

1 **SENATE FLOOR VERSION**

2 February 11, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 684

5 By: Jolley

6 **[prisons and reformatories - capacity of**
7 **correctional facilities and jail reimbursement rates**
8 **- time limitations - effective date]**

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

1 sentence shall be certification that the sentencing court has
2 entered a judgment and sentence and all other necessary commitment
3 documents. The Department of Corrections is authorized to determine
4 the appropriate method of delivery from each county based on
5 electronic or other capabilities. Once the judgment and sentence is
6 received by the Department of Corrections, the Department shall
7 ~~contact the sheriff when bed space is available to~~ schedule the
8 transfer and ~~reception of~~ receive the inmate ~~into the Department~~
9 within forty-five (45) days after receipt of the judgment and
10 sentence, unless other arrangements to continue housing the inmate
11 can be made with the sheriff.

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

1 Department shall schedule the reception date and receive the inmate
2 within seventy-two (72) hours of notification that the county jail
3 is at capacity, unless other arrangements can be made with the
4 sheriff.

5 D. Once the judgment and sentence is transmitted to the
6 Department of Corrections, the Department will be responsible for
7 the cost of housing the inmate in the county jail from the date the
8 sentence was ordered by the court until the date of transfer of the
9 inmate from the county jail. The cost of housing shall be the per
10 diem rate specified in Section 38 of this title. In the event the
11 inmate has other criminal charges pending in another Oklahoma
12 jurisdiction the Department shall be responsible for the housing
13 costs while the inmate remains in the county jail awaiting transfer
14 to another jurisdiction. Once the inmate is transferred to another
15 jurisdiction, the Department is not responsible for the housing cost
16 of the inmate until such time that another judgment and sentence is
17 received from another Oklahoma jurisdiction. The sheriff shall be
18 reimbursed by the Department for the cost of housing the inmate in
19 one of two ways:

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

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

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

3 Section 38. Until January 1, ~~2007~~ 2016, the Department of
4 Corrections shall reimburse any county, which is required to retain
5 an inmate pursuant to paragraph 2 of subsection D of Section 37 of
6 this title, in an amount not to exceed ~~Twenty-four Dollars (\$24.00)~~
7 Twenty-seven Dollars (\$27.00) per day for each inmate during such
8 period of retention. The proceeds of this reimbursement shall be
9 used to defray expenses of equipping and maintaining the jail and
10 payment of personnel. The Department of Corrections shall reimburse
11 the county for the emergency medical care for physical injury or
12 illness of the inmate retained under this act if the injury or
13 illness is directly related to the incarceration and the county is
14 required by law to provide such care for inmates in the jail. The
15 Department shall not pay fees for medical care in excess of the
16 rates established for Medicaid providers. The state shall not be
17 liable for medical charges in excess of the Medicaid scheduled rate.
18 The Director may accept any inmate required to have extended medical
19 care upon application of the county. Effective January 1, ~~2007~~
20 2016, the Department of Corrections shall reimburse any county,
21 which is required to retain an inmate pursuant to paragraph 2 of
22 subsection D of Section 37 of this title, in an amount not ~~to exceed~~
23 less than Twenty-seven Dollars (\$27.00) Thirty-five Dollars (\$35.00)
24 per day for each inmate during such period of retention. The

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

13 SECTION 3. This act shall become effective January 1, 2016.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
15 February 11, 2015 - DO PASS AS AMENDED
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