

SHORT TITLE: State government; allows counties to double-cell or confine prisoners in barrack-style housing in facilities constructed after November 1985; noncodification; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 627

By: Ford

AS INTRODUCED

An Act relating to prisons and state government;
amending 57 O.S. 1991, Section 57 and 74 O.S. 1991,
Section 192, which relate to prisons and
reformatories and inspection of city and county
jails; modifying certain jail requirements;
construing section of law; requiring certain ratio
of showers, toilets and water basins in certain
facilities to inmates; requiring promulgation of
new rules by certain date; disapproving certain
rules; 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 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 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, 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 2. 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. In every barrack-style housing area the square footage shall meet the minimum requirements provided in Section 192 of this

title. Such facility shall have showers with hot and cold running water, toilets and water basins provided in the ratio of not less than one (1) to every twenty (20) prisoners; 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~~ 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 3. 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, are hereby disapproved.

SECTION 4. The provisions of Section 3 of this act shall not be codified in the Oklahoma Statutes.

SECTION 5. 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.

44-2-1478

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