

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1630

By: Billy

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5  
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2011, Sections 37 and 38, which  
9 relate to the capacity of correctional facilities and  
10 jail reimbursement rates; providing notification  
11 procedure for certain purpose; clarifying transfer  
12 procedures and responsibilities relating to housing  
13 costs; deleting obsolete language; updating statutory  
14 reference; and providing an effective date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, is  
17 amended to read as follows:

18 Section 37. A. If all correctional facilities reach maximum  
19 capacity and the Department of Corrections is required to contract  
20 for bed space to house state inmates, ~~then the:~~

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

24 2. Prior to contracting with a private prison operator to  
provide housing for state inmates, the Department shall send

1 notification to all county jails in this state that bed space is  
2 required to house the overflow population of state inmates. Upon  
3 receiving notification, the sheriff of a county jail is authorized  
4 to enter into agreements with the Department to provide housing for  
5 said inmates. Reimbursement for the cost of housing the inmates  
6 shall be in the same manner as provided for in subsection D of this  
7 section.

8 B. No inmate may be received by a penal facility from a county  
9 jail without first scheduling a transfer with the Department. The  
10 sheriff or court clerk shall transmit by facsimile, electronic mail,  
11 or actual delivery a certified copy of the judgment and sentence  
12 certifying that the inmate is sentenced to the Department of  
13 Corrections. The receipt of the certified copy of the judgment and  
14 sentence shall be certification that the sentencing court has  
15 entered a judgment and sentence and all other necessary commitment  
16 documents. The Department of Corrections is authorized to determine  
17 the appropriate method of delivery from each county based on  
18 electronic or other capabilities. Once the judgment and sentence is  
19 received by the Department of Corrections, the Department shall  
20 contact the sheriff when bed space is available to schedule the  
21 transfer and reception of the inmate into the Department.

22 C. When a county jail has reached its capacity of inmates as  
23 defined in Section 192 of Title 74 of the Oklahoma Statutes, then  
24 the county sheriff shall notify the Director of the Oklahoma

1 Department of Corrections, or the Director's designated  
2 representative, by facsimile, electronic mail, or actual delivery,  
3 that the county jail has reached or exceeded its capacity to hold  
4 inmates. The notification shall include copies of any judgment and  
5 sentences not previously delivered as required by subsection B of  
6 this section. Then within seventy-two (72) hours following such  
7 notification, the county sheriff shall transport the designated  
8 excess inmate or inmates to a penal facility designated by the  
9 Department. The sheriff shall notify the Department of the  
10 transport of the inmate prior to the reception of the inmate. The  
11 Department shall schedule the reception date and receive the inmate  
12 within seventy-two (72) hours of notification that the county jail  
13 is at capacity, unless other arrangements can be made with the  
14 sheriff.

15 D. Once the judgment and sentence is transmitted to the  
16 Department of Corrections, the Department will be responsible for  
17 the cost of housing the inmate in the county jail from the date the  
18 judgment and sentence was ordered by the court is received by the  
19 Department until the date ~~of transfer of~~ the inmate is scheduled to  
20 be transferred to the Department from the county jail. Should the  
21 inmate not be transferred on the date scheduled by the Department,  
22 the Department shall not be responsible for any costs incurred  
23 beyond the date scheduled by the Department. The cost of housing  
24 shall be the per diem rate specified in Section 38 of this title.

1 In the event the inmate has one or more criminal charges pending in  
2 the same Oklahoma jurisdiction and the county jail refuses to  
3 transfer the inmate to the Department because of said pending  
4 charges, the Department shall not be responsible for the housing  
5 costs of the inmate while the inmate remains in the county jail with  
6 pending charges. Once the inmate no longer has pending charges in  
7 said jurisdiction, the Department shall be responsible for the  
8 housing costs of the inmate for the period beginning on the date the  
9 Department received the judgment and sentence or final order issued  
10 in said pending case and ending on the date the inmate is scheduled  
11 to be transferred to the Department. In the event the inmate has  
12 other criminal charges pending in another Oklahoma jurisdiction, the  
13 Department shall be responsible for the housing costs while the  
14 inmate remains in the county jail awaiting transfer to another  
15 jurisdiction or until the date the inmate is scheduled to be  
16 transferred to the Department, whichever is earlier. Once the  
17 inmate is transferred to another jurisdiction, the Department is not  
18 responsible for the housing cost of the inmate until such time that  
19 another judgment and sentence is received by the Department from  
20 another Oklahoma jurisdiction. The sheriff shall be reimbursed by  
21 the Department for the cost of housing the inmate in one of two  
22 ways:  
23 1. The sheriff may submit invoices for the cost of housing the  
24 inmate on a monthly basis; or

1        2. The sheriff may submit one invoice for the total amount due  
2 for the inmate after the Department has received the inmate.

3        SECTION 2.        AMENDATORY        57 O.S. 2011, Section 38, is  
4 amended to read as follows:

5        Section 38. ~~Until January 1, 2007, the Department of~~  
6 ~~Corrections shall reimburse any county, which is required to retain~~  
7 ~~an inmate pursuant to paragraph 2 of Section 37 of this title, in an~~  
8 ~~amount not to exceed Twenty-four Dollars (\$24.00) per day for each~~  
9 ~~inmate during such period of retention. The proceeds of this~~  
10 ~~reimbursement shall be used to defray expenses of equipping and~~  
11 ~~maintaining the jail and payment of personnel. The Department of~~  
12 ~~Corrections shall reimburse the county for the emergency medical~~  
13 ~~care for physical injury or illness of the inmate retained under~~  
14 ~~this act if the injury or illness is directly related to the~~  
15 ~~incarceration and the county is required by law to provide such care~~  
16 ~~for inmates in the jail. The Department shall not pay fees for~~  
17 ~~medical care in excess of the rates established for Medicaid~~  
18 ~~providers. The state shall not be liable for medical charges in~~  
19 ~~excess of the Medicaid scheduled rate. The Director may accept any~~  
20 ~~inmate required to have extended medical care upon application of~~  
21 ~~the county. Effective January 1, 2007, the The Department of~~  
22 ~~Corrections shall reimburse any county,~~ which is required to retain  
23 an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this  
24 ~~title,~~ in an amount not to exceed Twenty-seven Dollars (\$27.00) per

1 day for each inmate during such period of retention. The proceeds  
2 of this reimbursement shall be used to defray expenses of equipping  
3 and maintaining the jail and payment of personnel. The Department  
4 of Corrections shall reimburse the county for the emergency medical  
5 care for physical injury or illness of the inmate retained under  
6 this act if the injury or illness is directly related to the  
7 incarceration and the county is required by law to provide such care  
8 for inmates in the jail. The Department shall not pay fees for  
9 medical care in excess of the rates established for Medicaid  
10 providers. The state shall not be liable for medical charges in  
11 excess of the Medicaid scheduled rate. The Director may accept any  
12 inmate required to have extended medical care upon application of  
13 the county.

14 SECTION 3. This act shall become effective November 1, 2015.

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