

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1630

By: Billy of the House

and

Barrington of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to prisons and reformatories;
11 amending 57 O.S. 2011, Sections 37 and 38, which
12 relate to the capacity of correctional facilities and
13 jail reimbursement rates; providing notification
14 procedure for certain purpose; providing time
15 limitation for transmitting certain information to
16 the Department of Corrections; authorizing
17 transmission of certain notice to the Department of
18 Corrections; clarifying transfer procedures and
19 responsibilities relating to housing costs; deleting
20 obsolete language; updating statutory reference; and
21 providing an effective date.

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

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

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

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

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

13 B. No inmate may be received by a penal facility from a county
14 jail without first scheduling a transfer with the Department. ~~The~~
15 ~~sheriff or~~ Within twenty-four (24) hours after the court orders the
16 judgment and sentence, the court clerk shall transmit by facsimile,
17 electronic mail, or actual delivery a certified copy of the judgment
18 and sentence certifying that the inmate is sentenced to the
19 Department of Corrections or shall transmit by facsimile, electronic
20 mail or actual delivery a notice of judgment and sentence issued and
21 certified by the court clerk to the Department. The notice of
22 judgment and sentence shall include the name of the defendant, the
23 crime for which the defendant was convicted and the sentence
24 imposed. In the event a notice of judgment and sentence is issued

1 by the court clerk, the certified copy of the judgment and sentence
2 certifying that the inmate is sentenced shall be subsequently
3 transmitted to the Department of Corrections. The terms and
4 conditions of the judgment and sentence shall supersede and govern
5 any inconsistent provision contained within the notice of judgment
6 and sentence. The receipt of the certified copy of the judgment and
7 sentence shall be certification that the sentencing court has
8 entered a judgment and sentence and all other necessary commitment
9 documents. The Department of Corrections is authorized to determine
10 the appropriate method of delivery from each county based on
11 electronic or other capabilities. Once the judgment and sentence is
12 received by the Department of Corrections, the Department shall
13 contact the sheriff when bed space is available to schedule the
14 transfer and reception of the inmate into the Department.

15 C. When a county jail has reached its capacity of inmates as
16 defined in Section 192 of Title 74 of the Oklahoma Statutes, then
17 the county sheriff shall notify the Director of the Oklahoma
18 Department of Corrections, or the Director's designated
19 representative, by facsimile, electronic mail, or actual delivery,
20 that the county jail has reached or exceeded its capacity to hold
21 inmates. The notification shall include copies of any judgment and
22 sentences not previously delivered as required by subsection B of
23 this section. Then within seventy-two (72) hours following such
24 notification, the county sheriff shall transport the designated

1 excess inmate or inmates to a penal facility designated by the
2 Department. The sheriff shall notify the Department of the
3 transport of the inmate prior to the reception of the inmate. The
4 Department shall schedule the reception date and receive the inmate
5 within seventy-two (72) hours of notification that the county jail
6 is at capacity, unless other arrangements can be made with the
7 sheriff.

8 D. ~~Once the judgment and sentence is transmitted to the~~
9 ~~Department of Corrections, the~~ The Department will be responsible
10 for the cost of housing the inmate in the county jail from the date
11 the judgment and sentence was ordered by the court until the date ~~of~~
12 ~~transfer of~~ the inmate is scheduled to be transferred to the
13 Department from the county jail. Should the inmate not be
14 transferred on the date scheduled by the Department, the Department
15 shall not be responsible for any costs incurred beyond the date
16 scheduled by the Department. The cost of housing shall be the per
17 diem rate specified in Section 38 of this title. In the event the
18 inmate has one or more criminal charges pending in the same Oklahoma
19 jurisdiction and the county jail refuses to transfer the inmate to
20 the Department because of said pending charges, the Department shall
21 not be responsible for the housing costs of the inmate while the
22 inmate remains in the county jail with pending charges. Once the
23 inmate no longer has pending charges in said jurisdiction, the
24 Department shall be responsible for the housing costs of the inmate

1 for the period beginning on the date the Department received the
2 judgment and sentence or final order issued in said pending case and
3 ending on the date the inmate is scheduled to be transferred to the
4 Department. In the event the inmate has other criminal charges
5 pending in another Oklahoma jurisdiction, the Department shall be
6 responsible for the housing costs while the inmate remains in the
7 county jail awaiting transfer to another jurisdiction or until the
8 date the inmate is scheduled to be transferred to the Department,
9 whichever is earlier. Once the inmate is transferred to another
10 jurisdiction, the Department is not responsible for the housing cost
11 of the inmate until such time that another judgment and sentence is
12 received by the Department from another Oklahoma jurisdiction. The
13 sheriff shall be reimbursed by the Department for the cost of
14 housing the inmate in one of two ways:

15 1. The sheriff may submit invoices for the cost of housing the
16 inmate on a monthly basis; or

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

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

21 Section 38. ~~Until January 1, 2007, the Department of~~
22 ~~Corrections shall reimburse any county, which is required to retain~~
23 ~~an inmate pursuant to paragraph 2 of Section 37 of this title, in an~~
24 ~~amount not to exceed Twenty-four Dollars (\$24.00) per day for each~~

1 ~~inmate during such period of retention. The proceeds of this~~
2 ~~reimbursement shall be used to defray expenses of equipping and~~
3 ~~maintaining the jail and payment of personnel. The Department of~~
4 ~~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. Effective January 1, 2007, the The Department of~~
14 ~~Corrections shall reimburse any county^r which is required to retain~~
15 ~~an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this~~
16 ~~title^r in an amount not to exceed Twenty-seven Dollars (\$27.00) per~~
17 ~~day for each inmate during such period of retention. The proceeds~~
18 ~~of this reimbursement shall be used to defray expenses of equipping~~
19 ~~and maintaining the jail and payment of personnel. The Department~~
20 ~~of Corrections shall reimburse the county for the emergency medical~~
21 ~~care for physical injury or illness of the inmate retained under~~
22 ~~this act if the injury or illness is directly related to the~~
23 ~~incarceration and the county is required by law to provide such care~~
24 ~~for inmates in the jail. The Department shall not pay fees for~~

1 medical care in excess of the rates established for Medicaid
2 providers. The state shall not be liable for medical charges in
3 excess of the Medicaid scheduled rate. The Director may accept any
4 inmate required to have extended medical care upon application of
5 the county.

6 SECTION 3. This act shall become effective November 1, 2015.
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8 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
9 dated 02/25/2015 - DO PASS, As Amended and Coauthored.
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