and Enterprise Services has objections to the proposed contract, the objections shall be communicated in writing to the Department of Corrections. The Department of Corrections shall take appropriate action regarding the objections and shall resubmit the proposed contract for additional review. The Attorney General and the Office of Management and Enterprise Services shall have an additional fifteen-day period to approve the proposed contract and to execute the document. Failure of the Attorney General or the Director of the Office of Management and Enterprise Services, respectively, to act within the fifteen-day period shall constitute approval of the respective official to the proposed final version of the contract. The contract shall contain a separate signature block or line for signature by the Attorney General and the Office of Management and Enterprise Services. The contract shall contain a statement to be executed by the Attorney General and the Director of the Office of Management and Enterprise Services that each one of them, respectively, has reviewed the proposed contract for compliance with the provisions of this section and Section 561.1 of this title, and all other applicable provisions of law and that the contract conforms with those requirements. Neither the private prison contractor nor the State Board of Corrections shall execute the contract until the document has been executed by the Attorney General and the Director of the Office of Management and Enterprise Services as required by this subsection unless the approval of the respective official has been made as a result of failure to take action within the fifteen-day period prescribed by this subsection.

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

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

M. No contract authorized by the provisions of this section shall be awarded until the private prison contractor demonstrates to the satisfaction of the State Board of Corrections:

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

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

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

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

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

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

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

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

O. A private prison contractor shall not be bound by state laws or other legislative enactments governing the appointment, qualifications, duties, salaries, or benefits of wardens, superintendents, or other correctional employees, except that any personnel authorized to carry and use firearms shall comply with the certification standards required by the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and be authorized to use firearms only to prevent a felony, to prevent escape from custody, or to prevent an act which would cause death or serious bodily injury to the personnel or to another person.

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

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

Added by Laws 1980, c. 315, § 2, eff. July 1, 1980. Amended by Laws 1981, c. 303, § 10, eff. July 1, 1981; Laws 1987, c. 80, § 3, operative July 1, 1987; Laws 1987, c. 205, § 27, operative July 1, 1987; Laws 1992, c. 319, § 7, eff. Sept. 1, 1992; Laws 1996, c. 169, § 1, eff. July 1, 1996; Laws 1997, c. 133, § 77, eff. July 1, 1997; Laws 2002, c. 350, § 1, emerg. eff. May 30, 2002; Laws 2012, c. 304, § 255.

§57-561.1. Private prison contractors - Requests for proposals or negotiated contracts.

A. Except as otherwise provided by subsection K of this section, prior to entering into a contract with any private prison contractor for construction or operation, or both, of a correctional facility,

the Department of Corrections shall establish a process for requesting proposals or negotiated contracts from such contractors. The Department of Corrections shall develop criteria for the process by which a contractor for the construction or operation, or both, of a private prison is to be awarded a contract. The criteria shall be subject to approval by the State Board of Corrections. The criteria for selection of a site for a proposed facility to be constructed or operated, or both, by a private contractor shall include, but shall not be limited to, the availability of medical services, support services, transportation services and the availability of potential employees who would be qualified to perform required functions at a state correctional facility.

B. Any contract between the Department of Corrections and a private prison contractor, whereby the contractor provides for the housing, care, and control of inmates in a nondepartmental facility operated by the contractor, shall contain, in addition to other provisions, terms and conditions:

1. Requiring the contractor to provide said services in a facility which meets accreditation standards established by the American Correctional Association;

2. Requiring the contractor to receive accreditation for said facility from the American Correctional Association, within three (3) years of commencement of operations of the facility;

3. Requiring the contractor to obtain written authorization from the governing board of any municipality in which the facility is to be located, or if the facility is not to be located within a municipality, written authorization from the board of county commissioners of the county in which the facility is to be located; and

4. Granting the Department the option at the beginning of each fiscal year pursuant to an agreement, to purchase any such facility, with or without inventory or other personal property, at a predetermined price, which shall be negotiated and included in a schedule or a formula to be contained in the original agreement. Such agreements relating to a correctional facility, the construction of which was financed or is to be financed by obligations issued from a local governmental entity the repayment of which is to be made in whole or in part from rentals from the State of Oklahoma or the Department of Corrections, shall be submitted to the Council on Bond Oversight as provided in subsection I of this section.

C. A contractor proposing to enter a contract with the Department of Corrections for construction or operation, or both, of a correctional facility pursuant to this section must demonstrate:

1. The qualifications and the operations and management experience to carry out the terms of the contract; and

2. The ability to comply with the standards of the American Correctional Association and with specific court orders.

D. In addition to meeting the requirements specified in the requests for proposals, a proposal for the construction and operation of a correctional facility must:

1. Provide for regular, on-site monitoring by the Department of Corrections;
 2. Acknowledge that payment by the state is subject to the availability of appropriations;
 3. Provide for payment of a maximum amount per fiscal year;
 4. Demonstrate a cost benefit to the State of Oklahoma when compared to the level and quality of programs provided by state-operated facilities that have similar types of inmates at an operational cost not more than the cost of housing inmates in similar facilities and providing similar programs to those types of inmates in state-operated facilities. The Department of Corrections shall be responsible for determining the cost/benefit of the proposal;
 5. Permit the state to terminate the contract for cause;
 6. Contain a proposed per diem operational cost per inmate for the initial year and subsequent years of operations;
 7. Subject to appropriations, provide that cost adjustments may be made only once each fiscal year, to take effect at the beginning of the next fiscal year using as the maximum percentage increase, if any, an increase not to exceed the previous year's Consumer Price Index for All Urban Consumers (CPI-U) as prepared by the United States Bureau of Labor Statistics, except as otherwise provided by subsection K of this section;
 8. Have an initial contract term of not more than one (1) year, with an option to renew for additional periods not to exceed twenty (20) years;
 9. If the proposal includes construction of a facility, contain a performance bond approved by the Department that is adequate and appropriate for the proposed contract;
 10. Provide for assumption of liability by the private vendor for all claims arising from the services performed under the contract by the private vendor;
 11. Provide for an adequate plan of insurance for the private vendor and its officers, employees, and agents against all claims, including claims based on violations of civil rights arising from the services performed under the contract by the private vendor;
 12. Provide for an adequate plan of insurance to protect the state against all claims arising from the services performed under the contract by the private vendor and to protect the state from actions by a third party against the private vendor, its officers, employees, and agents as a result of the contract;
 13. Provide plans for the purchase and assumption of operations by the state in the event of the bankruptcy of the private vendor;
- and

14. Contain comprehensive standards for conditions of confinement.

E. At the beginning of each fiscal year, the Department of Corrections shall determine the budgeted average daily cost per inmate. The budgeted average daily cost per inmate shall include all direct and indirect costs incurred by the Department. There shall be a separate computation of budgeted average daily cost for maximum security, medium security, minimum security, and community facilities. This information shall be presented to the State Board of Corrections for informational purposes only. After the close of each fiscal year, the Department shall determine the actual average daily cost per inmate for the operational costs at each major category of correctional facility. The actual average daily cost per inmate shall include all direct and indirect costs incurred by the Department. There shall be a separate computation of the average daily rate for maximum security, medium security, minimum security, and community facilities. The Department shall present to the State Board of Corrections at its January meeting comparative data on budgeted daily cost versus actual daily cost, and, after appropriate review and analysis, the Board shall adopt as a final action of the Board an average daily cost per inmate by facility category for the immediately preceding fiscal year.

F. If a request for proposal process is utilized and no proposals conform to the established criteria, the Department shall prepare an additional request for proposals. The Department of Corrections shall evaluate the proposals within thirty (30) days of receipt from the prospective contractor. The Department of Corrections shall specifically determine whether a proposal meets the requirements of paragraph 4 of subsection D of this section by comparing the daily rate for housing and care of inmates pursuant to any proposed contract with a private contractor to the daily rate for housing and care of inmates at the comparable type of facility operated by the Department of Corrections using the information provided pursuant to paragraph 6 of subsection D of this section. The Department shall evaluate proposals taking into account any direct or indirect costs that would continue to be paid by the Department of Corrections including, but not limited to, transportation, records management, discipline, general administration, management of inmate trust funds, and major medical coverage. Such costs shall be added to the proposed per diem of the private vendor when comparing the total per diem costs of the state operating facilities.

G. If the Department of Corrections proposes to enter into a contract for the construction or the operation, or both, of a private prison, the Department shall compare both the capital costs and the operating costs for the facility to the imputed capital costs and the

projected operating costs of a comparable facility constructed and operated by the Department of Corrections.

H. The Department of Corrections shall deliver to the State Board of Corrections the top three qualified prospective private prison contractors identified pursuant to this section and pursuant to Section 561 of this title together with the information reviewed and analyzed by the Department of Corrections during analysis of the proposals as required by this section. The Board of Corrections shall evaluate the information provided and shall make a final decision selecting the contractor within fifteen (15) days of receipt of the information.

I. Any contract subject to the provisions of this section entered into by the Board of Corrections shall be subject to the approval of the Council on Bond Oversight in the same manner as provided by law for the review of issuance of obligations by State Governmental Entities as prescribed by Section 695.8 of Title 62 of the Oklahoma Statutes.

J. Before submission of the proposed contract to the Council on Bond Oversight, and prior to the date as of which the proposed contract is executed by the Board of Corrections, the Attorney General and the Director of the Office of Management and Enterprise Services shall review the proposed final version of the contract. The Attorney General and the Director of the Office of Management and Enterprise Services shall have a period of fifteen (15) days from receipt of the proposed final version of the contract to approve the contract and execute the document. If either the Attorney General or the Director of the Office of Management and Enterprise Services has objections to the proposed contract, the objections shall be communicated in writing to the Department of Corrections. The Department of Corrections shall take appropriate action regarding the objections and shall resubmit the proposed contract for additional review. The Attorney General and the Office of Management and Enterprise Services shall have an additional fifteen-day period to approve the proposed contract and to execute the document. Failure of the Attorney General or the Director of the Office of Management and Enterprise Services, respectively, to act within the fifteen-day period shall constitute approval of the respective official to the proposed final version of the contract. The contract shall contain a separate signature block or line for signature by the Attorney General and the Office of Management and Enterprise Services. The contract shall contain a statement to be executed by the Attorney General and the Director of the Office of Management and Enterprise Services that each one of them, respectively, has reviewed the proposed contract for compliance with the provisions of this section and Section 561 of this title, and all other applicable provisions of law and that the contract conforms with those requirements. Neither the private prison contractor nor the State Board of Corrections

shall execute the contract until the document has been executed by the Attorney General and the Director of the Office of Management and Enterprise Services as required by this subsection unless the approval of the respective official has been made as a result of failure to take action within the fifteen-day period prescribed by this subsection.

K. The State Board of Corrections may renew a private prison contract which is in effect for any time period during the fiscal year ending June 30, 2009, if the Board determines that the renewal of such contract will result in a reduced per diem in the fiscal year ending June 30, 2010. If the State Board of Corrections makes such determination, the contract shall not be subject to the restrictions of paragraph 7 of subsection D of this section and the Board shall negotiate the contract based upon such terms as the Board deems to be in the best interest of operational efficiency, including the inmate population, per inmate cost, public safety and such other terms as the State Board of Corrections determines to be relevant to such contract. The State Board of Corrections shall have the authority to negotiate the term of any contract executed pursuant to the provisions of this subsection subject to the availability of appropriations to the Department of Corrections each year.

Added by Laws 1997, c. 133, § 78, eff. July 1, 1997. Amended by Laws 2002, c. 221, § 1, emerg. eff. May 8, 2002; Laws 2003, c. 3, § 47, emerg. eff. March 19, 2003; Laws 2006, c. 294, § 10, eff. July 1, 2006; Laws 2009, c. 455, § 3, emerg. eff. June 2, 2009; Laws 2011, c. 160, § 4, eff. Nov. 1, 2011; Laws 2012, c. 304, § 256; Laws 2014, c. 84, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2002, c. 81, § 4 repealed by Laws 2003, c. 3, § 48, emerg. eff. March 19, 2003.

§57-561.2. Siting of correctional facilities - Contractor selection process.

A. The Department of Corrections shall develop criteria for selection of a site upon which to construct the correctional facilities described in subsection B of Section 183 of Title 73 of the Oklahoma Statutes. The criteria shall include, but shall not be limited to, the availability of medical services, support services, transportation services, the availability of potential employees who would be qualified to perform required functions at a state correctional facility and any benefits or incentives offered by the applicant. The criteria shall be subject to approval by the State Board of Corrections.

B. The Department of Corrections shall establish a process for requesting proposals to construct a correctional facility built with the funds authorized pursuant to Section 183 of Title 73 of the Oklahoma Statutes.

C. Proposals shall be submitted not later than thirty (30) days after receipt of the request. The Department shall identify the proposals meeting the criteria approved pursuant to subsection A of this section within thirty (30) days after receipt of the proposals. The Department of Corrections shall identify by appropriate review and analysis the proposals submitted and shall select a maximum of three proposals which conform to the criteria set out in subsection A of this section and shall forward the proposals meeting criteria to the State Board of Corrections.

D. The Department of Corrections shall deliver to the State Board of Corrections the top three qualified proposals identified pursuant to this section together with the information reviewed and analyzed by the Department of Corrections during analysis of the proposals as required by this section. The State Board of Corrections shall evaluate the information provided and shall make a final decision selecting the best site for the correctional facility within fifteen (15) days of receipt of the information.

E. Any plans developed pursuant to the process for selection of a contractor for construction of a facility authorized pursuant to Section 183 of Title 73 of the Oklahoma Statutes shall become the nonexclusive property of the State of Oklahoma as a condition of the award of the final contract for construction of the facility. The State of Oklahoma shall not be obligated to obtain any further permission for use of the plans or to make payment to any person or other legal entity for the further use of the plans as may be needed for additional projects for site adaptation for buildings, structures, or both, for use by the Department of Corrections.

F. The Office of Management and Enterprise Services shall be responsible for any changes or updates of such plans for construction of any additional correctional facility constructed using the plans described in subsection E of this section. The Department of Transportation and the Office of Management and Enterprise Services shall provide such architectural, engineering and consulting services as the Department of Corrections may require in order to adapt existing plans for use in construction of additional correctional facilities.

G. If the Department of Corrections requires architectural, engineering or other consulting services in addition to those services authorized by subsection F of this section, the Office of Management and Enterprise Services shall be authorized to enter into a contract with an architect, engineer or for other necessary services, as may be required in order to adapt existing plans for new sites for additional correctional facilities. The costs of any such services shall be paid by the Department of Corrections.
Added by Laws 1997, c. 133, § 80, eff. July 1, 1997. Amended by Laws 2012, c. 304, § 257.

§57-561.3. Private prison operators to furnish medical care.

Every contract entered into on and after July 1, 2000, between the Department of Corrections and a private prison operator which provides for the housing of inmates under the custody or supervision of the Department of Corrections, shall require that the private prison operator furnish medical care for such inmates as part of the contract price. Such care shall meet standards prepared and established by the State Board of Corrections for inmate medical care.

Added by Laws 2000, 1st Ex.Sess., c. 8, § 7, eff. July 1, 2000.

Amended by Laws 2002, c. 384, § 1, emerg. eff. June 4, 2002.

§57-561.4. Private Prison and Halfway House Capacity Development Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Department of Corrections to be designated the "Private Prison and Halfway House Capacity Development Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Corrections from such sources as may be provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Corrections for the purpose of making payments required pursuant to contracts with entities owning and operating private prisons according to the requirements of Section 561.5 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2007, c. 204, § 2, eff. July 1, 2007. Amended by Laws 2012, c. 304, § 258.

§57-561.5. Distributions from Private Prison and Halfway House Capacity Development Revolving Fund.

A. The Department of Corrections shall not make any distributions from the Private Prison and Halfway House Capacity Development Revolving Fund except as required by this section.

B. The Department of Corrections may utilize the monies in the Private Prison and Halfway House Capacity Development Revolving Fund in order to make payments pursuant to contracts for private prison space and halfway houses at facilities located within the state as such contracts were in effect on July 1, 2007, for the purpose of funding up to a five-percent increase in payments to be made pursuant to such contracts.

Added by Laws 2007, c. 204, § 3, eff. July 1, 2007.

§57-562. Correctional Officer Cadets.

The Department of Corrections is hereby authorized to employ Correctional Officer Cadets that will meet all the qualifications established for correctional officers in Section 510 of this title. After successful completion of the probationary period required in subsection D of Section 840-4.13 of Title 74 of the Oklahoma Statutes, Correctional Officer Cadets will be promoted to Correctional Officer I.

Added by Laws 1980, c. 315, § 9, eff. July 1, 1980. Amended by Laws 1996, c. 268, § 1, eff. July 1, 1996; Laws 1999, c. 89, § 1, eff. July 1, 1999; Laws 2011, c. 160, § 5, eff. Nov. 1, 2011.

§57-563. Correctional facilities - Creation or construction - Approval of Legislature - Inmate work centers - Location.

A. Except as otherwise authorized by Section 183 of Title 73 of the Oklahoma Statutes, before any correctional facility other than an inmate work center as authorized in subsection B of this section or an inmate drug offender work camp, whether within the Department of Corrections or within any other state agency, may be created or any construction performed which may significantly increase, extend or expand the present facility, such creation or construction shall be approved by the Legislature. Correctional facilities owned or operated by private prison contractors shall not be deemed to be within the Department of Corrections or other state agency.

B. The Department of Corrections is hereby authorized to establish inmate work centers in locations where a need for labor to conduct public work projects is determined. The Department shall select the inmate work center locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

C. No state, county or municipal correctional facility including any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed shall be located within one thousand (1,000) feet of any public or private elementary or secondary school nor within two thousand five hundred (2,500) feet of any secure facility for juveniles. The provisions of this subsection shall not apply to any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed established prior to May 20, 1994. Provided, that the provisions of this subsection shall not apply to state, county, or municipal correctional facilities that are granted permission to operate within the areas restricted by this subsection by a majority vote of the following entities:

1. The district board of education of each school district with an affected school; and

2. The governing body of each affected private school.

D. In addition to the restrictions outlined in subsection C of this section, following the effective date of this act, no privately owned inmate halfway house or inmate transitional living center shall be located in a residential neighborhood inside the corporate limits of a municipality, or a county with planning and/or zoning commissions created pursuant to law, without approval from the local entity with authority over zoning requirements.

E. In any county with a population of two hundred fifty thousand (250,000) or more, as determined by the latest Federal Decennial Census, the Department of Corrections shall not cause, permit or require any inmate in the custody of the Department or cause, permit or require any offender under the supervision of the Department to enter, remain or be present in any Department of Corrections facility located within one thousand (1,000) feet of a private or public elementary or secondary school, or on the grounds of such a facility, for any activities involving or relating to processing, training, instructing, interviewing, counseling, reporting, conferring, imposing discipline, reviewing or adjudicating or any correctional function requiring or permitting the presence of the offender, except offenders may be employed in construction, maintenance or janitorial activities in or on the structures or grounds while under supervision of a correctional employee. The provisions of this subsection shall not apply to any facility established or acquired by the Department of Corrections prior to May 20, 1994.

