

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2782

By: Weese

AS INTRODUCED

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 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; providing
for designated employee of sheriff to visit county
jail; deleting requirement of jail visit during
each term of district court; 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; deleting requirement of
separating certain criminals; deleting certain size
restrictions for certain jail cells; permitting
counties to build certain jail facilities under
certain conditions; repealing 57 O.S. 1991, Section

50, which relates to the sheriff making a report of the jail; and providing an effective date.

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 ~~;~~;

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

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

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~~ ~~;~~;

7. 5. The means furnished prisoners of literary, moral and religious instruction, and of labor ~~;~~; 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, 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~~ lawful 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.~~

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 in facilities constructed after November 1, 1985.~~ 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; 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; and

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

9. Adequate medical care; 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, the State Board of Health shall promulgate new standards governing jail inspections. The standards 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 so promulgated on or before October 1, 1986.

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 REPEALER 57 O.S. 1991, Section 50, is hereby repealed.

SECTION 10. This act shall become effective September 1, 1994.

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