

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2782

By: Weese, Webb, Coleman,  
Caldwell, Davis, Graves  
and Perry of the House

and

Long (Lewis) and  
Gustafson of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories; amending 57 O.S. 1991, Sections 48, 49, 53, 57, 58.1, 58.2 and 58.3, and 74 O.S. 1991, Section 192, which relate to county sheriffs and county jails; providing for use of computer records; deleting certain entry requirements in jail register; modifying procedure for furnishing copy of jail register to judge; deleting penalty for failure to furnish jail register; providing for designated employee of sheriff to visit county jail; deleting requirement of jail visit during each term of district court; modifying requirement of separating certain criminals; permitting for double-celling in certain jails and providing certain requirements; providing for county sheriff to order certain work by prisoners; modifying certain work allowed prisoners in county jail; providing for jail administrator to order certain work by prisoners at request of sheriff; increasing dollar amount for certain credits given to prisoners; adding court costs to amount subject to credits; providing for sheriff to order credits be recorded in court records; modifying standards for certain jails to allow double-celling; permitting counties to build certain jail facilities under certain conditions; requiring certain jails to meet certain standards; permitting counties to build certain temporary jails; providing exception to certain minimum requirements; requiring State Board of Health to promulgate certain standards; requiring certain employees to receive certain training; limiting certain medical care to be provided and providing exception; amending 19 O.S. 1991, Section 510, as amended by Section 4, Chapter 181, O.S.L. 1992 (19 O.S. Supp. 1993, Section 510), which relates to county sheriff qualifications; modifying qualification requirements for county sheriffs; disapproving rule of the State Department of Health; repealing 57 O.S. 1991, Section 50, which relates to the sheriff making a report of the jail; providing for noncodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 48, is amended to read as follows:

Section 48. 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-i

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

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

4. ~~Whether any or what labor has been performed by the prisoners, and the value thereof.~~

5. ~~The practice observed during the year of whitewashing and cleaning the occupied cells or apartments and the times and seasons of so doing.~~

6. ~~The habits of the prisoners as to personal cleanliness, diet and order-i~~

7. 5. The means furnished prisoners of literary, moral and religious instruction, and of labor-i and

8. 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.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 49, is amended to read as follows:

Section 49. ~~At the opening of each session of the district court, within his county, the sheriff shall return a copy of said~~

~~register under his hand, to the judge holding said court, and if any sheriff shall neglect or refuse so to do, he shall be punished by a fine not exceeding Three Hundred Dollars (\$300.00). 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.~~

SECTION 3. AMENDATORY 57 O.S. 1991, Section 53, is amended to read as follows:

Section 53. 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 once during each term of the district court,~~ and it shall be his duty to comply with all standards promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes.

SECTION 4. AMENDATORY 57 O.S. 1991, Section 57, is amended to read as follows:

Section 57. A. In the jails in this state, there shall be provided sufficient and convenient apartments for confining prisoners ~~not criminal, separate from felons and other criminals, and also for confining persons~~ of different sexes, and classification separate and apart from each other.

B. In the 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 jails in this state, ~~it shall be unlawful to double cell prisoners except those similarly~~ classified pursuant to subsection B of this section, ~~unless an emergency situation exists wherein there is no other cell space available~~ 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.

SECTION 5. AMENDATORY 57 O.S. 1991, Section 58.1, is amended to read as follows:

Section 58.1 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.

SECTION 6. AMENDATORY 57 O.S. 1991, Section 58.2, is amended to read as follows:

Section 58.2 The ~~sheriff~~ jail administrator, upon ~~such~~ the request of the county commissioners or the sheriff, shall issue ~~his~~ 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.

SECTION 7. AMENDATORY 57 O.S. 1991, Section 58.3, is amended to read as follows:

Section 58.3 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 ~~Two Dollars (\$2.00)~~ Twenty-five Dollars (\$25.00) 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.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 192, is amended to read as follows:

Section 192. A. The State Department of Health shall inspect at least once each year all city and county jails to ensure

compliance with the standards promulgated pursuant to the provisions of this section. Such standards shall provide:

1. Uniform admission and release procedures; and
2. Uniform, safe, and sensible security measures; and
3. Proper, fit, and sanitary conditions; and
4. Inmates are being fed a wholesome and adequate diet; and
5. Inmates have adequate clothing and a living area of no

less than forty (40) square feet of floor space per inmate plus twenty (20) square feet of floor space in such living area per each additional inmate in existing facilities, and no less than sixty (60) square feet of floor space per cell for two prisoners in facilities constructed after November 1, 1985. Nothing in this section shall be construed to prohibit double-celling of prisoners, provided there exists no less than forty (40) square feet per initial inmate plus twenty (20) square feet for each additional prisoner. Counties may build barracks-style jails, single or double cell, to meet the security needs of the county for minimum security prisoners. These jails shall meet all the minimum requirements set forth in this section or any other provision of law. Except as otherwise provided in this section, all facilities under this section shall have showers with hot and cold running water, toilets and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may also build tent jails, which shall be temporary in nature, to meet the security needs of the county for minimum security prisoners. The temporary tent jails shall not be required to meet the minimum requirements set forth in this section or any other provision of law. The State Board of Health shall promulgate minimum standards for temporary tent jails which standards shall be designed to specifically address and take into consideration the temporary status of the inmate housing needs of the county; and

6. Inmates are properly advised of rules of the facility in which they are detained; and

7. Staff members receive training in order to assist them to better perform their assigned tasks, such training to be provided by the Jail Inspection Division of the State Department of Health.