Added by Laws 1981, c. 303, § 16, eff. July 1, 1981. Amended by Laws 1987, c. 80, § 4, operative July 1, 1987; Laws 1989, c. 303, § 15, operative July 1, 1989; Laws 1990, c. 258, § 19, operative July 1, 1990; Laws 1992, c. 293, § 3, emerg. eff. May 25, 1992; Laws 1993, c. 203, § 1, eff. Sept. 1, 1993; Laws 1994, c. 213, § 1, emerg. eff. May 20, 1994; Laws 1996, c. 248, § 1, emerg. eff. May 28, 1996; Laws 1997, c. 133, § 81, eff. July 1, 1997; Laws 1998, c. 290, § 4, eff. July 1, 1998; Laws 2002, c. 43, § 2, eff. Nov. 1, 2002; Laws 2002, c. 465, § 2, eff. July 1, 2002; Laws 2014, c. 362, § 9, emerg. eff. May 28, 2014; Laws 2015, c. 140, § 1, emerg. eff. April 21, 2015.

§57-563.1. Location of private prison facilities - Restrictions.

A. The location of any prison facility which is not operated by the Department of Corrections, a county, or a city:

1. Shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located; and

2. Is specifically prohibited within one (1) mile of any public or private elementary or secondary school. The provision of this paragraph shall not apply to:

- a. any private medium secure juvenile facility which was established and housed juveniles prior to July 1, 1999,
- b. any prison facility which was used as a prison facility prior to the establishment of a public or private elementary or secondary school within the one-mile radius of the prison facility as long as the prison facility remains in continuous use as a prison,
- c. any prison or juvenile facility established within the prohibited distance from a private elementary or secondary school prior to May 20, 1994, or within the prohibited distance from a public elementary or secondary school prior to July 1, 1987,
- d. any other juvenile facilities, or
- e. a correctional facility not operated by the Department of Corrections that is granted permission to operate within the areas restricted by this subsection by a majority vote of the following entities:
 - (1) the district board of education of each school district with an affected school, and
 - (2) the equivalent governing body of each affected private school.

B. The distance indicated in this section shall be measured from the nearest property line of the school to the nearest property line of the prison facility.

C. 1. Prior to the establishment of any prison facility which is not operated by the Department of Corrections, a private prison contractor shall obtain written authorization to establish the facility from the governing body of any municipality in which the facility is to be located, or if the facility is not to be located within the incorporated limits of a municipality, from the board of county commissioners of the county in which the facility is to be located.

2. The authorization shall be submitted to the Board of Corrections before any contract between the Department of Corrections and the private prison contractor is awarded.

D. The term "prison or prison facility" means any facility operated by a private prison contractor as such term is defined in Section 502 of this title.

Added by Laws 1987, c. 80, § 5, operative July 1, 1987. Amended by Laws 1994, c. 213, § 2, emerg. eff. May 20, 1994; Laws 1998, c. 290, § 5, eff. July 1, 1998; Laws 1999, c. 394, § 1, eff. Nov. 1, 1999; Laws 2000, c. 244, § 1, eff. July 1, 2000; Laws 2003, c. 345, § 1, emerg. eff. May 29, 2003.

§57-563.2. Private prison facilities for inmates.

A. Except as provided for in subsection B of this section, a private prison contractor may contract with the federal government or

another state to provide for housing, care and control of inmates, as provided in this section, who are in the custody of the United States or another state, except for inmates who have histories of escape from medium or maximum security level correctional facilities for adults, who have a felony conviction for rioting, who are sentenced to terms of incarceration for conviction of a sex-related offense, or who are incarcerated with a sentence of death, within a facility owned or operated by the private prison contractor. Private prison contractors shall not provide for the housing, care and control of detainees designated as enemy combatants by the federal government, or who are under federal, state or local investigation, charge, or conviction for crimes of international terrorism or conspiracy to commit international terrorism or acts of hostile aggression against the United States or allies of the United States. Such private prison contractor may perform other functions related to such responsibilities.

B. A private prison contractor operating a facility on January 1, 2004, at twenty-five percent (25%) or less capacity may contract with the federal government or another state to provide for housing, care and control of inmates provided the facility would be allowed to house the same type of inmates if contracting with this state.

C. Any offense which would be a crime if committed within a state correctional institution of this state shall be a crime if committed in a facility owned or operated by a private prison contractor.

D. 1. A private prison contractor shall not employ any personnel convicted of a felony if the person has been incarcerated in the private prison facility for which an application for employment is being considered; provided, a private prison contractor may employ personnel convicted of drug-related felonies who have been rehabilitated for programs for drug or other substance abuse rehabilitation for inmates of the facility.

2. Any personnel of a facility owned or operated by a private prison contractor, except any person convicted of a felony offense, shall be authorized to carry and use firearms while in the performance of their official duties only in the manner provided in this subsection and only after completing training approved by the Council on Law Enforcement Education and Training. The Council on Law Enforcement Education and Training may charge a reasonable fee for its cost of evaluating firearms training for private prison personnel. Private prison personnel shall only be authorized to use firearms for the following purposes:

- a. to prevent escape from the facility or from custody while being transported to or from the facility. As used in this paragraph, "to prevent escape from the facility" means to prevent an incarcerated individual from crossing the secure perimeter of the facility, or

b. to prevent an act which would cause death or serious bodily injury to any person.

3. The Department of Corrections is authorized to provide training to personnel of the private prison contractor, pursuant to contract. The Department of Corrections shall charge a reasonable fee for the training, not to exceed the cost of such training. The provisions of this subsection shall not be construed to confer peace officer status upon any employee of the private prison contractor or to authorize the use of firearms, except as provided in this subsection.

4. All private prisons operating in this state shall prepare a written emergency plan and mutual aid agreement between the private prison facility and state and local law enforcement agencies, including the Department of Corrections and the Department of Public Safety.

5. If an inmate escapes from the facility, or in the event of any riot or other serious disturbance, personnel from the facility immediately shall inform the Department of Corrections, the Department of Public Safety, the county sheriff and, if the facility is located within the boundaries of a municipality, the police department of the municipality.

6. The Department of Corrections shall designate facilities operated by the Department to provide support in the event of a riot, escape or other serious emergency. Personnel from the facility shall inform the Department of Corrections, pursuant to Department policy, if there is any incident. The Department of Corrections is directed to respond on behalf of public safety of this state. The private prison contractor shall provide the Department of Corrections access to the facility and secure facility space to establish a command post, including provisions for telephone and fax access. Any emergency response provided by any state or local law enforcement agency shall be at the sole expense of the private prison contractor/operator. Each responding agency shall submit a written invoice detailing costs incurred which shall be paid within thirty (30) days of receipt by the private prison contractor/operator.

E. If an inmate is to be released or discharged from incarceration, is released or discharged by any court order, is to be placed on probation, is paroled, or if the federal government or sending state requests transfer or the return of the inmate, the private prison contractor immediately shall transfer or return the inmate to the sending state which has legal authority over the sentence or, in the case of federal inmates, to the closest federal prison or to the federal authority of the state in which federal custody over the inmate originated.

F. A private prison contractor housing federal inmates from jurisdictions other than Oklahoma, or inmates sentenced pursuant to the legal authority of another state, shall not allow any such inmate

to leave the premises of the facility, except to comply with an order to appear in a court of competent jurisdiction, to receive medical care not available at the facility, to work as provided in subsection G of this section, or to return or be transferred to another state as provided by the provisions of subsection E of this section.

G. A private prison contractor may allow minimum security inmate labor to be used in public works projects provided all of the following conditions are satisfied:

1. The public works project must be in and for the county where the private prison is located or a county adjacent to the county where the private prison is located, or in and for a municipality in the county where the private prison is located or an adjacent county;

2. The private prison contractor has developed security procedures which will ensure the safety of the public and the Department of Corrections has approved such procedures;

3. The public works project has been authorized by the Department of Corrections and the county or municipal authorities where the public works project is located;

4. The private prison contractor has procured and has in force and effect a policy of liability insurance which will provide coverage in an amount determined by the Department of Corrections for any loss resulting from the acts or omissions of inmates participating in such project or employees of the private prison contractor and for any injuries occurring to the inmates or employees; and

5. The use of federal inmates for public works projects will be in strict compliance with the provisions of Section 4002 of Title 18 of the United States Code and any other applicable provisions of federal law.

H. A private prison contractor housing federal inmates or inmates of another state shall be responsible for the reimbursement of all reasonable costs and expenses incurred by this state or a political subdivision of this state for legal actions brought in this state by or on behalf of any federal inmate or inmate of another state while incarcerated in the facility, including court costs, sheriff mileage fees, witness fees, district attorney expenses, expenses of the office of Attorney General, indigent or public defender fees and costs, judicial expenses, court reporter expenses and any other costs, fees, or expenses associated with the proceedings or actions.

I. A private prison contractor shall not house inmates from this state with federal inmates or inmates from another state, unless segregated or otherwise housed in such a manner as to satisfy the Director of the Department of Corrections.

J. The State of Oklahoma shall not assume jurisdiction or custody of any federal inmate or inmate from another state housed in a facility owned or operated by a private prison contractor. Such

inmates from another state shall at all times be subject to the jurisdiction of that state and federal inmates shall at all times be subject to federal jurisdiction. This state shall not be liable for loss resulting from the acts of such inmates nor shall this state be liable for any injuries to the inmates.

K. Prior to contracting for the housing of any federal inmate or inmate from another state, the private prison contractor shall give the Department of Corrections first right to contract for placement of inmates under the custody of the Department of Corrections in the available capacity of the private prison facility.

L. Prior to housing maximum security inmates in the custody of the United States or another state, the private prison contractor shall receive authorization from the Department of Corrections to house maximum security inmates at the facility. Authorization granted by the Department of Corrections shall be based on facility design and physical plant security requirements consistent with standards established by the American Correctional Association or the physical plant security requirements of the Department at Department-operated maximum security facilities. Upon request by a private prison contractor for all or a part of a facility to be granted authorization to house maximum security inmates, the Department shall complete an assessment within thirty (30) days. The assessment shall either result in authorization being granted to the private prison contractor or shall provide detailed requirements that shall be met by the facility in order for authorization to be granted.

M. At least ten (10) business days prior to the transfer of inmates who are in the custody of the United States or another state to a private prison facility operating in the State of Oklahoma, the private prison contractor shall provide the Department of Corrections with the following information:

1. The number of inmates to be transferred;
2. The name of each inmate to be transferred;
3. The date of transfer of the inmate;
4. The security level of each inmate to be transferred, as determined by the sentencing state;
5. The facility to which the inmate shall be transferred; and
6. The criminal history and institutional behavioral record for each inmate.

The information provided pursuant to this subsection shall not be public record until the transfer of the inmate is complete. The records shall thereafter be made public only to the extent required by state law.

N. The Department of Corrections shall have thirty (30) days after receipt of the information required in accordance with subsection M of this section to determine whether an inmate transferred to a private prison facility is compliant with the conditions of subsection A or B of this section. If the Department

determines that an inmate housed at a private prison facility is not compliant with the conditions provided for in subsection A or B of this section, the Department shall notify the private prison contractor. Notification by the Department shall include the name of the inmate and reason why the inmate does not qualify to be housed at the facility to which the inmate has been transferred or housed within the State of Oklahoma. The private prison contractor shall either provide supplemental information verifying compliance with subsection A or B of this section, or shall transfer the inmate out of the State of Oklahoma within thirty (30) days of receiving said notification from the Department. Failure of the Department to review the inmate information provided pursuant to subsection M of this section shall not prevent the transfer of inmates into the State of Oklahoma for housing at a private prison facility.

O. The provisions of subsection A, paragraphs 1, 2, 3, 4 and 6 of subsection D, paragraphs 2, 3, 5 and 6 of subsection M and subsection N of this section shall not apply to a private prison contractor that has a direct contract with the Federal Bureau of Prisons of the United States Department of Justice for a facility that houses federal inmates and is monitored on-site by federal agency staff.

Added by Laws 1991, c. 307, § 2, emerg. eff. June 4, 1991. Amended by Laws 1992, c. 405, § 5, eff. July 1, 1992; Laws 1993, c. 203, § 2, eff. Sept. 1, 1993; Laws 1996, c. 46, § 1, eff. Nov. 1, 1996; Laws 1996, c. 169, § 2, eff. July 1, 1996; Laws 1998, c. 149, § 1, eff. July 1, 1998; Laws 1999, c. 394, § 2, eff. Nov. 1, 1999; Laws 2000, c. 78, § 1, eff. July 1, 2000; Laws 2002, c. 103, § 1, eff. July 1, 2002; Laws 2004, c. 552, § 1, emerg. eff. June 9, 2004; Laws 2005, c. 476, § 1, eff. July 1, 2005; Laws 2009, c. 455, § 4, emerg. eff. June 2, 2009; Laws 2015, c. 268, § 1, emerg. eff. May 6, 2015.

§57-563.3. Private prison contractors not having contract with Department of Corrections which house federal inmates or inmates of another state.

A. All private prison contractors and vendors operating in Oklahoma shall provide construction plans to the Department of Corrections for approval prior to commencement of construction of any new physical plant or addition to existing facilities. Approval shall be based on applicable American Correctional Association construction standards. Any private prison contractor or vendor that fails to comply with the requirements of this subsection shall be penalized according to the provisions of subsection E of this section.

B. A private prison contractor which does not have a contract with the Department of Corrections, but which houses federal inmates or inmates of another state, within two (2) months of commencing

operations and thereafter as required by the Department of Corrections, shall:

1. Obtain from the Department of Corrections approval of all emergency response plans and the internal and perimeter security of the facility of the private prison contractor. All emergency plans for the private prison facility shall be approved by the Department of Corrections annually on July 1 and within thirty (30) days of any subsequent change or modification to any plan. Such approval shall be given only if the Director of the Department of Corrections determines that the security and emergency response plan are adequate to protect the public;

2. Show, to the satisfaction of the Department of Corrections, that adequate food, housing and medical care shall be available for inmates, that the facility will have the necessary qualified personnel to operate the facility, that the financial condition of the private prison contractor is such that the facility can be operated adequately, and that the facility has the ability to comply with applicable court orders and American Correctional Association standards;

3. Furnish to the Department of Corrections satisfactory proof that the private prison contractor has obtained insurance or is self-insured, in such a manner and in such an amount as the Director of the Department of Corrections, after consulting with the Risk Management Administration, may deem necessary and adequate to reimburse this state or a political subdivision of this state, for expenses arising from any incident which occurs at said prison or which requires intervention by this state or a political subdivision of this state. Such insurance, in addition, shall be in an amount sufficient to indemnify this state and its officers and employees, for any liability or other loss, including property damage, judgments, costs, attorney fees or other expenses arising from the operation of the facility, and such facility shall in any event and regardless of the amount of insurance available indemnify and hold harmless this state and its officers and employees, for any and all acts of prison inmates, and/or all officers, employees and stockholders of such private prison contractor for any liability arising out of acts of said inmates, officers, employees and stockholders of such private prison contractor in relation to the operation of the facility. The insurance required by this paragraph shall not provide coverage for more than one facility. If the private prison contractor owns or operates more than one facility, separate insurance coverage shall be obtained or provided for each facility;

4. Obtain written authorization from the governing board of any municipality in which the facility is to be located, or if the facility is not to be located within a municipality, written

authorization from the board of county commissioners of the county in which the facility is to be located; and

5. Ensure every employee or prospective employee of the private prison contractor has submitted through the Department of Corrections a national criminal history records check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The private prison contractor is hereby authorized to reimburse employees for the cost of the search. The record required by this paragraph shall include the name of the person, whether or not said person has been convicted of any felony offense, a list of any felony convictions, and the dates of such convictions. The search records from national criminal history records checks shall be maintained by the Department of Corrections. The Department of Corrections shall not disseminate any national criminal history records information to a private entity.

C. A private prison contractor which does not have a contract with the Department of Corrections, but which houses federal inmates or inmates of another state shall attain accreditation by the American Correctional Association within three (3) years of commencing operation of the facility and thereafter shall maintain such accreditation.

D. The Department of Corrections shall monitor the performance of the private prison contractor and the continued compliance of the private prison contractor with the provisions of this section and Section 563.2 of this title. If at any time after commencing operations, a private prison contractor, that is subject to the provisions of subsection B of this section, fails to comply with any of said provisions, the Director of the Department of Corrections may order the facility to cease operations. If a private prison contractor fails to attain or maintain the accreditation required by subsection C of this section, the Director of the Department of Corrections shall order the facility to take corrective action pursuant to the Department of Corrections monitoring plan and, if corrective action is not pursued with due diligence, shall order the facility to cease operations. This order may be enforced by injunction issued by a district court of this state.

E. If the requirements provided for in this section are not followed, the Director may recommend that the State Board of Corrections assess the private prison contractor at least one-half (1/2) the per diem rate up to but not to exceed the full per diem rate paid by the jurisdiction or jurisdictions to the private prison contractor for the period of time a violation of subsection A of this section continues and is not corrected with due diligence or when the Department of Corrections has identified other physical plant security deficiencies based on American Correctional Association standards and such deficiencies continue and are not corrected with due diligence. The penalty provided for in this subsection shall not preclude the Director from ordering the facility to cease operations.

F. The Department of Corrections may charge the private prison contractor a reasonable fee for any services provided by the Department staff to include, but not limited to, the costs of monitoring compliance with the provisions of paragraphs 1 and 2 of subsection B of this section. The fee shall not exceed the cost incurred in performing the monitoring.

G. The Department of Corrections shall promulgate and adopt rules for the implementation of this section.

H. All fees collected by the Department of Corrections pursuant to this section shall be deposited with the State Treasurer to the credit of the Department of Corrections Revolving Fund.

I. The provisions of subsections B through H of this section shall not apply to a private prison contractor that has a direct contract with the Federal Bureau of Prisons of the United States Department of Justice for a facility that houses federal inmates and is monitored on-site by federal agency staff.

Added by Laws 1991, c. 307, § 3, emerg. eff. June 4, 1991. Amended by Laws 2005, c. 476, § 2, eff. July 1, 2005; Laws 2006, c. 294, § 11, eff. July 1, 2006; Laws 2008, c. 147, § 1, emerg. eff. May 9, 2008; Laws 2009, c. 455, § 5, emerg. eff. June 2, 2009; Laws 2015, c. 268, § 2, emerg. eff. May 6, 2015.

§57-563.4. Transitional living facility - Location - Notification - Definition.

A. No transitional living facility that houses sex offenders or persons convicted of a capital offense shall be located within two thousand five hundred (2,500) feet of any public or private elementary or secondary school, secure facility for juveniles or residential neighborhood. Prior to the establishment of any transitional living facility, the proposed operator shall be required to notify and obtain written authorization to establish and operate the facility from the governing body of the municipality in which the center is to be located or, if the facility is not to be located within the incorporated limits of a municipality, from the board of county commissioners of the county in which the facility is to be located. Notification shall consist of the operator mailing a certified letter to every elected city council member, every elected state legislative member, and every county commissioner within the jurisdiction in which the facility shall be located. The written notice shall be mailed not less than thirty (30) days prior to the date of any meeting or public hearing before a city planning commission, city council or board of county commissioners where the proposed transitional living facility may be considered. The written notice shall clearly state that the operator seeks to obtain written authorization from the governing body of the jurisdiction to establish and operate a transitional living facility and whether the facility intends to house any sex offender or person convicted of a

capital offense. The provisions of this section shall not apply to any transitional living facility established prior to May 3, 2005.

B. For purposes of this section, "transitional living facility" means those facilities that do not have a contract with the Department of Corrections or another agency of this state, or any political subdivision of this state, to provide living space for persons who are under the custody of the Department of Corrections and whose primary function is to provide housing assistance and related social services for individuals who are transitioning from previous incarceration in a county jail, state, or federal facility to the community or are otherwise in need of temporary housing assistance.

Added by Laws 2005, c. 136, § 1, emerg. eff. May 3, 2005. Amended by Laws 2009, c. 278, § 1, emerg. eff. May 22, 2009; Laws 2014, c. 362, § 10, emerg. eff. May 28, 2014.

