

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2901

By: Thornbrugh

AS INTRODUCED

An Act relating to counties and county officers; amending 19 O.S. 1991, Section 168, which relates to volunteers; providing for reimbursement by county of volunteer training expenses; authorizing to charge a fee for certain services; providing for exceptions; providing for deposit of fees; amending Section 16, Chapter 334, O.S.L. 1993 (19 O.S. Supp. 1995, Section 531), which relates to Inmate Trust Fund Checking Account; providing for deduction of inmate monies for provision of certain services provided to inmate; providing for payment to sheriff of fees and costs for transportation services provided pursuant to mental health laws; amending 19 O.S. 1991, Section 547, as amended by Section 3, Chapter 285, O.S.L. 1992 (19 O.S. Supp. 1995, Section 547), which relates to sheriff responsibilities; providing for reimbursement of reserve force deputies for travel and training expenses; repealing 19 O.S. 1991, Section 520, which relates to liability of executors or administrators of sheriff; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 168, is amended to read as follows:

Section 168. Persons who are not county employees, but who are performing substantial and necessary services to the county on a voluntary basis without compensation which have been directed and approved by a county officer, shall enjoy the protection of sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, or for training expenses, provided it is indicated on the claim the person is not a county employee, a description of services performed is entered, and the officer, by his approval of the claim, certifies such services were substantial, necessary and germane to the duties and functions of the county office.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 514.3 of Title 19, unless there is created a duplication in numbering, reads as follows:

The sheriff may charge Five Dollars (\$5.00) per card for fingerprinting individuals. This section shall not be applicable to fingerprinting individuals pursuant to the Oklahoma Self-Defense Act or fingerprinting individuals for jail processing. All fees collected pursuant to this section shall be deposited into the Sheriff's Service Fee Account.

SECTION 3. AMENDATORY Section 16, Chapter 334, O.S.L. 1993 (19 O.S. Supp. 1995, Section 531), is amended to read as follows:

Section 531. Notwithstanding any other provisions of law, the county sheriff may establish a checking account, to be designated

the "Inmate Trust Fund Checking Account", to be managed by the county sheriff and maintained separately from regular county funds. The checking account shall be subject to audit by the State Auditor and Inspector. The county sheriff shall deposit all monies collected from inmates incarcerated in the county jail into this checking account and may write checks to the Sheriff's Commissary Account for purchases made by the inmate during his or her incarceration and to the inmate from unencumbered balances due the inmate upon his or her discharge. The sheriff may deduct an amount of Eight Dollars (\$8.00) from any monies collected from an inmate as a medical co-payment if that inmate receives medical services while incarcerated in the county jail. The county sheriff may deduct an amount of ten cents (\$0.10) per page from any monies collected from an inmate for copies made at the request of the inmate. The State Auditor and Inspector shall prescribe procedures for the operation of the Inmate Trust Fund Checking Account. Banking fees on the account may be paid out of the Sheriff Commissary Account or the county sheriff's Service Fee Cash Fund.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 541.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. A county sheriff shall be reimbursed by the Department of Mental Health and Substance Abuse Services for any transportation services provided by the sheriff's office pursuant to Title 43A of the Oklahoma Statutes at the mileage rate provided in the State Travel Reimbursement Act.

B. A county sheriff shall be paid Twelve Dollars (\$12.00) per hour by the Department of Mental Health and Substance Abuse Services or provide for a different amount by contract for transportation services provided pursuant to Title 43A of the Oklahoma Statutes which require an employee of the sheriff's office to travel outside the jurisdiction of that sheriff's office.

SECTION 5. AMENDATORY 19 O.S. 1991, Section 547, as amended by Section 3, Chapter 285, O.S.L. 1992 (19 O.S. Supp. 1995, Section 547), is amended to read as follows:

Section 547. A. The sheriff shall be responsible for the official acts of ~~his~~ the undersheriff and deputy sheriffs, and may revoke such appointments at ~~his~~ the pleasure of the sheriff. The sheriff or the undersheriff may in writing depute certain persons to do particular acts.

B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary to preserve the peace and dignity of the county. A current list of each person holding such appointment shall be maintained by the county sheriff and shall be available to the public. Reserve force deputy sheriffs may perform duties which encompass a particular act or a series of acts. A sheriff or salaried deputy sheriff shall accompany a reserve force deputy sheriff in the performance of all duties assigned to such reserve force deputy sheriff unless such reserve deputy has completed the required one-hundred-twenty-hour basic police course. Reserve force deputies may receive compensation for their services. The sheriff may pay reserve force deputies for travel expenses pursuant to the State Travel Reimbursement Act. Such reserve deputy sheriffs shall complete a one-hundred-twenty-hour basic police course within twelve (12) months after they have been commissioned to be paid by the county as an individual reserve deputy. The sheriff may pay for additional training courses attended by reserve force deputies.

C. The sheriff or ~~his~~ a designee may deputize municipal police officers subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

SECTION 6. REPEALER 19 O.S. 1991, Section 520, is hereby repealed.

SECTION 7. This act shall become effective November 1, 1996.

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