

1 **SENATE FLOOR VERSION**

2 February 11, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 116

5 By: Barrington of the Senate

6 and

7 Echols of the House

8 **[county jails - housing of inmates -**
9 **responsibilities of the Department - jail**
10 **reimbursement rates - effective date]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 Section 37. A. If all correctional facilities reach maximum
16 capacity and the Department of Corrections is required to contract
17 for bed space to house state inmates, then the Pardon and Parole
18 Board shall consider all nonviolent offenders for parole who are
19 within six (6) months of their scheduled release from a penal
20 facility.

21 B. No inmate may be received by a penal facility from a county
22 jail without first scheduling a transfer with the Department. The
23 sheriff or court clerk shall transmit by facsimile, electronic mail,
24 or actual delivery a certified copy of the judgment and sentence

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

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

1 within seventy-two (72) hours of notification that the county jail
2 is at capacity, unless other arrangements can be made with the
3 sheriff.

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

1 In the event the inmate has other criminal charges pending in
2 another Oklahoma jurisdiction, the Department shall be responsible
3 for the housing costs while the inmate remains in the county jail
4 awaiting transfer to another jurisdiction or the date the inmate is
5 scheduled to be transferred to the Department, whichever is earlier.

6 Once the inmate is transferred to another jurisdiction, the
7 Department is not responsible for the housing cost of the inmate
8 until such time that another judgment and sentence is received by
9 the Department from another Oklahoma jurisdiction. The sheriff
10 shall be reimbursed by the Department for the cost of housing the
11 inmate in one of two ways:

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

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

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

18 Section 38. ~~Until January 1, 2007, the Department of~~
19 ~~Corrections shall reimburse any county, which is required to retain~~
20 ~~an inmate pursuant to paragraph 2 of Section 37 of this title, in an~~
21 ~~amount not to exceed Twenty four Dollars (\$24.00) per day for each~~
22 ~~inmate during such period of retention. The proceeds of this~~
23 ~~reimbursement shall be used to defray expenses of equipping and~~
24 ~~maintaining the jail and payment of personnel. The Department of~~

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

1 inmate required to have extended medical care upon application of
2 the county.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 February 11, 2015 - DO PASS AS AMENDED
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