§57-564. Inmates to exhaust administrative remedies.

An inmate in the custody of the Department of Corrections shall completely exhaust all available administrative remedies on all potential claims against the state, any governmental entity, the Department of Corrections, a private company providing services to the Department of Corrections, or an employee of the state, any governmental entity, the Department of Corrections, or a private company providing services to the Department of Corrections prior to initiating an action in district court. Upon release from custody an inmate shall be barred from bringing any action for a claim arising during custody or incarceration in which the inmate has failed to exhaust all administrative remedies.

Added by Laws 1985, c. 57, § 3, eff. Nov. 1, 1985. Amended by Laws 2005, c. 159, § 4, emerg. eff. May 10, 2005; Laws 2006, c. 31, § 1, eff. Nov. 1, 2006.

§57-564.1. Disciplinary proceedings - Judicial review - Requirements - Procedures.

A. In those instances of prison disciplinary proceedings that result in the revocation of earned credits, the prisoner, after exhausting administrative remedies, may seek judicial review in the district court of the official residence of the Department of Corrections. To be considered by the court, the inmate shall meet the following requirements:

1. The petition shall be filed within ninety (90) days of the date the petitioner is notified of the final Department of Corrections decision in the Department disciplinary appeal process.

2. The petition shall only name the Department of Corrections as the respondent and service shall be in accordance with the rules for service under the laws of this state.

3. The petition shall be limited to the review of only one disciplinary report and no other pleading is allowed other than the petition and the answer.

4. The court shall not consider any pleadings from any intervening parties and shall not stay the Department disciplinary process during the review of the misconduct hearing.

B. The answer of the Department shall be filed within thirty (30) days of receipt of the petition unless the court orders a special report upon motion by one party or upon its own motion.

C. The petition shall assert that due process was not provided and prove which element of due process, relevant only to a prison administrative disciplinary proceeding, was not provided by the prison staff.

D. The court shall only determine whether due process was provided by the revoking authority. In determining whether due process was provided, the court shall determine:

1. Whether written notice of the charge was provided to the inmate;

2. Whether the inmate had a minimum of twenty-four (24) hours to prepare after notice of the charge;

3. Whether the inmate was provided an opportunity for a hearing by a prison employee not involved in bringing the charge;

4. Whether the inmate had the opportunity to present relevant documentary evidence;

5. Whether the inmate had the opportunity to call witnesses when doing so would not be hazardous to institutional safety or burden correctional goals;

6. Whether the inmate was provided a written statement as to the evidence relied on and the reasons for the discipline imposed; and

7. Whether any evidence existed in the record upon which the hearing officer could base a finding of guilt.

E. The judicial review as provided in this section shall not be an independent assessment of the credibility of any witness or a weighing of the evidence, and there shall be no right to an error free proceeding or to confront accusers. The only remedy to be provided, if the court finds due process was not provided, is an order to the Department to provide due process.

F. There shall be no recovery allowed for costs and fees, providing that frivolous petitions are subject to the sanctions provided by the laws of this state.

G. Either party aggrieved by the final order of the district court on a petition for judicial review may only appeal the order to the Oklahoma Court of Criminal Appeals as set forth in the rules of such Court.

Added by Laws 2005, c. 159, § 5, emerg. eff. May 10, 2005.

§57-565. Affidavit in forma pauperis - Considering inmates deposited funds.

In determining whether or not an inmate shall be allowed to use an affidavit in forma pauperis, the court shall consider the amount of funds an inmate has on deposit with the Department of Corrections. Added by Laws 1985, c. 57, § 4, eff. Nov. 1, 1985.

§57-566. Dismissal of inmate's action - Definitions - Sanctions for frivolous or malicious claims - Judgment - Liability for costs and fees.

A. Any action by an inmate initiated against any person, party or entity, the state, the Department of Corrections, an entity contracting with the Department of Corrections to provide correctional services, another state agency, or political subdivision, or an original action in an appellate court, or an appeal of an action whether or not the plaintiff was represented in the district court, may be:

1. Dismissed with or without prejudice, by the court on its own motion or on a motion of the defendant, if all administrative and statutory remedies available to the inmate have not been exhausted in a timely manner; or

2. Dismissed with prejudice, by the court on a motion of the defendant, if the court is satisfied that the action is frivolous or malicious.

B. As used in this title:

1. "Frivolous" means having no reasonable basis in law or fact, or lacking any good faith legal argument for the extension, modification, or reversal of existing law, or being maintained solely or primarily for delay or to harass the party filed against;

2. "Inmate" or "inmate in a penal institution" includes, but is not limited to, a person presently or formerly in the custody or under the supervision of the Department of Corrections or the Federal Bureau of Prisons, a person who has been convicted of a crime and is incarcerated for that crime in a county jail, a person who is being held in custody for trial or sentencing, or a person on probation or parole; and

3. "Malicious" means filing numerous actions, or actions brought in bad faith on de minimus issues.

C. If the court determines from the pleadings or the evidence that one or more of the causes of action are frivolous or malicious, any one or more of the following sanctions may be imposed, after notice to the inmate and an opportunity for the inmate to respond, without the need for an additional hearing:

1. Award attorney fees and actual costs incurred by the state, the Department of Corrections, another state agency, a political subdivision, the Attorney General's Office, or the defendant, not to

exceed Two Thousand Five Hundred Dollars (\$2,500.00) per frivolous cause of action;

2. Court costs not to exceed Five Hundred Dollars (\$500.00) per cause of action;

3. Order the Department of Corrections to revoke up to seven hundred twenty (720) earned credits accrued by the inmate. In any case in which the prisoner submits a frivolous or malicious claim, or one that is intended solely or primarily for delay or to harass the party filed against, or testifies falsely or otherwise presents false evidence or information to the court in depositions or in a notarized statement to the court or commits a fraud upon the court, the prisoner shall suffer a loss of earned credits. The earned credits shall be deducted upon a finding of fact and an order of the court. In the absence of such a finding by the court and upon review and recommendation by the Office of the Attorney General, a prison disciplinary hearing may be held to determine whether the prisoner has filed such a claim or evidence. Upon such a finding, the earned credits of the prisoner shall be revoked by the Department or political subdivision;

4. Order the Department or political subdivision to revoke permission to have nonessential personal property of the inmate, including, but not limited to, televisions, radios, stereos, or tape recorders. If permission is revoked, the Department shall take appropriate precautions to protect the property during the period of the revocation;

5. Impose a civil sanction in an amount not to exceed One Thousand Dollars (\$1,000.00); or

6. Impose a monetary judgment against the inmate, not to exceed Five Hundred Dollars (\$500.00), to be paid to each named defendant.

D. Any award of attorney fees, or costs, or the imposition of a sanction shall serve as a judgment against the inmate and the Department or political subdivision is authorized to take up to eighty percent (80%) of the inmate's nonmandatory savings trust funds per month until paid. The judgment shall be subject to execution without further order of any court for a period of seven (7) years from the date of an award or imposition of a sanction.

Added by Laws 1985, c. 57, § 5, eff. Nov. 1, 1985. Amended by Laws 1995, c. 141, § 2, eff. Nov. 1, 1995; Laws 1999, c. 127, § 1, eff. July 1, 1999; Laws 2002, c. 402, § 8, eff. July 1, 2002; Laws 2004, c. 168, § 10, emerg. eff. April 27, 2004; Laws 2004, c. 382, § 1, emerg. eff. June 3, 2004; Laws 2006, c. 31, § 2, eff. Nov. 1, 2006; Laws 2007, c. 151, § 4, eff. July 1, 2007.

NOTE: Laws 2004, c. 382, § 4 repealed the effective date in Laws 2004, c. 168, § 18, causing that chapter to revert to its emergency effective date.

§57-566.1. Payments and distributions from damage awards.

A. Any inmate as defined in paragraph 2 of subsection B of Section 566 of this title who successfully obtains a final court order or settlement agreement awarding damages for any cause of action in any federal or state proceedings against the state, a state agency, the Department or any political subdivision, or any employee thereof, shall pay or satisfy from the award:

1. Any previous assessments of court costs or fines involving the criminal convictions of the offender;

2. Victims compensation assessments;

3. Restitution awards;

4. Probation or parole fees;

5. Child support or alimony;

6. Civil judgments; and

7. Any deficiencies of debts not paid of which the state or the Department of Corrections has notice by judgment, lien, garnishment, or other appropriate process.

B. After disbursement of the funds by the state or the Department of Corrections, twenty percent (20%) of the award shall be placed in the offender's mandatory savings account and the remainder shall be placed in the offender's regular draw account. The Department shall give notice to the inmate of known debts owed by the inmate. The Department shall be granted a reasonable time to review and discover all outstanding debts of the inmate as enumerated in subsection A of this section and shall disburse the award to all outstanding debtors of the inmate within six (6) months of the final court order or settlement agreement. The Department shall deposit the remaining funds pursuant to subsection C of this section. All of the amounts and any funds deposited with the Department of Corrections or a political subdivision in accordance with this section shall not be subject to the attachment and garnishment procedures set forth in Title 12 of the Oklahoma Statutes until ninety (90) days after all outstanding debts are paid pursuant to this section. For purposes of this section, the statutory limits on the collection of debts set out in subsection A of Section 95 of Title 12 of the Oklahoma Statutes shall not apply.

C. Any inmate, as defined in paragraph 2 of subsection B of Section 566 of this title, or attorney of the inmate, who successfully obtains a final court order awarding damages for any cause of action arising in tort or contract, in any state or federal proceedings, or any settlement agreement, against any party shall notify the Department of Corrections or appropriate political subdivision of the award and shall make the same distribution of the award as is provided in subsection A of this section. It shall be the duty of the attorney of the inmate or the inmate, if acting pro se, to notify the defendant that any settlement shall be deposited with the Department or political subdivision for disbursement in accordance with this section. In addition, the state, the Department

of Corrections, any other state agency, or any political subdivision of the state shall have the first right of subrogation to any such award or settlement for costs of services incurred by the state, state agency, or political subdivision in relation to such claim, for service provided to the inmate at the request of the inmate, and for all costs of incarceration, before any part of the award is placed in the trust account of the inmate.

Added by Laws 1995, c. 141, § 3, eff. Nov. 1, 1995. Amended by Laws 1999, c. 127, § 2, eff. July 1, 1999; Laws 2002, c. 402, § 9, eff. July 1, 2002; Laws 2004, c. 168, § 11, emerg. eff. April 27, 2004.

§57-566.2. Frivolous, malicious actions or failure to state claim upon which relief could be granted - Prepayment of fees.

A. A prisoner who has, on three or more prior occasions, while incarcerated or detained in any facility, or while on probation or parole, brought an action or appeal in a court of this state or a court of the United States that has been dismissed on the grounds that the case was frivolous, or malicious, or failed to state a claim upon which relief could be granted, may not proceed in a matter arising out of a civil case, or upon an original action or on appeal without prepayment of all fees required by law, unless the prisoner is under immediate danger of serious physical injury.

B. The court administrator of the Oklahoma courts shall maintain a registry of those prisoners who have had any cases dismissed as frivolous or malicious or for failure to state a claim upon which relief can be granted. The Attorney General, the General Counsel of the Department of Corrections, the district attorneys and general counsels of the various state agencies shall forward to the court administrator copies of all orders in which there was a finding the case filed by a prisoner was dismissed as frivolous or malicious or for failure to state a claim upon which relief can be granted.

Added by Laws 2001, c. 93, § 1, eff. Nov. 1, 2001.

§57-566.3. Application for in forma pauperis - Partial payment of court costs - Affidavit of inability to pay - Dismissal - Grievance procedures.

A. 1. If an applicant for in forma pauperis is a prisoner and the prisoner brings an action of any kind, upon filing, the court shall order the prisoner to pay, as a partial payment of any court costs required by law, before the commencement of the action, a first-time payment of twenty percent (20%) of the deposits of the preceding six (6) months to the trust account of the prisoner administered by the confining agency and thereafter monthly payments of twenty percent (20%) of the deposits of the preceding month to the account, but only if the prisoner does not have enough funds to pay the total costs required by law at the time of filing. In those cases where the prisoner has sufficient funds available, the prisoner

shall be ordered to pay the required costs before the action may commence. The confining agency shall withdraw monies maintained in the trust account for payment of court fees and shall forward the monies collected at any time the monies exceed Ten Dollars (\$10.00) to the appropriate court clerk, or clerks if multiple courts are involved, until the actual court costs are paid in full. If the prisoner is discharged before payment in full, the court clerk shall be notified of the reported forwarding address and date of discharge of the prisoner. The prisoner must file a certified copy of the trust account records of the prisoner with the court that reflects the balance and activity of the previous six (6) months at the time the petition is filed. If the prisoner is on probation or parole, the prisoner will file certified copies of bank or savings statements of the account and income receipts for the prior six (6) months.

2. Nothing in this section prevents a prisoner from authorizing payment beyond that required by law or the Department of Corrections or political subdivision from forwarding payment beyond that required by law if the prisoner has the funds available.

3. The court may dismiss any civil action in which the prisoner has failed to pay fees and costs assessed by the court and it is determined the prisoner has funds available and did not pay the required fees and costs.

4. If a prisoner is found to be indigent and totally without any funds pursuant to this section at the time of filing, the case may proceed without prepayment of fees or partial fees. Even in those cases where the court finds the prisoner is without funds, the court shall assess costs against the prisoner, establish a payment schedule and order the costs paid when the prisoner has funds.

B. 1. An affidavit of inability to pay containing complete information as to the identity of the prisoner, prisoner identification number, nature and amount of income, income of the spouse of the prisoner, property owned, cash or checking accounts, dependents, debts and monthly expenses shall be filed with the court. In addition to the information required above, the affidavit shall contain the following statements: "I am unable to pay the court costs at this time. I verify that the statements made in this affidavit are true and correct." The affidavit shall be sworn as required by law.

2. The Attorney General or other counsel for the defendant shall be authorized to receive information from any source verifying the financial information given by the prisoner.

3. When considering the ability of a prisoner to pay fees and costs and establishing a payment schedule, the court shall consider, but is not limited to consideration of, the following:

- a. all living support received by the person from any source, including the state, whether in money or any form of services,

- b. any income of a spouse,
- c. gifts,
- d. savings accounts,
- e. retirement plans,
- f. trust accounts,
- g. personal property,
- h. inmate trust accounts, and
- i. any dispositions of property, real or personal, in the past twelve (12) months.

C. A court, in which an affidavit of inability to pay has been filed, shall dismiss the action in whole or in part upon a finding that the allegation of poverty is false. If a portion of the action is dismissed, the court shall also designate the issues and defendants on which the action is to proceed without prepaying costs. This order is not subject to an interlocutory appeal.

D. In determining whether the allegation of poverty is false, the court is authorized to hold a hearing, before or after service of process, on its own motion or upon the motion of a party.

E. If the court concludes, based on information contained in the affidavit of inability to pay or other information available to the court, that the prisoner is able to prepay part of the fees or costs required, then the court shall order a partial payment to be made as a condition precedent to the commencement and further prosecution of the action.

F. Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that:

- 1. The allegation of poverty is untrue; or
- 2. The action or appeal:
 - a. is frivolous or malicious,
 - b. fails to state a claim on which relief may be granted, or
 - c. seeks monetary relief against a defendant who is immune from such relief.

G. 1. The Department of Corrections and each sheriff is hereby authorized to adopt a grievance procedure at its institutions for receiving and disposing of any and all grievances by prisoners against the Department of Corrections or any entity contracting with the Department of Corrections to provide correctional services, or any officials or employees of either the Department or correctional services contractor or a sheriff, deputies of the sheriff or employees of the county, which arise while a prisoner is within the custody or under the supervision of the Department or sheriff. The grievances may include, but are not limited to, any and all claims seeking monetary damages or any other form of relief otherwise authorized by law. All such grievance procedures, including the

prisoner disciplinary process, shall be deemed to be the exclusive internal administrative remedy for complaints and grievances.

2. No court of the State of Oklahoma shall entertain a grievance, petition, or complaint of a prisoner unless and until the prisoner has exhausted all the remedies as provided in the grievance procedure of the Director of the Department of Corrections or sheriff. Nothing in this section shall modify requirements of The Governmental Tort Claims Act.

3. Failure to timely institute administrative review of a claim shall be considered an abandonment, and upon motion of the defendants, supported by an affidavit of the defendant that the prisoner has failed to timely institute and exhaust the administrative remedy, the court shall enter a judgment of dismissal with prejudice in that cause of action. Strict adherence to the notice requirement established in the grievance procedures shall be complied with by the prisoner or the attorney of the prisoner.

4. In addition to any other provisions of law providing for the confidentiality of records of the Department of Corrections or a sheriff, all reports, investigations, and like supporting documents prepared by the Department or sheriff for purposes of responding to the request of a prisoner for an administrative remedy shall be deemed to be prepared in anticipation of litigation and are confidential and not subject to discovery by the prisoner in any civil action or subject to release under the Oklahoma Open Records Act. All formal written responses to the grievance of the prisoner shall be furnished to the prisoner as provided for in the grievance procedure.

5. Any prisoner who is allegedly aggrieved by an adverse decision by the Department of Corrections or a sheriff rendered pursuant to any grievance procedure must file the appropriate civil cause of action or application for extraordinary writ, within one hundred eighty (180) days after the final decision is issued and within the limitations period set forth in The Governmental Tort Claims Act, to the appropriate court alleging specifically what legal right was violated and what remedy exists.

H. Nothing in this section shall be construed as waiving the sovereign immunity or the tort immunity of the state, its agencies, officers or employees for injuries allegedly suffered while in the custody of the state and its agency or any county, sheriff, or officers or employees of the county for injuries allegedly suffered while in the custody of the county.

I. "Prisoner" as used herein shall include, but not be limited to, a person in custody or whose claims arose during custody. Added by Laws 2002, c. 402, § 10, eff. July 1, 2002. Amended by Laws 2004, c. 168, § 12, emerg. eff. April 27, 2004; Laws 2006, c. 31, § 3, eff. Nov. 1, 2006.

NOTE: Laws 2004, c. 382, § 4 repealed the effective date in Laws 2004, c. 168, § 18, causing that chapter to revert to its emergency effective date.

§57-566.4. Certain actions prohibited - Frivolous or malicious claims - Public records - Default judgment - Venue - Administrative fees - Judgments - Special report prior to answer - Appeals.

A. No action may be brought in a court of this state by a prisoner or former prisoner for mental or emotional injury allegedly suffered while under arrest, being detained, or in custody or incarcerated without a prior showing of actual physical injury.

B. 1. Neither the state, any of its agencies or boards, the Department of Corrections, any county jail, city jail, private correctional company, nor their members, agents, servants or employees shall be liable for any form of civil claim or action alleged to have arisen from any theory of contract law. No arrest or conviction resulting in detention or incarceration shall create any contractual obligation, either actual, implied or at common law, between the prisoner and the state, any of its agencies or boards, the Department of Corrections, any county jail, city jail nor their members, agents, servants or employees. No policy or internal management procedure issued for the management of the prison or jail shall constitute any contractual relationship or obligation between the state, agency, board, commission, prison, jail, or any of its officers, members, servants or employees, and the prisoner or any visitor to the prison or jail.

2. No tort action or civil claim may be filed against any employee, agent, or servant of the state, the Department of Corrections, private correctional company, or any county jail or any city jail alleging acts related to the duties of the employee, agent or servant, until all of the notice provisions of the Governmental Tort Claims Act have been fully complied with by the claimant. This requirement shall apply to any claim against an employee of the state, the Department of Corrections, or any county jail or city jail in either their official or individual capacity, and to any claim against a private correctional contractor and its employees for actions taken pursuant to or in connection with a governmental contract.

