

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1517

By: Hefner

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 1991, Section 95, which relates to
removal of prisoners to penal institutions;
providing for Department of Corrections to deliver
and transport prisoners; allowing for county
sheriffs to deliver and transport prisoners in
certain circumstances; providing for county
sheriffs to be reimbursed; providing rate of
reimbursement; amending 57 O.S. 1991, Section 37,
which relates to capacity of prison facilities;
providing for Department of Corrections to
transport certain prisoners; allowing for county
sheriffs to transport certain prisoners; providing
for county sheriffs to be reimbursed and providing
rate therefor; amending 22 O.S. 1991, Section 980,
which relates to duty of sheriff when defendant
sentenced to state prison; providing for Department
of Corrections to transport and deliver defendant
to facility; allowing for county sheriff to
transport and deliver defendant; providing for
county sheriffs to be reimbursed and providing rate
therefor; amending 22 O.S. 1991, Section 1001,
which relates to warrants for judgment of death;
providing for Department of Corrections to deliver

defendant to facility; allowing for county sheriff to deliver defendant; providing for county sheriffs to be reimbursed and providing rate therefor; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 95, is amended to read as follows:

Section 95. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail shall be transported by the Department of Corrections to the Lexington Assessment and Reception Center. The Department of Corrections shall also be responsible for all the transportation needs of the prisoner once the prisoner has been delivered to the Department. However, should the Department of Corrections be unable to transport such prisoners for any reason, the sheriff of the county where said person is sentenced, or the designated representative of the sheriff, shall assume the responsibility of transporting the prisoner, including transportation to the Lexington Assessment and Reception Center. The sheriff shall deliver such person together with a certified copy of the judgment and sentence of the court ordering such imprisonment to the Department of Corrections at such center and the Department shall give the sheriff a receipt for each prisoner received. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made. The county sheriff shall be reimbursed by the Department of Corrections for all transports of prisoners at the rate of twenty-four cents (\$0.24) per mile and Twelve Dollars (\$12.00) per hour.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 37, is amended to read as follows:

Section 37. If all correctional facilities reach maximum capacity then:

1. The Pardon and Parole Board shall consider all nonviolent offenders for parole within the six (6) months prior to their scheduled release from a penal facility; and

2. No inmate may be received by a penal facility from a county jail without first scheduling a transfer with the Department; except when a county jail has reached its capacity of inmates based upon sixty (60) square feet per cell per inmate and seventy-five (75) square feet per inmate for dormitory space, then the county sheriff shall notify the Director of the Oklahoma Department of Corrections, or his designated representative, that the county jail has reached or exceeded its capacity to hold inmates. Then within seventy-two (72) hours following such notification, ~~the county sheriff~~ Department of Corrections, or when the Department is unable to transport for any reason, the county sheriff, shall immediately transport the excess inmate or inmates to a penal facility, except a community treatment center designated by law for first-time, nonviolent offenders, designated by the Department. If the county sheriff is required to transport the inmate or inmates, the sheriff shall be reimbursed at the rate provided in Section 95 of this title.

SECTION 3. AMENDATORY 22 O.S. 1991, Section 980, is amended to read as follows:

Section 980. If the judgment is for imprisonment in a state prison, the Department of Corrections, or if the Department is unable to transport the defendant, the sheriff of the county or subdivision must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the Lexington Assessment and Reception Center. ~~He~~ The Department, or if necessary, the county

sheriff, must also deliver to the warden a certified copy of the judgment, and take from the warden a receipt for the defendant, and make return thereof to the court. If the county sheriff is required to deliver the defendant, the county sheriff shall be reimbursed at the rate provided for in Section 95 of Title 57 of the Oklahoma Statutes.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 1001, is amended to read as follows:

Section 1001. When judgment of death is rendered, the judge must sign and deliver to the sheriff of the county a warrant duly attested by the clerk, under the seal of the court, stating the conviction and judgment and appointing a day on which the judgment is to be executed, which must be not less than sixty (60) nor more than ninety (90) days from the time of the judgment and must direct the Department of Corrections, or if necessary, the county sheriff to deliver the defendant within ten (10) days from the time of judgment to the warden of the state prison at McAlester, in this state, for execution. If the county sheriff is required to deliver the defendant, the county sheriff shall be reimbursed at the rate provided for in Section 95 of Title 57 of the Oklahoma Statutes.

SECTION 5. This act shall become effective September 1, 1993.

44-1-5548

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