All employees who work in direct contact with inmates after the first year of employment shall receive, at a minimum, four (4) hours' review of material as required by the Jail Inspection Division and at a maximum, eight (8) hours of jailer training per year after the first year of employment; and

8. Proper steps are taken to ensure the safety and segregation of women, the infirm, and minors; and

9. Adequate medical care, provided such medical care shall be limited to illnesses or injuries incurred during the time beginning with the arrest and throughout the time of incarceration. This shall not prevent an inmate from applying for assistance and receiving assistance provided the inmate meets or exceeds established requirements; and

10. No person is confined without twenty-four-hour supervision; and

11. At least one designated exit in the facility that will permit prompt evacuation of inmates and staff in an emergency. A facility in existence on November 1, 1985, shall not be required to construct additional exits if it has one exit which is deemed adequate by the State Fire Marshal.

In the event said inspection shall reveal to the State Department of Health the commission of a crime or crimes incidental to the operations of a jail facility, it shall be the duty of the Department to initiate a complaint with the appropriate district attorney, and to cooperate in the prosecution of the alleged offender in the event an information is filed pursuant to said complaint.

B. Any county, city, or town may operate a holding facility for the incarceration of persons under arrest who are to be charged with a crime, which holding facility shall not be required to meet the standards established in this section for jails, as long as no person is held therein for a period longer than twelve (12) hours and as long as some employee of said county, city, or town is available to render aid to or to release any person so confined in the event aid or release is required because of a health or life endangering emergency.

C. ~~On or before January 1, 1986~~ Within ninety (90) days after the effective date of this act, the State Board of Health shall promulgate new ~~standards~~ rules governing ~~jail inspections~~ square footage requirements, double-celling of prisoners and the ratio of showers, toilets, and water basins to prisoners. The ~~standards~~ rules so promulgated shall be governed by the guidelines enumerated in this section, and shall be designed to carry out the intent and purpose of the guidelines. Each jail facility in this state shall be in compliance with the ~~standards~~ rules so promulgated on or before ~~October 1, 1986~~ January 1, 1995.

D. The State Department of Health shall employ inspectors and other personnel as necessary and specifically authorized by the Legislature in order to carry out the provisions of this section and may rent or purchase premises or equipment in order to assist inspectors in the performance of their functions.

SECTION 9. AMENDATORY 19 O.S. 1991, Section 510, as amended by Section 4, Chapter 181, O.S.L. 1992 (19 O.S. Supp. 1993, Section 510), is amended to read as follows:

Section 510. A. Any person, otherwise qualified, who has been a resident of the State of Oklahoma for two (2) years, has been a registered voter of the party whose nomination he seeks, or a registered Independent, within the county from which such person seeks election for the six (6) months next preceding the first day of the filing period, is at least twenty-five (25) years of age next preceding the date of filing for office, possesses at least a high school education, shall be eligible to hold the office of county sheriff or to file therefor. ~~Persons~~ Except as provided in subsection B of this section, persons elected to the office of sheriff in a county of eighty thousand (80,000) or more population shall have one year to complete a basic police course of that number of hours required of all other C.L.E.E.T. certified officers that has been approved by the Council on Law Enforcement Education and Training. ~~Provided, however~~ However, except as provided in subsection B of this section, the provisions of this section relating to qualifications shall not apply to any person

serving as a county sheriff or to any person previously serving as county sheriff prior to the adoption of this statute.

B. In addition to the qualifications set forth in subsection A of this section or in any other provision of law, all persons filing for, elected or appointed to or assuming the office of county sheriff after January 1, 1996, in a county with a population of eighty thousand (80,000) or more according to the latest federal decennial census shall have an advanced certification from the Council on Law Enforcement Education and Training. Persons filing for, elected or appointed to or assuming the office of county sheriff after January 1, 1996, in a county with a population of eighty thousand (80,000) or less according to the latest federal decennial census shall have an intermediate certification from the Council on Law Enforcement Education and Training.

SECTION 10. Subsection (B) and paragraph (ii) of subsection (E) of Part (1) and subsections (F), (J) and (Q) of Part (2) of the permanent rule of the State Department of Health codified in the Oklahoma Administrative Code as OAC 310:670-5-11, including any amendments thereto, do not reflect the intent of the Legislature or the policy or the law of this state and are hereby disapproved.

SECTION 11. The provisions of Section 10 of this act shall not be codified in the Oklahoma Statutes.

SECTION 12. REPEALER 57 O.S. 1991, Section 50, is hereby repealed.

SECTION 13. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.