C. No civil action of any type may be brought seeking an injunction or temporary restraining order against any city, county or state agency, or any officer or employee thereof, brought by a plaintiff who is currently incarcerated in any jail, state prison or private prison in the state if the claim alleges matters arising from the incarceration of the plaintiff and related to management of the prison, including but not limited to, prison transfers, cell assignments, prison job or work assignments and disciplinary action.

D. In any complaint or allegation made by a prisoner against any person holding a license to any state court, agency, board, commission or association which issues any form of license, in which the state court, agency, board, commission or association has made a determination that the complaint of the prisoner is frivolous, malicious or without merit, the state court, agency, board, commission or association may sanction the prisoner as provided for by law.

E. No prisoner of any city or county jail or of any state, federal or private prison in Oklahoma or any person on parole or probation may obtain any public records maintained by any government entity and pertaining in any manner to any public employee, officer or to any citizen, or any criminal history record of any convicted felon. No prisoner, probationer or parolee may obtain without prepayment of the required fees and costs any other public record subject to release. The Director of the Department of Corrections shall promulgate a rule for the release of criminal history records available to the public which shall include the requirement that requests for criminal history records include the name of the person whose record is being requested and shall charge Fifteen Dollars (\$15.00) for each completed request responded to in any form of written communication by the Department.

F. No default judgment shall be rendered against any person, city, county or state agency, or any officer or employee thereof, in any form of civil action brought by a plaintiff who is currently incarcerated in any jail, state prison or private prison in the state.

G. Venue for tort actions filed by a prisoner or a former prisoner of any state prison in the state shall be as follows:

1. Venue for actions filed by any prisoner of any state prison or private prison in which the state, the Department of Corrections, the Board of Corrections as a whole or individual members, or any officer or employee that has multicounty responsibilities is named as a party shall be in the county of the official residence of the Department of Corrections; and

2. Venue for tort actions filed by prisoners of a county jail or city jail, and not involving the Department of Corrections, but against the sheriff, jailer, county officials or employees, or city officials or employees shall be in the county where the jail is located.

The limitations on venue set out in this section shall also apply to tort actions filed by former prisoners, if said tort action is based on facts that occurred while the plaintiff was a prisoner.

H. The Attorney General, district attorneys and the general counsel of the Department of Corrections shall notify the Pardon and Parole Board of all lawsuits filed by any prisoner in which a

determination was made by a court that the lawsuit was either frivolous or malicious.

I. The Department of Corrections may assess an administrative fee not to exceed Five Dollars (\$5.00) for the processing of any grievance or disciplinary report that has been appealed to the Director and shall charge prisoners for the costs of any supplies, materials or services provided to the inmate at the request of the inmate. Any fees collected pursuant to this subsection shall be deposited into the Department of Corrections Revolving Fund. If the appeal of the grievance or the disciplinary report results in a finding in favor of the prisoner, all fees and costs collected pursuant to this section shall be returned to the prisoner.

J. Judgments rendered against prisoners and received by the Department of Corrections for, but not limited to, monetary damages, child support, transportation costs, filing fees, court costs, sanctions or attorney fees may be withdrawn by the Department from any funds deposited into a prison trust account of the prisoner and forwarded to the prevailing party.

K. Upon motion of the defendant or the court for a special report in any civil action filed by a prisoner or former prisoner or attorney of the prisoner against any party, the court shall stay all proceedings in the case and order the custodian or appropriate party to prepare a special report to the court prior to defendants being required to answer. The special report will order corrections officials or the appropriate party to undertake a review of the subject matter of the petition in order to provide the court with additional information for the processing of the claim of the prisoner, to ascertain the facts and circumstances, to consider whether any action can and should be taken by the institution or other appropriate officials to resolve the subject matter of the petition and to determine whether other like matters, whether pending in this court or elsewhere, are related to this matter and should be taken up and considered together. All reports made in the course of the review shall be attached to and filed with the special report, and a date the special report is due to the court shall be set. All pending motions are stricken without prejudice to their being reasserted after the special report is filed. All discovery under the Oklahoma Rules of Civil Procedure is stayed until the special report has been filed and any dispositive motions based on the special report are ruled upon. A copy of the special report shall be sent to the respective parties by the agency or person preparing the special report. Upon receipt of the special report, dispositive motions may be filed by the parties and the district court may properly dismiss the petition as being frivolous or malicious or for failure to state a claim, may grant summary judgment or order that the case may proceed under the Oklahoma Rules of Civil Procedure.

L. Notwithstanding any other provision of law, appeal of a decision of the district court in a civil action related to a person's incarceration or supervision while in custody of the Department of Corrections, a county or municipal jail, or a private prison, adverse to a municipal, county or state employee or a person employed by a private prison, shall be appealed directly to the appropriate appellate court without further motions. Added by Laws 2002, c. 402, § 11, eff. July 1, 2002. Amended by Laws 2004, c. 382, § 2, emerg. eff. June 3, 2004; Laws 2006, c. 31, § 4, eff. Nov. 1, 2006; Laws 2009, c. 199, § 1, eff. Nov. 1, 2009.

§57-566.5. Exhaustion of administrative and statutory remedies.

In any legal proceeding filed by an inmate, full and complete exhaustion of all administrative and statutory remedies on all potential claims against the state, the Department of Corrections, private entities contracting to provide correctional services, or an employee of the state or the Department of Corrections is a jurisdictional requirement and must be completed prior to the filing of any pleadings.

Added by Laws 2004, c. 168, § 13, emerg. eff. April 27, 2004.

Amended by Laws 2005, c. 159, § 6, emerg. eff. May 10, 2005; Laws 2006, c. 31, § 5, eff. Nov. 1, 2006.

NOTE: Laws 2004, c. 382, § 4 repealed the effective date in Laws 2004, c. 168, § 18, causing that chapter to revert to its emergency effective date.

§57-566.6. Claims in form of lien arising from prosecution, incarceration, or supervision of inmate.

A. Claims in the form of a lien from an inmate or from a former inmate which arise from the prosecution, incarceration, or supervision of the inmate shall not be accepted by any county clerk, court clerk, county treasurer, or any official of this state having the authority to accept and file liens against persons or property in this state, unless the claim or lien is accompanied by a valid order from a court of competent jurisdiction.

B. Any lien filed by an inmate or on behalf of an inmate which arises from the prosecution, incarceration, or supervision of the inmate shall be void upon the filing of an affidavit that the lien arose out of an inmate claim or a claim on behalf of an inmate, unless the claim or lien is accompanied by a valid order from a court of competent jurisdiction.

Added by Laws 2004, c. 382, § 3, emerg. eff. June 3, 2004.

NOTE: Editorially renumbered from Title 57, § 566.5 to avoid a duplication in numbering.

§57-567. Repealed by Laws 2007, c. 151, § 5, eff. July 1, 2007.

§57-570. Repealed by Laws 2001, c. 437, § 33, eff. July 1, 2001.

§57-571. Definitions.

As used in the Oklahoma Statutes, unless another definition is specified:

1. "Capacity" means the actual available bedspace as certified by the State Board of Corrections subject to applicable federal and state laws and the rules and regulations promulgated under such laws; and

2. "Violent crime" means any of the following felony offenses and any attempts to commit or conspiracy or solicitation to commit the following crimes:

- a. assault, battery, or assault and battery with a dangerous or deadly weapon, as provided for in Sections 645 and 652 of Title 21 of the Oklahoma Statutes,
- b. assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of Title 21 of the Oklahoma Statutes,
- c. aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law, as provided for in Section 650 of Title 21 of the Oklahoma Statutes,
- d. poisoning with intent to kill, as provided for in Section 651 of Title 21 of the Oklahoma Statutes,
- e. shooting with intent to kill, as provided for in Section 652 of Title 21 of the Oklahoma Statutes,
- f. assault with intent to kill, as provided for in Section 653 of Title 21 of the Oklahoma Statutes,
- g. assault with intent to commit a felony, as provided for in Section 681 of Title 21 of the Oklahoma Statutes,
- h. assaults with a dangerous weapon while masked or disguised, as provided for in Section 1303 of Title 21 of the Oklahoma Statutes,
- i. murder in the first degree, as provided for in Section 701.7 of Title 21 of the Oklahoma Statutes,
- j. murder in the second degree, as provided for in Section 701.8 of Title 21 of the Oklahoma Statutes,
- k. manslaughter in the first degree, as provided for in Section 711 of Title 21 of the Oklahoma Statutes,
- l. manslaughter in the second degree, as provided for in Section 716 of Title 21 of the Oklahoma Statutes,
- m. kidnapping, as provided for in Section 741 of Title 21 of the Oklahoma Statutes,
- n. burglary in the first degree, as provided for in Section 1431 of Title 21 of the Oklahoma Statutes,

- o. burglary with explosives, as provided for in Section 1441 of Title 21 of the Oklahoma Statutes,
- p. kidnapping for extortion, as provided for in Section 745 of Title 21 of the Oklahoma Statutes,
- q. maiming, as provided for in Section 751 of Title 21 of the Oklahoma Statutes,
- r. robbery, as provided for in Section 791 of Title 21 of the Oklahoma Statutes,
- s. robbery in the first degree, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes,
- t. robbery in the second degree, as provided for in Section 797 et seq. of Title 21 of the Oklahoma Statutes,
- u. armed robbery, as provided for in Section 801 of Title 21 of the Oklahoma Statutes,
- v. robbery by two or more persons, as provided for in Section 800 of Title 21 of the Oklahoma Statutes,
- w. robbery with dangerous weapon or imitation firearm, as provided for in Section 801 of Title 21 of the Oklahoma Statutes,
- x. child abuse, as provided for in Section 843.5 of Title 21 of the Oklahoma Statutes,
- y. wiring any equipment, vehicle or structure with explosives, as provided for in Section 849 of Title 21 of the Oklahoma Statutes,
- z. forcible sodomy, as provided for in Section 888 of Title 21 of the Oklahoma Statutes,
- aa. rape in the first degree, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes,
- bb. rape in the second degree, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes,
- cc. rape by instrumentation, as provided for in Section 1111.1 of Title 21 of the Oklahoma Statutes,
- dd. lewd or indecent proposition or lewd or indecent act with a child under sixteen (16) years of age, as provided for in Section 1123 of Title 21 of the Oklahoma Statutes,
- ee. use of a firearm or offensive weapon to commit or attempt to commit a felony, as provided for in Section 1287 of Title 21 of the Oklahoma Statutes,
- ff. pointing firearms, as provided for in Section 1279 of Title 21 of the Oklahoma Statutes,
- gg. rioting, as provided for in Section 1311 of Title 21 of the Oklahoma Statutes,
- hh. inciting to riot, as provided for in Section 1320.2 of Title 21 of the Oklahoma Statutes,

- ii. arson in the first degree, as provided for in Section 1401 of Title 21 of the Oklahoma Statutes,
- jj. injuring or burning public buildings, as provided for in Section 349 of Title 21 of the Oklahoma Statutes,
- kk. sabotage, as provided for in Section 1262 of Title 21 of the Oklahoma Statutes,
- ll. criminal syndicalism, as provided for in Section 1261 of Title 21 of the Oklahoma Statutes,
- mm. extortion, as provided for in Section 1481 of Title 21 of the Oklahoma Statutes,
- nn. obtaining signature by extortion, as provided for in Section 1485 of Title 21 of the Oklahoma Statutes,
- oo. seizure of a bus, discharging firearm or hurling missile at bus, as provided for in Section 1903 of Title 21 of the Oklahoma Statutes,
- pp. mistreatment of a mental patient, as provided for in Section 843.1 of Title 21 of the Oklahoma Statutes,
- qq. using a vehicle to facilitate the discharge of a weapon pursuant to Section 652 of Title 21 of the Oklahoma Statutes,
- rr. bombing offenses as defined in Section 1767.1 of Title 21 of the Oklahoma Statutes,
- ss. child pornography or aggravated child pornography as defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a of Title 21 of the Oklahoma Statutes,
- tt. child prostitution as defined in Section 1030 of Title 21 of the Oklahoma Statutes,
- uu. abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes who is a resident of a nursing facility,
- vv. aggravated trafficking as provided for in subsection C of Section 2-415 of Title 63 of the Oklahoma Statutes,
- ww. aggravated assault and battery upon any person defending another person from assault and battery, as provided for in Section 646 of Title 21 of the Oklahoma Statutes,
- xx. human trafficking, as provided for in Section 748 of Title 21 of the Oklahoma Statutes,
- yy. terrorism crimes as provided in Section 1268 et seq. of Title 21 of the Oklahoma Statutes, or
- zz. eluding a peace officer, as provided for in subsection B or C of Section 540A of Title 21 of the Oklahoma Statutes.

Such offenses shall constitute exceptions to nonviolent offenses pursuant to Article VI, Section 10 of the Oklahoma Constitution.

Added by Laws 1984, c. 97, § 2, emerg. eff. April 4, 1984. Amended by Laws 1984, c. 275, § 1, emerg. eff. May 31, 1984; Laws 1993, c.

276, § 10, emerg. eff. May 27, 1993; Laws 2001, c. 437, § 30, eff. July 1, 2001; Laws 2007, c. 358, § 10, eff. July 1, 2007; Laws 2008, c. 3, § 29, emerg. eff. Feb. 28, 2008; Laws 2015, c. 397, § 1, eff. Nov. 1, 2015; Laws 2018, c. 117, § 4, eff. Nov. 1, 2018; Laws 2019, c. 152, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2007, c. 166, § 1 repealed by Laws 2008, c. 3, § 30, emerg. eff. Feb. 28, 2008.

§57-572. Repealed by Laws 2001, c. 437, § 33, eff. July 1, 2001.

§57-573. Repealed by Laws 2001, c. 438, § 2, eff. July 1, 2001.

§57-574. Repealed by Laws 2001, c. 437, § 33, eff. July 1, 2001.

§57-574.1. Repealed by Laws 1997, c. 133, § 609, eff. July 1, 1997.

§57-575. Repealed by Laws 2001, c. 437, § 33, eff. July 1, 2001.

§57-576. Repealed by Laws 2001, c. 437, § 33, eff. July 1, 2001.

§57-581. Short title - Legislative findings.

A. Sections 581 et seq. of this title shall be known and may be cited as the "Sex Offenders Registration Act".

B. The Legislature finds that sex offenders who commit other predatory acts against children and persons who prey on others as a result of mental illness pose a high risk of re-offending after release from custody. The Legislature further finds that the privacy interest of persons adjudicated guilty of these crimes is less important than the state's interest in public safety. The Legislature additionally finds that a system of registration will permit law enforcement officials to identify and alert the public when necessary for protecting the public safety.

Added by Laws 1989, c. 212, § 1, eff. Nov. 1, 1989. Amended by Laws 1995, c. 142, § 1, eff. July 1, 1995; Laws 1997, c. 260, § 2, eff. Nov. 1, 1997.

§57-582. Persons and crimes to which act applies.

A. The provisions of the Sex Offenders Registration Act shall apply to any person residing, working or attending school within the State of Oklahoma who, after November 1, 1989, has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term, or is currently serving a sentence or any form of probation or parole for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,

Section 681, if the offense involved sexual assault, 741, if the offense involved sexual abuse or sexual exploitation, Section 748, if the offense involved human trafficking for commercial sex, Section 843.1, if the offense involved sexual abuse or sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child, 856, if the offense involved child prostitution or human trafficking for commercial sex, 865 et seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if the offense involved child prostitution, 1040.8, if the offense involved child pornography, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

B. The provisions of the Sex Offenders Registration Act shall apply to any person who after November 1, 1989, resides, works or attends school within the State of Oklahoma and who has been convicted or received a suspended sentence at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for a crime, attempted crime or a conspiracy to commit a crime which, if committed or attempted in this state, would be a crime, an attempt to commit a crime or a conspiracy to commit a crime provided for in any of said laws listed in subsection A of this section.

C. The provisions of the Sex Offenders Registration Act shall apply to any person who resides, works or attends school within the State of Oklahoma and who has received a deferred judgment at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for a crime, attempted crime or a conspiracy to commit a crime which, if committed or attempted or conspired to be committed in this state, would be a crime, an attempt to commit a crime or a conspiracy to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Section 681, if the offense involved sexual assault, 741, if the offense involved sexual abuse or sexual exploitation, Section 748, if the offense involved human trafficking for commercial sex, Section 843.1, if the offense involved sexual abuse or sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child, 856, if the offense involved child prostitution or human trafficking for commercial sex, 865 et seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if the offense involved child prostitution, 1040.8, if the offense involved child pornography,

1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes. The provisions of the Sex Offenders Registration Act shall not apply to any such person while the person is incarcerated in a maximum or medium correctional institution of the Department of Corrections.

D. On the effective date of this act, any person registered as a sex offender pursuant to Section 741 of Title 21 of the Oklahoma Statutes shall be summarily removed from the Sex Offender Registry by the Department of Corrections and all law enforcement agencies of any political subdivision of this state, unless the offense involved sexual abuse or sexual exploitation.

E. The provisions of the Sex Offenders Registration Act shall not apply to any such person who has received a criminal history records expungement for a conviction in another state for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any said laws listed in subsection A of this section.

Added by Laws 1989, c. 212, § 2, eff. Nov. 1, 1989. Amended by Laws 1993, c. 166, § 4, eff. Sept. 1, 1993; Laws 1995, c. 142, § 2, eff. July 1, 1995; Laws 1997, c. 260, § 3, eff. Nov. 1, 1997; Laws 1998, c. 347, § 1, eff. Nov. 1, 1998; Laws 1999, c. 336, § 1, eff. Nov. 1, 1999; Laws 2002, c. 20, § 2, emerg. eff. Feb. 28, 2002; Laws 2002, c. 460, § 34, eff. Nov. 1, 2002; Laws 2005, c. 123, § 1, eff. Nov. 1, 2005; Laws 2007, c. 261, § 22, eff. Nov. 1, 2007; Laws 2009, c. 404, § 2, eff. Nov. 1, 2009; Laws 2010, c. 2, § 25, emerg. eff. March 3, 2010; Laws 2014, c. 230, § 1, eff. Nov. 1, 2014; Laws 2016, c. 184, § 3, eff. Nov. 1, 2016; Laws 2019, c. 220, § 2, eff. Nov. 1, 2019.

NOTE: Laws 2009, c. 234, § 147 repealed by Laws 2010, c. 2, § 26, emerg. eff. March 3, 2010.

§57-582.1. Determination of offender's numeric risk level prior to release.

Before a person, who will be subject to the provisions of the Sex Offenders Registration Act, is due to be released from a correctional institution, the Department of Corrections shall determine the level of risk of the person to the community using the sex offender screening tool developed or selected pursuant to Section 26 of this act, and assign to the person a numeric risk level of one, two, or three.

Added by Laws 2007, c. 261, § 23, eff. Nov. 1, 2007.

§57-582.2. Forwarding of registration information and level assignment - Suspended sentences or probation - Duties of court.

A. No less than seven (7) days prior to the date on which a person, who will be subject to the provisions of the Sex Offenders Registration Act, is to be released from a correctional institution, the person in charge of the correctional institution shall forward

the registration information, as provided in subsection A of Section 585 of this title, and level assignment to the Department of Corrections and to:

1. The local law enforcement authority in the municipality or county in which the person expects to reside, if the person expects to reside within this state; or

2. The local law enforcement authority that is identified by the correctional institution as the agency designated by another state to receive registration information, if the person expects to reside in that other state and that other state has a registration requirement for sex offenders.

B. If a person, who will be subject to the provisions of the Sex Offenders Registration Act, received a suspended sentence or any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, the court shall, on the day of pronouncing the judgment and sentence:

1. Utilize the sex offender level assignments established by the sex offender level assignment committee provided for in Section 582.5 of this title;

2. Assign to the person a level of one, two, or three;

3. Notify the person of the obligation to register as a sex offender as provided for in Section 585 of this title; and

4. Order the offender to report to the local law enforcement authority in the municipality or county in which the offender resides and to report to the Oklahoma Department of Corrections probation and parole office in the district in which the offender resides.

C. Within three (3) business days after the court orders the judgment and sentence, the court clerk shall transmit to the Sex and Violent Offenders Registration Unit of the Department of Corrections by facsimile, electronic mail or actual delivery of a certified copy of:

1. The judgment and sentence; or

2. Plea paperwork, Summary of Facts and Sentence on Plea or Sentencing After Jury Trial Summary of Facts.

Added by Laws 2007, c. 261, § 24, eff. Nov. 1, 2007. Amended by Laws 2009, c. 404, § 3, eff. Nov. 1, 2009; Laws 2017, c. 224, § 1, eff. Nov. 1, 2017.

§57-582.4. Verification of numeric risk level by Department.

Upon receipt of notice pursuant to the provisions of Section 24 of this act, that a person subject to registration is to be released from a correctional institution, has been placed on any form of probation or parole, or intends to move to a new residence in this state, the Department of Corrections shall verify the numeric risk level assigned to the person.

Added by Laws 2007, c. 261, § 25, eff. Nov. 1, 2007.

§57-582.5. Sex offender level assignment committee - Requirements to override or increase level assignment - Release of records.

A. The Department of Corrections shall establish a sex offender level assignment committee composed of at least five members, each of whom is a state employee whose service on the committee is in addition to the regular duties of the employee. The committee, to the extent feasible, should include the following:

1. One member having experience in law enforcement;
2. One member having experience as a sex offender treatment provider;
3. One member having experience working with victims of sex offenses; and
4. One member who is a social worker with a graduate degree in social work.

B. The sex offender level assignment committee functions in an oversight capacity. The committee shall determine, based on federal law, the level a person subject to registration pursuant to the provisions of the Sex Offenders Registration Act shall be placed on.

C. The offense for which the person is convicted shall serve as the basis for the level assigned to the person. In selecting the level assignment, the sex offender level assignment committee shall use the following general guidelines:

1. Level one (low): a designation that the person poses a low danger to the community and will not likely engage in criminal sexual conduct;
2. Level two (moderate): a designation that the person poses a moderate danger to the community and may continue to engage in criminal sexual conduct; and
3. Level three (high): a designation that the person poses a serious danger to the community and will continue to engage in criminal sexual conduct.

D. The sex offender level assignment committee, the Department of Corrections, or a court may override and increase the level assignment only if the entity:

1. Believes that the level assignment assessed is not an accurate prediction of the risk the offender poses to the community; and
2. Documents the reason for the override in the case file of the offender.

Provided, in no event shall the sex offender level assignment committee, the Department of Corrections, or a court override and reduce a level assigned to an offender as provided in subsection C of this section.

E. All records and files relating to a person for whom a court, or the Department of Corrections is required under this act to determine a level assignment, shall be released to the court or the

Department of Corrections as appropriate, for the purpose of determining the level assignment of the person.

F. Upon receiving registration information from a local law enforcement agency of a person who has entered this state and who has registered as a sex offender, as required in Section 583 of this title, the sex offender level assignment committee shall review the registration information and make a determination of the level assignment of the person. The Department of Corrections Sex Offender Registry Unit shall provide written notification to the person and the local law enforcement agency of the level assignment that has been assigned to the person.

G. The provisions of the Oklahoma Open Meeting Act do not apply to a meeting of the sex offender level assignment committee. Added by Laws 2007, c. 261, § 26, eff. Nov. 1, 2007. Amended by Laws 2008, c. 94, § 1, emerg. eff. April 29, 2008; Laws 2009, c. 404, § 4, eff. Nov. 1, 2009.

§57-583. Registration - Time limits - Duration - Petition for release from registration requirement - Information to be provided to offender.

A. Any person who becomes subject to the provisions of the Sex Offenders Registration Act on or after November 1, 1989, shall register, in person, as follows:

1. With the Department of Corrections within three (3) business days of being convicted or receiving a suspended sentence or any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, if the person is not incarcerated, or not less than three (3) business days prior to the release of the person from a correctional institution, except as provided in subsection B of this section;

2. With the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside for seven (7) consecutive days or fourteen (14) days in a sixty-day period, or longer, calculated beginning with the first day. The registration is required within three (3) days after entering the jurisdiction of the law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

For purposes of this section, "local law enforcement authority" means:

- a. the municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state, or

- b. the county sheriff, if the person resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state, and
- c. the police or security department of any institution of higher learning within this state if the person:
 - (1) enrolls as a full-time or part-time student,
 - (2) is a full-time or part-time employee at an institution of higher learning, or
 - (3) resides or intends to reside or stay on any property owned or controlled by the institution of higher learning.

B. Any person who has been convicted of an offense or received a deferred judgment for an offense in another jurisdiction, which offense if committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 582 of this title and who enters this state on or after November 1, 1989, shall register, in person, as follows:

1. With the Department of Corrections when the person enters and intends to be in the state for any purpose for five (5) consecutive days or longer, calculated beginning with the first day, has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any sixty-day period, or is enrolled as a full-time or part-time student within this state. Such registration is required within two (2) days after entering the state;

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for five (5) consecutive days or longer, calculated beginning with the first day, has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any sixty-day period, or is enrolled as a full-time or part-time student within this state. The registration is required with local law enforcement within two (2) days after entering the jurisdiction of the law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

Upon registering a person who has been convicted of an offense or received a deferred judgment for an offense in another jurisdiction, which offense, if committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 582 of this title, the local law enforcement authority shall forward the registration information to the sex offender level assignment committee of the Department of Corrections.

C. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the Department of Corrections as follows:

1. For a total period of fifteen (15) years, if the level assignment of the person is one;

2. For a total period of twenty-five (25) years, if the level assignment of the person is two; and

3. For life, if the level assignment of the person is three or the person is classified as a habitual or aggravated sex offender. The registration period shall begin from the date of the completion of the sentence, and shall not conclude until the offender has been in compliance for the total amount of time required by this act. For level one and level two offenders, if the offender ceases to properly register during the fifteen-year or twenty-five-year periods, the Department of Corrections shall retain the name of the offender on the registry until the offender has fully complied with the requirements of this act for the total period of time required. The Department of Corrections shall maintain records necessary to determine whether the offender has registered for the total period of time required. The information received pursuant to the registration with the Department of Corrections required by this section shall be maintained by the Department of Corrections for at least ten (10) years from the date that the offender completed the obligations under this act.

D. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the local law enforcement authority as follows:

1. For a total period of fifteen (15) years, if the level of the person is one;

2. For a total period of twenty-five (25) years, if the level of the person is two; and

3. For life, if the level of the person is three or the person has been classified as a habitual or aggravated sex offender. The registration period shall begin from the date of completion of the sentence and shall not conclude until the offender has been in compliance for the total amount of time required by this act. The information received pursuant to the registration with the local law enforcement authority required by this section shall be maintained by such authority for at least ten (10) years from the date that the offender completed the obligations under this act.

E. Any person assigned a level of one who has been registered for a period of ten (10) years and who has not been arrested or convicted for any felony or misdemeanor offense since being released from confinement, may petition the district court in the jurisdiction where the person resides for the purpose of removing the level designation and allowing the person to no longer be subject to the registration requirements of the Sex Offenders Registration Act.

F. When registering an offender as provided in this section the Department of Corrections or the local law enforcement agency having jurisdiction shall:

1. Inform the offender of the duty to register and obtain the information required for registration as described in this section;
2. Inform the offender that if the offender changes address, the offender shall appear in person and give notice of the move and the new address to the Department of Corrections and to the local law enforcement authority in the location in which the offender previously resided no later than three (3) days before the offender establishes residence or is temporarily domiciled at the new address;
3. Inform the offender that if the offender changes address to another state, the offender shall appear in person and give notice of the move and shall register the new address with the Department of Corrections and with a designated law enforcement agency in the new state not later than ten (10) days before the offender establishes residency or is temporarily domiciled in the new state, if the new state has a registration requirement;
4. Inform the offender that if the offender participates in any full-time employment, with or without compensation, and changes or terminates such employment, the offender shall appear in person and give notice of the change or termination of employment to the Department of Corrections and to the local law enforcement authority in the location where the offender was employed within three (3) days of such change or termination of employment;
5. Inform the offender that if the offender participates in any full-time or part-time employment, in another state, with or without compensation for more than fourteen (14) cumulative days in any sixty-day period or an aggregate period exceeding thirty (30) days in a calendar year, then the offender has a duty to register as a sex offender in that state;
6. Inform the offender that if the offender enrolls in any type of school in another state as a full-time or part-time student then the offender has a duty to register as a sex offender in that state;
7. Inform the offender that if the offender enrolls in any school within this state as a full-time or part-time student, then the offender has a duty to register as a sex offender with the Department of Corrections and the local law enforcement authority;
8. Inform the offender that if the offender participates in any full-time or part-time employment at any school, with or without compensation, or participates in any vocational course or occupation at any school in this state, then the offender has a duty to appear in person and notify the Department of Corrections and the local law enforcement authority of such employment or participation at least three (3) days before commencing or upon terminating such employment or participation;

9. Inform the offender that if the offender graduates, transfers, drops, terminates or otherwise changes enrollment or employment at any school in this state, then the offender shall appear in person and notify the Department of Corrections and the local law enforcement authority of such change in enrollment or employment within three (3) days of the change; and

10. Require the offender to read and sign a form stating that the duty of the person to register under the Sex Offenders Registration Act has been explained.

G. For the purpose of this section, the "date of the completion of the sentence" means the day an offender completes all incarceration, probation and parole pertaining to the sentence.

H. Any person who resides in another state and who has been convicted of an offense or received a deferred judgment for an offense in this state, or in another jurisdiction, which offense if committed or attempted in this state would have been punishable as one or more of the offenses listed in Section 582 of this title, and who is the spouse of a person living in this state shall be registered as follows:

1. With the Department of Corrections when the person enters and intends to be in the state for any purpose for five (5) consecutive days or longer, calculated beginning with the first day or an aggregate period of five (5) days or longer in a calendar year. Such registration is required within two (2) days after entering the state; and

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay within this state for two (2) consecutive days or longer, calculated beginning with the first day. The registration is required with local law enforcement within two (2) days after entering the jurisdiction of the law enforcement authority.

I. The duty to register as a sex offender in this state shall not be prevented if, at the time of registration, it is determined that the person owns or leases a residence that is located within a restricted area provided for in Section 590 of this title.

Added by Laws 1989, c. 212, § 3, eff. Nov. 1, 1989. Amended by Laws 1995, c. 142, § 3, eff. July 1, 1995; Laws 1997, c. 260, § 4, eff. Nov. 1, 1997; Laws 1999, c. 336, § 2, eff. Nov. 1, 1999; Laws 2000, c. 349, § 3, eff. Nov. 1, 2000; Laws 2001, c. 51, § 1, eff. July 1, 2001; Laws 2002, c. 153, § 1, emerg. eff. April 29, 2002; Laws 2004, c. 162, § 1, emerg. eff. April 26, 2004; Laws 2005, c. 1, § 83, emerg. eff. March 15, 2005; Laws 2005, c. 123, § 2, eff. Nov. 1, 2005; Laws 2006, c. 284, § 8, emerg. eff. June 7, 2006; Laws 2007, c. 1, § 41, emerg. eff. Feb. 22, 2007; Laws 2007, c. 261, § 27, eff. Nov. 1, 2007; Laws 2008, c. 94, § 2, emerg. eff. April 29, 2008; Laws 2009, c. 404, § 5, eff. Nov. 1, 2009; Laws 2013, c. 190, § 1, eff. Nov. 1, 2013; Laws 2014, c. 17, § 1, eff. Nov. 1, 2014.

NOTE: Laws 2004, c. 98, § 1 repealed by Laws 2005, c. 1, § 84, emerg. eff. March 15, 2005. Laws 2006, c. 294, § 12 repealed by Laws 2007, c. 1, § 42, emerg. eff. Feb. 22, 2007.

§57-584. Registration - Notice of change in address, employment, or student enrollment status - Notice of and access to registries - Habitual or aggravated sex offender designation - Immunity.

A. Any registration with the Department of Corrections required by the Sex Offenders Registration Act shall be in a form approved by the Department and shall include the following information about the person registering:

1. The name of the person and all aliases used or under which the person has been known;
2. A complete description of the person, including a photograph and fingerprints, and when requested by the Department of Corrections, such registrant shall submit to a blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to testing for individuals registering shall be within thirty (30) days of registration. Registrants who already have valid samples on file in the Oklahoma State Bureau of Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate samples for testing;
3. The offenses listed in Section 582 of this title for which the person has been convicted or the person received a suspended sentence or any form of probation, where the offense was committed, where the person was convicted or received the suspended sentence or any form of probation, and the name under which the person was convicted or received the suspended sentence or probation;
4. The name and location of each hospital or penal institution to which the person was committed for each offense listed in Section 582 of this title;
5. Where the person previously resided, where the person currently resides including a mappable address and a zip code, how long the person has resided there, how long the person expects to reside there, and how long the person expects to remain in the county and in this state. The address of the residence shall be a physical address, not a post office box. The Department of Corrections shall conduct address verification of each registered sex offender as follows:
 - a. on an annual basis, if the numeric risk level of the person is one,
 - b. on a semiannual basis, if the numeric risk level of the person is two, or
 - c. every ninety (90) days, if the offender has been determined to be a habitual or aggravated sex offender by the Department of Corrections or has been assigned a level assignment of three.

The Department of Corrections shall mail a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority of that jurisdiction within ten (10) days after receipt of the form and may be photographed by the local law enforcement authority at that time; provided that the person shall be photographed by the local law enforcement authority at that time if the photograph in the Department of Corrections sex offender registry is more than one year old, or if it cannot be determined when the photograph in the registry was taken. The local law enforcement authority shall require the person to produce proof of the identity of the person and a current mappable address with a zip code. Upon confirming the information contained within the verification form, the local law enforcement authority shall forward a copy of the form to the Department of Corrections, in a manner approved by the Department of Corrections, within three (3) days after receipt of the form. The verification form shall be signed by the person and state the current address of the person. In the absence of receipt of the mailed verification form by the offender, the offender must continue to comply with the reporting requirements as provided in this paragraph. The offender should report as required to the local law enforcement agency for current address verification. The Department of Corrections will provide an alternative address verification form to local law enforcement for conformity. Failure to return the verification form or report as required shall be a violation of the Sex Offenders Registration Act. The Department of Corrections shall notify the office of the district attorney and local law enforcement authority of the appropriate county, within forty-five (45) days if unable to verify the address of a sex offender. A local law enforcement authority may notify the office of the district attorney whenever it comes to the attention of the local law enforcement authority that a sex offender is not in compliance with any provisions of Section 581 et seq. of this title. A local law enforcement authority designated as the primary registration authority of the person may, at any time, mail a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority that mailed the form within ten (10) days after receipt of the form. The local law enforcement authority shall require the person to produce proof of the identity of the person and a current mappable address with a zip code;

6. The name and address of any school where the person expects to become or is enrolled or employed for any length of time;

7. A description of all occupants residing with the person registering, including, but not limited to, name, date of birth, gender, relation to the person registering, and how long the occupant has resided there;

8. The level assignment of the person; and

9. Any electronic mail address information, instant message, chat or other Internet communication name or identity information that the person uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication.

B. Conviction data and fingerprints shall be promptly transmitted at the time of registration to the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) if the state has not previously sent the information at the time of conviction.

C. Any person subject to the provisions of the Sex Offenders Registration Act or the Mary Rippe Violent Crime Offenders Registration Act, who has an out-of-state conviction that requires registration, shall provide the local law enforcement authority where the offender intends to reside with a certified copy of the offender's judgment and sentencing report within sixty (60) days of the offender's initial registration with this state. If an offender moves to a different location in this state outside of the jurisdiction of the law enforcement authority that has a certified copy of the judgment and sentencing report, the offender shall provide the local law enforcement authority of the new location where the offender intends to reside with a certified copy of the judgment and sentencing report within sixty (60) days of establishing residency in the new location.

On or after November 1, 2011, the Department of Corrections shall notify by regular first-class mail to the registered addresses in the sex offender registry all offenders required to register in this state that have an out-of-state conviction to obtain a certified copy of the offender's judgment and sentencing report and file it with the local law enforcement authority in which the offender resides within one hundred twenty (120) days of receipt of the mailed notice.

D. The registration with the local law enforcement authority required by the Sex Offenders Registration Act shall be in a form approved by the local law enforcement authority and shall include the following information about the person registering:

1. The full name of the person, alias, date of birth, sex, race, height, weight, eye color, social security number, driver license number, and a mappable home address with a zip code. The home address shall be a physical address, not a post office box;

2. A description of the offense for which the offender was convicted, the date of the conviction, and the sentence imposed, if applicable;

3. A photocopy of the driver license of the person;

4. The level assignment of the person.

For purposes of this section, "local law enforcement authority" means:

- a. the municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state, or
- b. the county sheriff, if the person resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state, and
- c. the police or security department of any institution of higher learning within this state if the person:
 - (1) enrolls as a full-time or part-time student,
 - (2) is a full-time or part-time employee at an institution of higher learning, or
 - (3) resides or intends to reside or stay on any property owned or controlled by the institution of higher learning; and

5. Any electronic mail address information, instant message, chat or other Internet communication name or identity information that the person uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication.

E. Any person subject to the provisions of the Sex Offenders Registration Act who changes address, employment or student enrollment status shall appear in person and give notification to the local law enforcement authority of the change of address and the new mappable address with zip code, the change of employment or the change of student enrollment status no later than three (3) business days prior to the abandonment of or move from the current address or, in the case of change of employment or student enrollment, within three (3) business days of such change. The address given to the local law enforcement authority shall be a physical address, not a post office box. If the new address, employment or student enrollment is under the jurisdiction of a different local law enforcement authority:

1. The local law enforcement authority shall notify the Department of Corrections and the new local law enforcement authority by teletype or electronic transmission of the change of address, employment or student enrollment status;

2. The offender shall notify the new local law enforcement authority of any previous registration; and

3. The new local law enforcement authority shall notify the most recent registering agency by teletype or electronic transmission of the change in address, employment or student enrollment status of the offender. If the new address is in another state the Department of Corrections shall promptly notify the agency responsible for registration in that state of the new address of the offender.

F. Any person registered as a sex offender, pursuant to the Sex Offenders Registration Act, who has provided a post office box as an

address shall be contacted by local law enforcement and required to provide a physical address.

G. Any person subject to the provisions of the Sex Offenders Registration Act who is unable to provide a mappable address with a zip code to the Department of Corrections or local law enforcement authority as required in subsections A, C and D of this section and registers as a transient shall report in person to the nearest local law enforcement authority every seven (7) days and provide to the local law enforcement authority the approximate location of where the person is staying and where the person plans to stay.

H. Any person subject to the provisions of the Sex Offenders Registration Act who resides with a minor child must report to the statewide centralized hotline of the Department of Human Services the name and date of birth of any and all minor children residing in the same household and the offenses for which the person is required to register pursuant to the Sex Offenders Registration Act within three (3) days of intent to reside with a minor child.

I. The Department of Corrections shall maintain a file of all sex offender registrations. A copy of the information contained in the registration shall promptly be available to state, county and municipal law enforcement agencies, the State Superintendent of Public Instruction, the State Commissioner of Health, and the National Sex Offender Registry maintained by the Federal Bureau of Investigation, unless otherwise prohibited by law. The file shall promptly be made available for public inspection or copying pursuant to rules prescribed by the Department of Corrections and may be made available through Internet access, unless otherwise prohibited by law. The Department of Corrections shall promptly provide all municipal police departments, all county sheriff departments and all campus police departments a list of those sex offenders registered and living in their county.

J. The Department of Corrections shall, upon the request of any Internet entity, release to such entity any information required pursuant to paragraph 9 of subsection A of this section or paragraph 5 of subsection D of this section that would enable the Internet entity to prescreen or remove sex offenders from its services or, in conformity with state and federal law, advise law enforcement or other governmental entities of potential violations of law or threats to public safety. Before releasing information to an Internet entity the Department shall require an Internet entity that requests information to submit to the Department the name, address and telephone number of such entity and the specific legal nature and corporate status of such entity. Except for the purposes specified in this subsection, an Internet entity shall not publish or in any way disclose or redisclose any information provided to it by the Department pursuant to this subsection. The Department shall update any information released pursuant to this subsection on a monthly

basis to ensure that the information of every individual that has been removed from the sex offender registry in this state is no longer released pursuant to this subsection. The Department may charge the Internet entity a fee for access to information pursuant to this subsection. The Department shall promulgate any rules necessary to implement the provisions of this subsection. As used in this subsection "Internet entity" means any business, organization or other entity providing or offering a service over the Internet which permits persons under eighteen (18) years of age to access, meet, congregate or communicate with other users for the purpose of social networking. This definition shall not include general e-mail services.

K. The Superintendent of Public Instruction is authorized to copy and shall distribute information from the sex offender registry to school districts and individual public and private schools within the state with a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title 57 of the Oklahoma Statutes."

L. The State Commissioner of Health is authorized to distribute information from the sex offender registry to any nursing home or long-term care facility. Nothing in this subsection shall be deemed to impose any liability upon or give rise to a cause of action against any person, agency, organization, or company for failing to release information in accordance with the Sex Offenders Registration Act.

M. Each local law enforcement authority shall make its sex offender registry available upon request, without restriction, at a cost that is no more than what is charged for other records provided by the local law enforcement authority pursuant to the Oklahoma Open Records Act.

When a local law enforcement authority sends a copy of or otherwise makes the sex offender registry available to any public or private school offering any combination of prekindergarten through twelfth grade classes or child care facility licensed by the state, the agency shall provide a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title 57 of the Oklahoma Statutes."

N. Samples of blood or saliva for DNA testing required by subsection A of this section shall be taken by employees or contractors of the Department of Corrections. The individuals shall be properly trained to collect blood or saliva samples. Persons

collecting samples for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. The Department of Corrections shall ensure the collection of samples is mailed to the Oklahoma State Bureau of Investigation (OSBI) within ten (10) days of the time the subject appears for testing. The Department shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing pursuant to this section shall be required to pay to the Department of Corrections a fee of Fifteen Dollars (\$15.00). Any fees collected pursuant to this subsection shall be deposited in the Department of Corrections revolving account.

O. 1. Any person who has been convicted of or received a suspended sentence or any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, for any crime listed in Section 582 of this title and:

- a. who is subsequently convicted of a crime or an attempt to commit a crime listed in subsection A of Section 582 of this title, or
- b. who enters this state after November 1, 1997, and who has been convicted of an additional crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in subsection A of Section 582 of this title,

shall be subject to all of the registration requirements of the Sex Offenders Registration Act and shall be designated by the Department of Corrections as a habitual sex offender. A habitual sex offender shall be required to register for the lifetime of the habitual sex offender.

2. On or after November 1, 1999, any person who has been convicted of a crime or an attempt to commit a crime, received a suspended sentence or any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, for a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation as these terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes shall be subject to all the registration requirements of the Sex Offenders Registration Act and shall be designated by the Department of Corrections as an aggravated sex offender. An aggravated sex offender shall be required to register for the lifetime of the aggravated sex offender.

3. Upon registration of any person designated as a habitual or aggravated sex offender, pursuant to this subsection, a local law enforcement authority shall notify, by any method of communication it

deems appropriate, anyone that the local law enforcement authority determines appropriate, including, but not limited to:

- a. the family of the habitual or aggravated sex offender,
- b. any prior victim of the habitual or aggravated sex offender,
- c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, and
- d. a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

4. The notification may include, but is not limited to, the following information:

- a. the name and physical address of the habitual or aggravated sex offender,
- b. a physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye and hair color,
- c. a description of the vehicle that the habitual or aggravated sex offender is known to drive,
- d. any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,
- e. a description of the primary and secondary targets of the habitual or aggravated sex offender,
- f. a description of the method of offense of the habitual or aggravated sex offender,
- g. a current photograph of the habitual or aggravated sex offender,
- h. the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender, and
- i. the level assignment of the person.

5. The local law enforcement authority shall make the notification provided for in this subsection regarding a habitual or aggravated sex offender available to any person upon request.

P. If the probation and parole officer supervising a person subject to registration receives information to the effect that the status of the person has changed in any manner that affects proper supervision of the person including, but not limited to, a change in the physical health of the person, address, employment, or educational status, higher educational status, incarceration, or terms of release, the supervising officer or administrator shall notify the appropriate local law enforcement authority or authorities of that change.

Q. Public officials, public employees, and public agencies are immune from civil liability for good faith conduct under any provision of the Sex Offenders Registration Act.

1. Nothing in the Sex Offenders Registration Act shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for releasing information to the public or for failing to release information in accordance with the Sex Offenders Registration Act.

2. Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public of any persons that pose a danger under circumstances that are not enumerated in the Sex Offenders Registration Act.

Added by Laws 1989, c. 212, § 4, eff. Nov. 1, 1989. Amended by Laws 1991, c. 227, § 5, emerg. eff. May 23, 1991; Laws 1995, c. 142, § 4, eff. July 1, 1995; Laws 1997, c. 260, § 5, eff. Nov. 1, 1997; Laws 1998, c. 347, § 2, eff. Nov. 1, 1998; Laws 1999, c. 336, § 3, eff. Nov. 1, 1999; Laws 2000, c. 349, § 4, eff. Nov. 1, 2000; Laws 2001, c. 51, § 2, eff. July 1, 2001; Laws 2002, c. 235, § 2, emerg. eff. May 9, 2002; Laws 2003, c. 3, § 49, emerg. eff. March 19, 2003; Laws 2005, c. 175, § 1, emerg. eff. May 16, 2005; Laws 2005, c. 465, § 9, emerg. eff. June 9, 2005; Laws 2006, c. 133, § 1, eff. July 1, 2006; Laws 2006, c. 284, § 9, emerg. eff. June 7, 2006; Laws 2007, c. 261, § 28, eff. Nov. 1, 2007; Laws 2009, c. 404, § 6, eff. Nov. 1, 2009; Laws 2010, c. 2, § 27, emerg. eff. March 3, 2010; Laws 2010, c. 136 § 1, eff. Nov. 1, 2010; Laws 2010, c. 237, § 2, eff. Nov. 1, 2010; Laws 2010, c. 407, § 1, eff. Nov. 1, 2010; Laws 2011, c. 24, § 1, eff. Nov. 1, 2011; Laws 2014, c. 24, § 1, eff. Nov. 1, 2014; Laws 2017, c. 224, § 2, eff. Nov. 1, 2017; Laws 2019, c. 205, § 1, eff. Nov. 1, 2019.

NOTE: Laws 2002, c. 20, § 3 repealed by Laws 2003, c. 3, § 50, emerg. eff. March 19, 2003. Laws 2002, c. 153, § 2 repealed by Laws 2003, c. 3, § 51, emerg. eff. March 19, 2003. Laws 2009, c. 234, § 148 repealed by Laws 2010, c. 2, § 28, emerg. eff. March 3, 2010.

§57-585. Notifying offenders of obligation to register.

A. Each person in charge of a correctional institution from which a person subject to the provisions of the Sex Offenders Registration Act, Section 581 et seq. of this title, is released and each judge who suspends the sentence of a person subject to the provisions of the Sex Offenders Registration Act or orders any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, for a person subject to the provisions of the Sex Offenders Registration Act shall prior to discharge or release of the person:

1. Explain to the person the duty to register pursuant to the Sex Offenders Registration Act;

2. Require the person to sign a written statement that the duty to register has been explained and the person understands the duty to register;

3. Obtain the address at which the person is to reside upon discharge or release. The address shall be a physical address, not a post office box; and

4. Forward the information to the Department of Corrections.

B. The Department of Public Safety shall issue written notification of the registration requirements of the Sex Offenders Registration Act to any person who enters this state from another jurisdiction and makes an initial application for an operator's or chauffeur's license to operate a motor vehicle in this state.

C. The Department of Corrections shall coordinate with the Administrative Office of the Courts in promulgating rules to establish other necessary procedures for notifying offenders of the obligation to register pursuant to the Sex Offenders Registration Act and procedures for registration of those offenders.

D. The Department of Corrections shall coordinate with surrounding states to establish necessary procedures for notifying offenders that reside in other states but work or attend school within the State of Oklahoma of the obligation to register pursuant to the Sex Offenders Registration Act and the procedure for registration of those offenders.

Added by Laws 1989, c. 212, § 5, eff. Nov. 1, 1989. Amended by Laws 1995, c. 142, § 5, eff. July 1, 1995; Laws 1997, c. 260, § 6, eff. Nov. 1, 1997; Laws 1999, c. 336, § 4, eff. Nov. 1, 1999; Laws 2000, c. 349, § 5, eff. Nov. 1, 2000; Laws 2010, c. 407, § 2, eff. Nov. 1, 2010.

§57-586. False or misleading registration information.

No person subject to the provisions of the Sex Offenders Registration Act, Sections 581 et seq. of this title, shall furnish any false or misleading information in the registration required by said act.

Added by Laws 1989, c. 212, § 6, eff. Nov. 1, 1989. Amended by Laws 1995, c. 142, § 6, eff. July 1, 1995.

§57-587. Penalty.

A. Any person required to register pursuant to the provisions of the Sex Offenders Registration Act who violates any provision of said act shall, upon conviction, be guilty of a felony. Any person convicted of a violation of this section shall be punished by imprisonment in the custody of the Department of Corrections for not more than five (5) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person required to register pursuant to the Sex Offenders Registration Act who fails to comply with the established guidelines

for global position system (GPS) monitoring shall, upon conviction, be guilty of a felony punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the county jail for not more than one (1) year, or by both such fine and imprisonment.

Added by Laws 1989, c. 212, § 7, eff. Nov. 1, 1989. Amended by Laws 1995, c. 142, § 7, eff. July 1, 1995; Laws 1997, c. 260, § 7, eff. Nov. 1, 1997; Laws 1998, c. 347, § 3, eff. Nov. 1, 1998; Laws 2001, c. 51, § 3, eff. July 1, 2001; Laws 2006, c. 284, § 10, emerg. eff. June 7, 2006.

§57-588. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§57-589. Registered offenders prohibited from certain employment - Penalties - Civil damages.

A. It is unlawful for any person registered pursuant to the Oklahoma Sex Offenders Registration Act or the Mary Rippey Violent Crime Offenders Registration Act to work with or provide services to children or to work on school premises, or for any person or business which contracts for work to be performed on school premises to knowingly and willfully allow any employee to work with children or to work on school premises who is registered pursuant to the Oklahoma Sex Offenders Registration Act or the Mary Rippey Violent Crime Offenders Registration Act. Upon conviction for any violation of the provisions of this subsection, the violator shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00). In addition, the violator may be liable for civil damages.

B. 1. A person or business who offers or provides services to children shall ensure compliance with subsection A of this section by conducting a name search of employees at least annually against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippey Violent Crime Offenders Registration Act while such person is working with or serving children. All persons working with or providing services to children shall be required to sign a statement declaring that he or she is not currently required to register under the provisions of the Oklahoma Sex Offenders Registration Act or the Mary Rippey Violent Crime Offenders Registration Act. Compliance with the signed statement shall be mandatory for all persons working with or providing services to children, and there shall be no liability or obligation placed upon any person or business to ascertain the truthfulness of the affidavit. Any person or business having a contract with a school shall ensure compliance as provided by Section 6-101.48 of Title 70 of the Oklahoma Statutes.

2. Failure of any person or business who works with or provides services to children to conduct the annual name search of each person employed shall be a misdemeanor. Upon conviction for failure to conduct a name search, the violator shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00). Refusal of any person who is employed to work with or provide services to children to sign a statement declaring they have no requirement to register as provided in this section shall be a misdemeanor, upon conviction, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), and the person shall be immediately terminated from employment. Any person discovering an employment or registration violation as required by any provision of law for any person currently employed to work with or provide services to children has a duty to and shall immediately report such findings to the district attorney.

C. It is unlawful for any law enforcement agency to employ any person as a peace officer or criminal investigator who has received a verdict of guilty or pled guilty or nolo contendere to any offense required to register pursuant to the Sex Offenders Registration Act or the Mary Rippey Violent Crime Offenders Registration Act, including those receiving a verdict of guilt, pleading guilty or nolo contendere as part of a deferred judgment or other provision of law authorizing a delayed or suspended judgment or sentence. Every person receiving a verdict of guilty or pleading guilty or nolo contendere to any offense required to register pursuant to the Sex Offenders Registration Act or the Mary Rippey Violent Crime Offenders Registration Act shall be prohibited from being certified by the Council on Law Enforcement Education and Training (CLEET) as a peace officer, private investigator, or security guard, and if at the time of the verdict or plea such person has been previously CLEET certified such certification shall be revoked. Any violator shall be guilty of a misdemeanor upon conviction of noncompliance with the provisions of this subsection.

Added by Laws 1998, c. 411, § 5, eff. July 1, 1998. Amended by Laws 1999, c. 200, § 1, emerg. eff. May 24, 1999; Laws 2002, c. 460, § 35, eff. Nov. 1, 2002; Laws 2004, c. 358, § 10, eff. Nov. 1, 2004; Laws 2008, c. 162, § 2, eff. July 1, 2008.

§57-590. Residency restriction - Penalty.

A. It is unlawful for any person registered pursuant to the Sex Offenders Registration Act to reside, either temporarily or permanently, within a two-thousand-foot radius of any public or private school site, educational institution, property or campsite used by an organization whose primary purpose is working with children, a playground or park that is established, operated or supported in whole or in part by a homeowners' association or a city, town, county, state, federal or tribal government, a licensed child

care center or family child care home as defined in the Oklahoma Child Care Facilities Licensing Act or the residence of his or her victim. Establishment of a licensed child care center, family child care home or park in the vicinity of the residence of a registered sex offender will not require the relocation of the sex offender or the sale of the property. On June 7, 2006, the distance indicated in this section shall be measured from the nearest property line of the residence of the person to the nearest property line of the public or private school site, educational institution, property or campsite used by an organization whose primary purpose is working with children, playground, park, licensed child care center, family child care home or residence of his or her victim; provided, any nonprofit organization established and housing sex offenders prior to the effective date of this provision shall be allowed to continue its operation.

Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.

B. It shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act for any offense in which a minor child was the victim to reside with a minor child or establish any other living accommodation where a minor child resides. Provided, however, the person may reside with a minor child if the person is the parent, stepparent or grandparent of the minor child and the minor child was not the victim of the offense for which the person is required to register. Any person subject to the provisions of the Sex Offenders Registration Act who resides with a minor child must report to the statewide centralized hotline of the Department of Human Services the name and date of birth of any and all minor children residing in the same household and the offenses for which the person is required to register pursuant to the Sex Offenders Registration Act within three (3) days of intent to reside with a minor child.

Nothing in the provisions of this subsection shall prevent the Department of Human Services from conducting and completing a safety evaluation when a registered sex offender resides in the home of a minor child.

C. The provisions of this section shall not apply to any registered sex offender residing in a hospital or other facility certified or licensed by the State of Oklahoma to provide medical services.

D. Any person willfully violating the provisions of this section by:

1. Intentionally moving into any neighborhood or to any real estate or home within the prohibited distance; or

2. Intentionally moving into a residence with a minor child or establishing any other living accommodation where a minor child resides as specified in subsection B of this section, shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than three (3) years, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of this section shall be punished by a fine not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, or by both such fine and imprisonment. Added by Laws 2003, c. 223, § 1, eff. Nov. 1, 2003. Amended by Laws 2006, c. 284, § 11, emerg. eff. June 7, 2006; Laws 2007, c. 261, § 29, eff. Nov. 1, 2007; Laws 2008, c. 347, § 2, eff. Nov. 1, 2008; Laws 2010, c. 136, § 2, eff. Nov. 1, 2010; Laws 2012, c. 281, § 1, eff. Nov. 1, 2012; Laws 2015, c. 270, § 2, eff. Nov. 1, 2015; Laws 2017, c. 224, § 3, eff. Nov. 1, 2017; Laws 2018, c. 38, § 3, eff. Nov. 1, 2018; Laws 2018, c. 145, § 1, eff. Nov. 1, 2018; Laws 2019, c. 205, § 2, eff. Nov. 1, 2019. NOTE: Laws 2006, c. 294, § 13 repealed by Laws 2007, c. 1, § 43, emerg. eff. Feb. 22, 2007.

§57-590.1. Individual dwelling residency restrictions - Two or more sex offenders - Housing of registered sex offenders.

A. 1. It is unlawful for two or more persons required to register as sex offenders to reside together in any individual dwelling during the term of registration as a sex offender. Every person violating this provision shall be guilty, upon conviction, of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year and a fine in an amount not to exceed One Thousand Dollars (\$1,000.00). Every person convicted of a second or subsequent violation of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than five (5) years and a fine in an amount not to exceed Two Thousand Dollars (\$2,000.00).

2. The provisions of paragraph 1 of this subsection shall not be construed to prohibit a registered sex offender from residing in any properly zoned and established boarding house, apartment building or other multi-unit structure; provided the individual dwellings are separate for each registered person. Nothing in this subsection shall prohibit the sharing of living quarters, jail or prison space, or any multi-person or dormitory-style housing of sex offenders in the custody of any jail or correctional facility or any properly zoned facility under contract with a jail or correctional agency for the purpose of housing prisoners, or any properly established treatment or nonprofit facility located in a properly zoned area

determined by the local governing authority and housing persons for purposes of sex offender services and treatment. Nothing in this subsection shall prohibit married persons, both of whom are required to register as sex offenders, or two or more blood relatives who are required to register as sex offenders, from residing in any individual dwelling during the term of registration as a sex offender.

3. For purposes of this subsection, "individual dwelling" means:
 - a. a private residential property, whether owned, leased or rented, including all real property zoned as single-family residential property or zoned as multi-family residential property due to any adjacent, detached or separate living quarters of any kind on such property,
 - b. any room available within any boarding house or group home as such term is defined by subsection D of this section,
 - c. any single apartment for rent or lease within an apartment building, or
 - d. any separate residential unit made available for sale, rent or lease within a multi-unit structure, including a condominium, duplex, triplex, quadriplex or any unit that is constructed together with other separate units into one structure.

4. For purposes of this section, "multi-unit structure" means a structure with multiple residential units that provide independent living facilities for living, sleeping, cooking, eating, and sanitation within each individual unit. Manufactured homes, mobile homes, trailers, and recreational vehicles that do not meet the descriptions of this paragraph are not multi-unit structures.

B. The Department of Corrections is prohibited from contracting for the housing of any person required to register as a sex offender in any individual dwelling, as defined by paragraph 3 of subsection A of this section, where another person required to register as a sex offender also resides.

C. No halfway house, nonprofit organization, or private entity shall contract with the Department of Corrections or any jail to house any person required to register as a sex offender or offer housing independently to any person required to register as a sex offender if such housing facility is located within a single-family zoned residential neighborhood or is not properly zoned as a multi-unit housing structure, jail or correctional facility.

D. No person or entity shall knowingly establish or operate a boarding house or group home, or otherwise knowingly rent or lease rooms, for the residency of persons required to register pursuant to the Sex Offenders Registration Act unless treatment services are provided. Said facility must also be in a properly zoned area determined by the local governing authority. For purposes of this

subsection, "boarding house or group home" means a dwelling that is used for the residency of two or more unrelated persons.

E. No person or entity shall knowingly establish, lease, operate, or own any structure or portion of a structure where persons required to register pursuant to the Sex Offenders Registration Act are allowed to reside together in violation of this section or knowingly allow any other violation of this section.

F. Every person convicted of a first violation of subsection E of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second violation shall be guilty of a misdemeanor and shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a third or subsequent violation shall be guilty of a felony and shall be punished by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by both such fine and imprisonment.

Added by Laws 2006, c. 284, § 12, emerg. eff. June 7, 2006. Amended by Laws 2007, c. 261, § 30, eff. Nov. 1, 2007; Laws 2009, c. 404, § 7, eff. Nov. 1, 2009; Laws 2011, c. 381, § 1, eff. July 1, 2012.

§57-590.2. Individual petition to remove requirement to register as sex offender.

A. For purposes of this section, a person shall be considered for removal of the requirement to register as a sex offender if the person:

1. Was convicted of a violation of Section 1111.1 or 1114 of Title 21 of the Oklahoma Statutes and the person does not have any other conviction for a violation of Section 1111.1 or 1114 of Title 21 of the Oklahoma Statutes;
2. Is required to register as a sex offender solely on the basis of a violation of Section 1111.1 or 1114 of Title 21 of the Oklahoma Statutes; and
3. Was not more than four (4) years older than the victim of the violation who was fourteen (14) years of age or older but not more than seventeen (17) years of age at the time the person committed the violation.

B. If a person meets the criteria provided for in subsection A of this section, the person may petition the court in which the sentence for the conviction occurred for removal of the requirement to register as a sex offender. The person shall allege in the petition that the person meets the criteria provided for in

subsection A of this section and that removal of the registration requirement will not conflict with federal law. The district attorney shall be given notice of the petition at least twenty-one (21) days before the hearing on the petition. The district attorney may present evidence in opposition to the requested relief or may otherwise demonstrate why the petition should be denied. The court shall rule on the petition and, if the court determines that the person meets the criteria provided for in subsection A of this section and removal of the registration requirement will not conflict with federal law, may grant the petition and order the removal of the registration requirement. If the court denies the petition, the person shall not be authorized to file any further petition for removal of the registration requirement pursuant to this section.

C. If a person, who has yet to be sentenced for a conviction for a violation of Section 1111.1 or 1114 of Title 21 of the Oklahoma Statutes, meets the criteria provided for in subsection A of this section, the person may move the sentencing court for removal of the requirement to register as a sex offender. The person shall allege in the motion that the person meets the criteria provided for in subsection A of this section and that removal of the requirement to register as a sex offender will not conflict with federal law. The district attorney shall be given notice of the motion at least twenty-one (21) days prior to the hearing on the motion. The district attorney may present evidence in opposition to the requested relief or may otherwise demonstrate why the motion should be denied. The court shall rule on the motion and, if the court determines that the person meets the criteria provided for in subsection A of this section and that removal of the requirement to register will not conflict with federal law, may grant the motion and order the removal of the registration requirement. If the court denies the motion, the person shall not be authorized to file any further motions or petitions for removal of the registration requirement pursuant to this section.

D. If a person provides to the Department of Corrections a certified copy of the order of the court removing the requirement that the person register as a sex offender, the registration requirement shall not apply to the person and the Department shall remove all information about the person from the public registry of sex offenders maintained by the Department. However, the removal of information about the person from the public registry shall not mean that the public is denied access to information about the criminal history or record of the person that is otherwise available as a public record.

Added by Laws 2009, c. 404, § 8, eff. Nov. 1, 2009.

§57-591. Short title.

Sections 1 through 9 of this act shall be known and may be cited as the "Mary Rippy Violent Crime Offenders Registration Act".
Added by Laws 2004, c. 358, § 1, eff. Nov. 1, 2004.

§57-592. Definition of local law enforcement authority.

As used in the Mary Rippy Violent Crime Offenders Registration Act, "local law enforcement authority" means:

1. The municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state; or
2. The county sheriff, if the person resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state; and
3. The police or security department of any institution of higher learning within this state if the person:
 - a. enrolls as a full-time or part-time student,
 - b. is a full-time or part-time employee at an institution of higher learning, or
 - c. resides or intends to reside or stay on any property owned or controlled by the institution of higher learning.

Added by Laws 2004, c. 358, § 2, eff. Nov. 1, 2004.

§57-593. Persons to whom act applies - Crimes to be registered under act - Judge's determination.

A. On and after November 1, 2004, the provisions of the Mary Rippy Violent Crime Offenders Registration Act shall apply to:

1. Any person residing, working or attending school in this state who is subsequently convicted of, or who receives a deferred judgment or suspended sentence for, any crime or attempted crime enumerated in subsection B of this section by any court in this state, another state, the United States, a tribal court, or a military court; or
2. Any person who subsequently enters this state for purposes of residence, work or to attend school and who has been previously convicted of or is subject to a deferred judgment, suspended sentence, probation or parole from any court of another state, the United States, a tribal court, or a military court for any crime or attempted crime which, if committed or attempted in this state, would be a crime substantially similar to any crime enumerated in subsection B of this section.

For purposes of this act, "convicted of" means an adjudication of guilt by a court of competent jurisdiction whether upon a verdict or plea of guilty or nolo contendere.

B. The following crimes and attempts to commit such crimes shall be registered under the Mary Rippy Violent Crime Offenders Registration Act:

1. First degree murder as provided for in Section 701.7 of Title 21 of the Oklahoma Statutes;
2. Second degree murder as provided for in Section 701.8 of Title 21 of the Oklahoma Statutes;
3. Manslaughter in the first degree as defined by Section 711 of Title 21 of the Oklahoma Statutes;
4. Shooting or discharging a firearm with intent to kill, use of a vehicle to facilitate the intentional discharge of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of Title 21 of the Oklahoma Statutes;
5. Assault with intent to kill as provided for in Section 653 of Title 21 of the Oklahoma Statutes;
6. Bombing as provided for in Section 1767.1 of Title 21 of the Oklahoma Statutes;
7. Abuse as specifically provided in subsection D of this section; and
8. Any crime or attempt to commit a crime constituting a substantially similar offense as stated in paragraphs 1 through 7 of this subsection adjudicated by any court of another state, the United States, a tribal court, or a military court.

C. The registration requirements of the Mary Rippy Violent Crime Offenders Registration Act shall not apply to any person while the person is incarcerated in a maximum or medium correctional institution of the Department of Corrections, a private correctional institution, or another state, federal, tribal or military facility, but shall apply to deferred, suspended, probation, parole and discharges.

D. 1. For purposes of the Mary Rippy Violent Crime Offenders Registration Act, the requirement to register for a crime of abuse shall be determined by the judge at the time of sentencing or upon granting the defendant a deferred judgment. The judge shall determine whether the crime for which the defendant is convicted or pleads guilty or nolo contendere under any provision of Section 843.5 of Title 21 of the Oklahoma Statutes or Section 843.1, 843.2, 852 or 852.1 of Title 21 of the Oklahoma Statutes resulted in:

- a. physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish to the victim, or
- b. deprivation of nutrition, clothing, shelter, health care, or other care or services which caused serious physical or mental injury to the victim,

and whether the facts or nature of the offense warrant registration for public disclosure and protection of victims.

2. Not every offense enumerated in paragraph 1 of this subsection shall require automatic registration under the Mary Rippy

Violent Crime Offenders Registration Act, and no other offenses shall be authorized for consideration for registration as a crime of abuse. The judge shall not order any defendant to register under the Mary Rippe Violent Crime Offenders Registration Act if the defendant is required to register pursuant to any provision of the Oklahoma Sex Offenders Registration Act for the same offense.

3. Upon the judge determining the defendant should register pursuant to the Mary Rippe Violent Crime Offenders Registration Act for a crime of abuse as authorized in this subsection, the defendant shall be ordered to register and to comply with all provisions of the Mary Rippe Violent Crime Offenders Registration Act, including, but not limited to, the statutory term of registration.

Added by Laws 2004, c. 358, § 3, eff. Nov. 1, 2004. Amended by Laws 2008, c. 162, § 3, eff. July 1, 2008; Laws 2009, c. 234, § 149, emerg. eff. May 21, 2009.

§57-594. Registration requirements - Duty of local law enforcement authority to inform offender of requirements.

A. Any person who becomes subject to the provisions of the Mary Rippe Violent Crime Offenders Registration Act, shall be registered as follows:

1. With the Department of Corrections within three (3) business days after being convicted or receiving a deferred or suspended sentence, if the person is not incarcerated, or within three (3) business days after release of the person from a correctional institution, including parole release, except as provided in subsection B of this section;

2. With the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside for more than seven (7) days. The registration is required within three (3) days after entering the jurisdiction of the law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration.

B. Any person who enters this state and is subject to the provisions of this act shall be registered as follows:

1. With the Department of Corrections when the person enters and intends to be in the state for any purpose for thirty (30) days or longer, has any type of full-time or part-time employment, with or without compensation for more than fourteen (14) days or an aggregate period exceeding thirty (30) days within a calendar year, or is enrolled as a full-time or part-time student within this state. Such registration is required within three (3) days after entering the state;

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for more

than seven (7) days, has any type of full-time or part-time employment, with or without compensation for more than fourteen (14) days or an aggregate period exceeding thirty (30) days within a calendar year, or is enrolled as a full-time or part-time student within this state. The registration is required with local law enforcement within three (3) days after entering the jurisdiction of the local law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration.

C. 1. The person shall be continuously registered during the term of the sentence, as provided in subsections A and B of this section, and for a period of ten (10) years after the date of the completion of the sentence.

2. Information received pursuant to the registration shall be maintained by the Department of Corrections for at least ten (10) years from the date of the completion of the offender's sentence.

3. The information received pursuant to the registration shall be maintained by the local law enforcement authority for at least ten (10) years from the date of the completion of the offender's sentence.

4. As used in this subsection, "date of the completion of the sentence" means the day an offender completes the entire term of the incarceration imposed by the sentence including any term that is deferred, suspended or subject to parole.

D. When registering an offender as provided in this section, the Department of Corrections or the local law enforcement authority having jurisdiction shall:

1. Inform the offender of the duty to register and obtain the information required for registration as described in this section;

2. Inform the offender that if the offender changes address, the offender shall give notice of the move and the new address to the Department of Corrections in writing no later than three (3) days before the offender establishes residence or is temporarily domiciled at the new address;

3. Inform the offender that if the offender changes address to another state, the offender shall give notice of the move and shall register the new address with the Oklahoma Department of Corrections and with a designated law enforcement agency in the new state not later than ten (10) days before the offender establishes residency or is temporarily domiciled in the new state, if the new state has a registration requirement;

4. Inform the offender that if the offender participates in any full-time or part-time employment, in another state, with or without compensation for more than fourteen (14) days or an aggregate period exceeding thirty (30) days in a calendar year, the offender shall

register as a violent crime offender in that state, if the state has a registration requirement;

5. Inform the offender that if the offender enrolls in any type of school in another state as a full-time or part-time student, the offender shall register as a violent crime offender in that state, if the state has a registration requirement;

6. Inform the offender that if the offender enrolls in any type of school within this state as a full-time or part-time student, the offender shall register as a violent crime offender with the Department of Corrections and the local law enforcement authority;

7. Inform the offender that if the offender participates in any full-time or part-time employment at any school, with or without compensation, or participates in any vocational course or occupation at any school in this state, the offender shall notify the Department of Corrections and the local law enforcement authority in writing of the employment or participation at least three (3) days before commencing or upon terminating such employment or participation;

8. Inform the offender that if the offender graduates, transfers, drops, terminates, or otherwise changes enrollment or employment at any school in this state, the offender shall notify the Department of Corrections and the local law enforcement authority in writing of the change in enrollment or employment within three (3) days of the change; and

9. Require the offender to read and sign a form stating that the duty of the person to register under the Mary Rippe Violent Crime Offenders Registration Act has been explained to the offender.
Added by Laws 2004, c. 358, § 4, eff. Nov. 1, 2004.

§57-595. Form - Information required - Address verification - Notification of address change - Notification if address not verified - Transmission and availability of data - DNA testing - Habitual violent crime offender registration.

A. Any registration with the Department of Corrections required by the Mary Rippe Violent Crime Offenders Registration Act shall be in a form approved by the Department and shall include the following information about the person registering:

1. The name of the person and all aliases used or under which the person has been known;

2. A complete description of the person, including a photograph and fingerprints, and when requested by the Department of Corrections the registrant shall submit to a blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to DNA testing shall be within thirty (30) days of notification by the Department. Registrants who already have valid DNA samples on file in the Oklahoma State Bureau of Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate samples for testing;

3. The offense for which the person is required to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act, where the offense was committed, where the person was convicted or received the deferred or suspended sentence, and the name under which the person was convicted or received the sentence;

4. The name and location of each hospital or penal institution to which the person was committed for each offense subject to this act;

5. Where the person previously resided, where the person currently resides, how long the person has resided there, how long the person expects to reside there, and how long the person expects to remain in the county and in this state; and

6. The name and address of any school where the person expects to enroll or is enrolled or employed for any length of time.

B. The Department of Corrections shall conduct address verification of each registered violent crime offender on an annual basis by mailing a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority of that jurisdiction within ten (10) days after receipt of the form and may be photographed by the local law enforcement authority at that time. The local law enforcement authority shall forward the form to the Department of Corrections within three (3) days after receipt of the form. The verification form shall be signed by the person and state the current address of the person. Failure to return the verification form shall be a violation of the Mary Rippy Violent Crime Offenders Registration Act. The Department of Corrections shall have the authority to determine whether a person registered is a habitual violent offender. If the offender has been determined to be a habitual violent offender by the Department of Corrections, the address verification shall be conducted every ninety (90) days.

C. Any person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act who changes an address shall give written notification to the Department of Corrections and the local law enforcement authority of the change of address and the new address no later than three (3) business days prior to the abandonment of or move from the current address. If the new address is under the jurisdiction of a different local law enforcement authority, the offender shall notify the new local law enforcement authority of any previous registration. The new local law enforcement authority shall notify the most recent registering agency by teletype or letter of the change in address of the offender. If the new address is in another state that has a registration requirement, the Department of Corrections shall promptly notify the agency responsible for registration in that state of the new address of the offender.

D. The Department of Corrections shall notify the district attorney's office and local law enforcement authority of the appropriate county, within forty-five (45) days if the Department is unable to verify the address of a violent crime offender. A local law enforcement authority may notify the district attorney's office whenever it comes to the attention of the local law enforcement authority that a violent crime offender is not in compliance with any provision of the Mary Rippy Violent Crime Offenders Registration Act.

E. Conviction data and fingerprints shall be promptly transmitted at the time of registration to the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) if the state has not previously sent the information at the time of conviction.

F. The registration with the local law enforcement authority required by the Mary Rippy Violent Crime Offenders Registration Act shall be in a form approved by the local law enforcement authority and shall include the following information about the person registering:

1. The full name of the person, alias, date of birth, sex, race, height, weight, eye color, social security number, driver license number, and home address; and

2. A description of the offense for which the offender was convicted, the date of the conviction, and the sentence imposed, if applicable.

G. The Department of Corrections shall maintain a file of all violent crime offender registrations. A copy of the information contained in the registration shall promptly be made available to state, county, and municipal law enforcement agencies. The file shall promptly be made available for public inspection or copying pursuant to rules promulgated by the Department of Corrections. The Department of Corrections shall promptly provide all municipal police departments, all county sheriff departments, and all campus police departments a list of those violent crime offenders registered and living in their county or jurisdiction.

H. Each local law enforcement authority shall make its violent crime offender registry available upon request, without restriction, at a cost that is no more than what is charged for other records provided by the local law enforcement authority pursuant to the Oklahoma Open Records Act.

I. Samples of blood or saliva for DNA testing authorized by this section shall be taken by employees or contractors of the Department of Corrections. The individuals shall be properly trained to collect blood or saliva samples. The Department of Corrections shall ensure the collection of samples is mailed to the Oklahoma State Bureau of Investigation (OSBI) within ten (10) days after the subject appears for testing. The Department shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA

testing pursuant to this section shall be required to pay to the Department of Corrections a fee of Fifteen Dollars (\$15.00). Any fees collected pursuant to this subsection shall be deposited in the Department of Corrections Revolving Fund.

J. 1. Any person who has been convicted of or received a deferred or suspended sentence for any crime required to register pursuant to this act and:

- a. who is subsequently convicted of a crime or an attempt to commit a crime listed in subsection B of Section 593 of this title, or
- b. who enters this state after November 1, 2004, and who has been convicted of an additional crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in subsection B of Section 593 of this title,

shall be subject to all of the registration requirements of the Mary Rippy Violent Crime Offenders Registration Act and shall be designated by the Department of Corrections as a habitual violent crime offender. A habitual violent crime offender shall be required to register for the lifetime of the habitual violent crime offender.

2. Upon registration of any person designated as a habitual violent crime offender, a local law enforcement authority shall notify, by any method of communication it deems appropriate, anyone that the local law enforcement authority determines appropriate, including, but not limited to:

- a. the family of the habitual violent crime offender,
- b. any prior victim of the habitual violent crime offender,
- c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, and
- d. a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

3. The notification shall include, but is not limited to, the following information:

- a. the name and physical address of the habitual violent crime offender,
- b. a physical description of the habitual violent crime offender, including, but not limited to, age, height, weight and eye and hair color,
- c. a description of the vehicle that the habitual violent crime offender is known to drive,

- d. any conditions or restrictions upon the probation, parole or conditional release of the habitual violent crime offender,
- e. a description of the primary and secondary targets of the habitual violent crime offender,
- f. a description of the method of offense of the habitual violent crime offender,
- g. a current photograph of the habitual violent crime offender, and
- h. the name and telephone number of the probation or parole officer of the habitual violent crime offender.

4. The local law enforcement authority shall make the notification provided for in this subsection regarding a habitual violent crime offender available to any person upon request. Added by Laws 2004, c. 358, § 5, eff. Nov. 1, 2004. Amended by Laws 2005, c. 465, § 10, emerg. eff. June 9, 2005.

§57-596. Immunity from civil liability.

Public officials, public employees, and public agencies are immune from civil liability for good faith conduct under any provision of the Mary Rippy Violent Crime Offenders Registration Act.

1. Nothing in the Mary Rippy Violent Crime Offenders Registration Act shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for failing to release information in accordance with the Mary Rippy Violent Crime Offenders Registration Act.

2. Persons collecting samples for DNA testing shall be immune from civil liabilities arising from the collection of blood and saliva samples.

3. Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public of any persons that pose a danger under circumstances that are not enumerated in the Mary Rippy Violent Crime Offenders Registration Act.

Added by Laws 2004, c. 358, § 6, eff. Nov. 1, 2004.

§57-597. Duties of persons in charge of correctional institutions and judges, Department of Public Safety and Department of Corrections - Notification - Rules - Coordination with surrounding states.

A. Each person in charge of a correctional institution from which a person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act is released and each judge who defers or suspends the sentence of a person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act shall prior to discharge or release of the person:

1. Explain to the person the duty to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act;

2. Require the person to sign a written statement that the duty to register has been explained and the person understands the duty to register;

3. Obtain the address at which the person is to reside upon discharge or release; and

4. Forward the information to the Department of Corrections.

B. The Department of Public Safety shall issue written notification of the registration requirements of the Mary Rippy Violent Crime Offenders Registration Act to any person who enters this state from another jurisdiction and makes an initial application for a driver license to operate a motor vehicle in this state, or for a state identification card.

C. The Department of Corrections shall coordinate with the Administrative Office of the Courts in promulgating rules to establish other necessary procedures for notifying offenders of the obligation to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act and procedures for registration of those offenders.

D. The Department of Corrections shall coordinate with surrounding states to establish necessary procedures for notifying offenders that reside in other states but work or attend school within the State of Oklahoma of the obligation to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act and the procedure for registration of those offenders.

Added by Laws 2004, c. 358, § 7, eff. Nov. 1, 2004.

§57-598. Provision of false or misleading information.

No person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act shall furnish any false or misleading information in the registration required by the Mary Rippy Violent Crime Offenders Registration Act.

Added by Laws 2004, c. 358, § 8, eff. Nov. 1, 2004.

§57-599. Violation - Penalties.

Any person required to register pursuant to the provisions of the Mary Rippy Violent Crime Offenders Registration Act who violates any provision of the act shall, upon conviction, be guilty of a felony. Any person convicted of a violation of this section shall be punished by incarceration in a correctional facility for not more than five (5) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

Added by Laws 2004, c. 358, § 9, eff. Nov. 1, 2004.

§57-599.1. Access to registries - Policies, procedures, forms and data.

A. All persons, businesses and organizations in this state shall have access to search and identify individual names contained in the Oklahoma Sex Offender Registry and the Mary Rippy Violent Crime Offenders Registry for purposes of verifying a person's suitability for employment, volunteering, and for screening persons at risk of potential harm to children who may work with or provide services to children by utilizing one or more of the following methods:

1. A person may contact the Oklahoma State Bureau of Investigation, complete a form and pay the required fees for a name search of both the Oklahoma Sex Offender Registry and the Mary Rippy Violent Crime Offenders Registry and, if desired, search other criminal history records pertaining to the person upon payment of the required fees;

2. A person may conduct a free self-initiated search of both the Oklahoma Sex Offender Registry and the Mary Rippy Violent Crime Offenders Registry using a computer-Internet link to connect to a state-agency-controlled database containing the names of all persons currently registered on the Oklahoma Sex Offender Registry and the Mary Rippy Violent Crime Offenders Registry; or

3. A person may contact either their local law enforcement agency or the Department of Corrections, complete the form and pay the required fees for a name search of both the Oklahoma Sex Offender Registry and the Mary Rippy Violent Crime Offenders Registry.

B. The Department of Corrections shall develop the necessary policies, procedures, forms and data access to make the provisions of this section effective statewide and may publish web sites or other information to assist the public in learning where and how to conduct a name search of the two registries authorized in this section. The information provided in a name search shall include the searched person's full name, any alias names, the crime which requires registration, and whether the person is deemed a habitual or aggravated offender. In addition, information may be provided in the name search concerning the date and place of the offense, the sentence disposition, a photograph of the registered person, and other pertinent information including the current residence location. There shall be no liability to any governmental agency for the release or publication of any information maintained on the Oklahoma Sex Offender Registry or the Mary Rippy Violent Crime Offenders Registry under this section authorizing public access to a name search for purposes of risk of potential harm to a child by a caregiver or for suitability for employment.

Added by Laws 2008, c. 162, § 5, eff. July 1, 2008.

§57-601. Short title.

This act shall be known as the "Interstate Corrections Compact".
Added by Laws 1980, c. 149, § 1, eff. Oct. 1, 1980.

§57-602. Authorization to execute compact - Text.

The Governor of Oklahoma is hereby authorized and requested to execute, on behalf of the State of Oklahoma, with any other state or states legally joining therein a compact which shall be in form substantially as follows:

The contracting states solemnly agree that:

Article I

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, and with the federal government, thereby serving the best interest of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

Article II

As used in this compact, unless the context clearly requires otherwise:

1. "State" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico;

2. "Sending state" means a state party to this compact in which conviction or court commitment was had;

3. "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had;

4. "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution; and

5. "Institution" means any penal or correctional facility including, but not limited to, a facility for the mentally ill or mentally defective, in which inmates may lawfully be confined.

Article III

A. Each party state may make one or more contracts with any one or more of the other party states, or with the federal government, for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration;

2. Payments to be made to the receiving state or to the federal government, by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services,

facilities, programs or treatment not reasonably included as part of normal maintenance;

3. Participation in programs of inmate employment, if any, the disposition or crediting of any payments received by inmates on account thereof, and the crediting of proceeds from or disposal of any products resulting therefrom;

4. Delivery and retaking of inmates; and

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

B. The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto and nothing in any such contract shall be inconsistent therewith.

Article IV

A. Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to subsection C of this section shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

B. The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

C. Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state, provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III, subsection A.

D. Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and

in order that the same may be a source of information for the sending state.

E. All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

F. Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record, together with any recommendations of the hearing officials, shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subsection, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

G. Any inmate confined pursuant to this compact shall be released within the territory of the sending state, unless the inmate and the sending and receiving states shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

H. Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

I. The parents, guardian, trustee or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

Article V

A. Any decision of the sending state in respect to any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if

at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharge from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

B. An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

Article VI

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto; and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor.

Article VII

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

Article VIII

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until one (1) year after the notice provided in said statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

Article IX

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

Article X

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Added by Laws 1980, c. 149, § 2, eff. Oct. 1, 1980.

§57-610. Repealed by Laws 1997, c. 133, § 608, emerg. eff. April 22, 1997.

§57-611. Repealed by Laws 1997, c. 133, § 608, emerg. eff. April 22, 1997.

§57-612. Persons convicted of driving under influence of alcohol or other intoxicant or controlled dangerous substance - Processing, classification and assignment.

A. Any person convicted of violating the provisions of Section 11-902 of Title 47 of the Oklahoma Statutes and sentenced to the custody of the Department of Corrections shall be processed through the Lexington Assessment and Reception Center or other location determined by the Director of the Department of Corrections, classified and assigned as follows:

1. To the Department of Mental Health and Substance Abuse Services for substance abuse treatment, if the person is evaluated to be receptive to treatment and not deemed by the Department of Corrections to be a security risk. The inmate may be required to reimburse the Department of Mental Health and Substance Abuse Services for all or part of the actual cost incurred for treatment of the inmate while the inmate is assigned to the Department of Mental Health and Substance Abuse Services. The Department of Corrections shall determine whether the inmate has the ability to pay for all or part of the cost of treatment. While assigned to a Department of Mental Health and Substance Abuse Services treatment program the

inmate shall comply with the rules and regulations as agreed upon by the Department of Mental Health and Substance Abuse Services and the Department of Corrections. Any infraction of said rules may result in the inmate's reassignment to a correctional facility of the Department of Corrections. Upon successful completion of the treatment program the inmate shall be properly reassigned by the Department of Corrections for the completion of the sentence imposed by the court. Prior to discharge from the treatment facility, the treatment facility shall forward to the Department of Corrections a report and discharge summary including arrangements and recommendations for further disposition and follow-up treatment;

2. To an inpatient substance abuse treatment program with the offender paying for the treatment. Upon successful completion of the inpatient treatment program, the offender may be assigned to a halfway house, structured community placement, or home placement with the advice of the treatment provider. The Department of Corrections shall require as a condition of any assignment that the offender have electronic monitoring or ignition interlock device requirements, or both, as a condition of placement. The offender shall be responsible for all costs and fees associated with electronic monitoring, ignition interlock device, and supervision; or

3. To a correctional facility when:

- a. the person is evaluated not to be receptive to treatment,
- b. the person is evaluated to be a security risk, or
- c. the person requires educational, medical or other services or programs not available in the community setting as determined by the Department.

B. As used in this section:

1. "Substance abuse treatment program" means a residential or outpatient program certified by the Department of Mental Health and Substance Abuse Services and selected by the Department of Corrections to provide substance abuse treatment for the inmate;

2. "Electronic monitoring" means monitoring of the inmate within a specified location or locations in a community setting by means of an electronic bracelet or other device; and

3. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater. Added by Laws 1993, c. 276, § 14, emerg. eff. May 27, 1993. Amended by Laws 1998, c. 89, § 8, eff. July 1, 1998; Laws 1999, c. 170, § 3, eff. Nov. 1, 1999.

§57-613. Central Region Probation and Parole offices - Relocation - Purchase or lease - Purchase of building.

On or before January 1, 1995, the Central Region Probation and Parole offices currently located at 4545 North Lincoln Boulevard, Oklahoma City, Oklahoma County, 4512 South May Avenue, Oklahoma City, Oklahoma County, 611 West Sheridan, Oklahoma City, Oklahoma County, and 1128 North Midwest Boulevard, Midwest City, Oklahoma County, may be relocated to one site in Oklahoma County. The new office location shall be accessible to the offenders assigned to the Central Region Probation and Parole offices and the new office space shall consist of sufficient square footage to accommodate staff offices, classrooms, program areas, staff conference areas, records and computer areas, general storage areas, offender interview rooms, mail room, reception area, laboratory area, photo area, secure firearms storage areas, security equipment storage areas and other necessary areas for operation of the probation and parole services to offenders. The Department of Corrections is hereby authorized to purchase a building or enter into a lease-purchase agreement for such building, subject to legislative appropriations. The Department of Corrections shall comply with those provisions of the Office of Management and Enterprise Services pertaining to building purchases, lease-purchase agreements and acquisition of office space. Added by Laws 1994, c. 174, § 2, eff. Sept. 1, 1994. Amended by Laws 2012, c. 304, § 259.

§57-614. Faith-based programs - Legislative findings and intent - Duties of Department of Corrections and private correctional facilities.

The Legislature finds and declares that faith-based programs offered in state and private correctional institutions and facilities have the potential to facilitate inmate institutional adjustment, to help inmates assume personal responsibility, and to reduce recidivism. It is the intent of the Legislature that the Department of Corrections and private vendors operating private correctional facilities work towards ensuring the availability and development of such programs at the correctional institutions and facilities of this state and shall continuously:

1. Measure recidivism rates for all inmates participating in faith-based or religious programs at the correctional institution or facility;
2. Work with volunteers ministering to inmates from various faith-based institutions in this state to improve the quality of faith-based programs at the correctional institution or facility;
3. Continue to develop community linkages with churches, synagogues, mosques, and other faith-based institutions to assist in the release of participants into the community; and
4. Monitor faith-based programs operating in the correctional institution or facility.

Added by Laws 2003, c. 346, § 3, emerg. eff. May 29, 2003.

§57-621. Repealed by Laws 2002, c. 384, § 4, emerg. eff. June 4, 2002.

§57-622. Repealed by Laws 2002, c. 384, § 4, emerg. eff. June 4, 2002.

§57-623. On-site primary medical treatment programs.

A. The Department of Corrections is authorized to operate on-site primary medical treatment programs using employed or contracted providers at facilities operated by the Department.

B. Any registered nurse or licensed practical nurse, as defined in Section 567.3a of Title 59 of the Oklahoma Statutes, who is employed under such medical treatment programs may administer nonprescription drugs, as defined in Section 353.1 of Title 59 of the Oklahoma Statutes, to inmates without specific physician authorization.

C. Any certified medication aide, as provided for in subsection E of Section 1-1950.3 of Title 63 of the Oklahoma Statutes, may be employed by the Department of Corrections or a contractor of the Department of Corrections and work in the manner as set forth in that section during the term of said employment.

Added by Laws 2000, 1st Ex.Sess., c. 8, § 3, eff. July 1, 2000.

Amended by Laws 2002, c. 56, § 1, eff. July 1, 2002; Laws 2006, c. 79, § 1, emerg. eff. April 21, 2006.

§57-624. Repealed by Laws 2002, c. 384, § 4, emerg. eff. June 4, 2002.

§57-625. Repealed by Laws 2002, c. 384, § 4, emerg. eff. June 4, 2002.

§57-626. Repealed by Laws 2002, c. 112, § 17, eff. Dec. 31, 2002.

§57-627. Medical and surgical inpatient and outpatient care - Contracts - Emergencies - Security - Costs.

A. It shall be the responsibility of the Department of Corrections to provide such medical and surgical inpatient and outpatient care as may be required by inmates of the Department of Corrections. The Department may refer to the Oklahoma University Medical Center, and the Oklahoma University Medical Center shall accept, those inmates who need services, as determined by the Department of Corrections to be beyond the professional capabilities of the Department of Corrections.

B. The Department of Corrections may also contract with providers of general inpatient hospital services. Any such provider shall be a hospital as defined in Section 1-701 of Title 63 of the

Oklahoma Statutes. The Department of Corrections may also contract with physicians and other providers of inpatient and outpatient health care services, equipment and health care related products as may be necessary for the delivery of health care which is beyond the professional capabilities of the Department of Corrections.

C. When the Department of Corrections determines the medical necessity for urgent hospitalization of an inmate, an appropriate inpatient hospital in close proximity to the correctional facility shall be used for emergency care and stabilization. The Department of Corrections is authorized to develop a network of inpatient hospitals, physicians and other inpatient and outpatient medical providers that are capable of providing necessary health care services, equipment and other health care related products. Those hospitals, physicians and other inpatient and outpatient providers of health care services and products that are in the network established by the Department of Corrections in conjunction with the Oklahoma State and Education Employees Group Insurance Board shall be reimbursed according to the current fee schedule established for that network. Hospitals and inpatient and outpatient providers that are out-of-network shall be reimbursed according to the current Oklahoma Medicaid fee schedule.

D. The Department of Corrections shall be responsible for transporting to, from, and between hospitals and for providing such physical security of inmate consumers as may be required beyond that security normal to hospital operation. The Department of Corrections shall immediately remove from the hospital those inmate consumers when discharged by the hospital.

E. The hospital services provided by the Oklahoma University Medical Center shall be without cost to the Department of Corrections.

Added by Laws 2002, c. 3, § 21, emerg. eff. Feb. 15, 2002. Amended by Laws 2002, c. 384, § 2, emerg. eff. June 4, 2002; Laws 2003, c. 46, § 27, emerg. eff. April 8, 2003; Laws 2005, c. 150, § 23, emerg. eff. May 9, 2005; Laws 2007, c. 337, § 1, emerg. eff. June 4, 2007. Renumbered from Title 43A, § 3-701a by Laws 2007, c. 337, § 2, emerg. eff. June 4, 2007. Amended by Laws 2011, c. 181, § 1, eff. Nov. 1, 2011.

§57-628. Intermediate revocation facilities.

The Department of Corrections is hereby authorized to establish facilities to be designated as intermediate revocation facilities for the purpose of temporarily confining offenders who have violated the terms and conditions of probation. A period of confinement in an intermediate revocation facility shall be for six (6) months. An offender who is referred to an intermediate revocation facility shall not be eligible to receive any earned credits pursuant to the provisions of Section 138 of Title 57 of the Oklahoma Statutes.

Added by Laws 2012, c. 228, § 9, eff. Nov. 1, 2012.

§57-629. Sex offender stand-alone long-term care facility.

A. The Department of Corrections shall promulgate rules and establish procedures necessary to allow the eligibility of certain offenders to be considered for parole to a private, stand-alone, long-term care facility for any offender deemed by the Department of Corrections to be either terminally ill or progressively debilitated as defined by the medical profession.

B. For the purpose of this section:

1. Terminally ill means having a condition that reasonably may be expected to result in death within twenty-four (24) months; and

2. Long-term care facility means a health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, twenty-four-hour staff availability, and at least two of the following patient services:

- a. a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional care services, and
- b. a structured supportive living environment that provides support or assistance with individual activities of daily living.

C. The Department of Corrections will create a list of offenders eligible for parole to the private, stand-alone, long-term care facility to be provided to the Oklahoma Pardon and Parole Board for consideration.

D. Eligible offenders shall not include offenders who are sentenced as follows:

1. Death row inmates;
2. Life without possibility of parole; or
3. Sentenced for a violent offense as listed in Section 571 of Title 57 of the Oklahoma Statutes.

Added by Laws 2008, c. 411, § 1, eff. Nov. 1, 2008. Amended by Laws 2015, c. 227, § 1, eff. Nov. 1, 2015. Renumbered from § 1-849 of Title 63 by Laws 2015, c. 227, § 2, eff. Nov. 1, 2015.

§57-631. County Community Safety Investment Fund

A. There is hereby created in the State Treasury a revolving fund to be designated the "County Community Safety Investment Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to Section 633 of Title 57 of the Oklahoma Statutes.

B. All monies appropriated and accruing to the credit of the fund shall be budgeted and expended by the Office of Management and Enterprise Services for the sole purpose of providing funds to counties to provide community rehabilitative programming, including but not limited to mental health and substance abuse services. Funds shall be disbursed in proportion to county population, as reported in the most recent census.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

D. The Director of the Office of Management and Enterprise Services shall promulgate rules necessary to implement the provisions of this act.

Added by State Question No. 781, Initiative Petition No. 405, § 2, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Section 5 of this Initiative read: "The provisions of this initiative shall not become effective if the Oklahoma Smart Justice Reform Act is not approved by the people of this State." State Question 780, Initiative Petition No. 404.

§57-632. Savings and averted costs from implementation of the Oklahoma Smart Justice Reform Act.

No later than July 31 of the year following the effective date of this act, and no later than July 31 every year thereafter, the Office of Management and Enterprise Services shall calculate the savings and averted costs that accrued to the state from the implementation of the Oklahoma Smart Justice Reform Act. In making the calculation required by this section, the Office of Management and Enterprise Services shall use actual data or best available estimates where actual data is not available. The calculation shall be final and shall not be adjusted for any subsequent changes in the underlying data.

Added by State Question No. 781, Initiative Petition No. 405, § 3, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Section 5 of this Initiative read: "The provisions of this initiative shall not become effective if the Oklahoma Smart Justice Reform Act is not approved by the people of this State." State Question 780, Initiative Petition No. 404.

§57-633. Compliance.

An amount equal to the savings calculated by the Office of Management and Enterprise Services pursuant to Section 632 of Title 57 shall, subject to appropriation by the Legislature, be paid to the County Community Safety Investment Fund.

This section is intended to comply with, and is subject to, Article V, Section 55, Article VI, Section 12, Article X, Section 23, and the other applicable provisions of the Oklahoma Constitution. Added by State Question No. 781, Initiative Petition No. 405, § 4, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Section 5 of this Initiative read: "The provisions of this initiative shall not become effective if the Oklahoma Smart Justice Reform Act is not approved by the people of this State." State Question 780, Initiative Petition No. 404.

§57-987.24. Renumbered as § 557.1 of this title by Laws 1997, c. 333, § 26, emerg. eff. June 9, 1997.