

SHORT TITLE: Sheriffs; reimbursement increase; effective date;
emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1120

By: Long (Lewis) of the Senate

and

Thornbrugh of the House

AS INTRODUCED

An Act relating to sheriffs; amending 19 O.S. 1991, Section 180.43, as last amended by Section 1, Chapter 91, O.S.L. 1994 (19 O.S. Supp. 1995, Section 180.43), which relates to county prisoner reimbursements; modifying language; authorizing reimbursement contracts for offenders jailed on deferred prosecution or deferred sentencing agreements; setting maximum amount of contract; amending 57 O.S. 1991, Section 38, as amended by Section 1, Chapter 293, O.S.L. 1992 (57 O.S. Supp. 1995, Section 38), which relates to reimbursement of state inmates to sheriffs; increasing per day reimbursement rate; requiring payment of certain expenses before expending surplus funds; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 180.43, as last amended by Section 1, Chapter 91, O.S.L. 1994 (19 O.S. Supp. 1995, Section 180.43), is amended to read as follows:

Section 180.43 A. Each sheriff shall be paid ~~actual expenses~~ by the county for keeping, feeding, and maintaining county prisoners, not to exceed the sum of Three Dollars and fifty cents (\$3.50) per day for each county prisoner ~~for~~ up to the first twenty prisoners and thereafter, Two Dollars (\$2.00) per day for each additional county prisoner. The claim for ~~said~~ the expenses shall be filed with and approved or disapproved by the board of county commissioners as provided for other claims, and the sheriff shall receive no other compensation for said services. The sheriff shall

file an annual report with the board of county commissioners not later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report as ~~en~~ provided for other public records of the county.

B. Each county sheriff ~~may~~ is authorized to contract with the Department of Justice of the United States of America, the Department of Corrections, or any municipality of this state for the feeding, care, housing, and upkeep of federal, state, or municipal prisoners, or alien detainees incarcerated in the county jail. The county sheriff is authorized to contract with the district attorney for the feeding, care, housing and upkeep of offenders in conjunction with a deferred prosecution agreement, pursuant to Section 305.1 of Title 22 of the Oklahoma Statutes, or a deferred sentence, pursuant to Section 991c of Title 22 of the Oklahoma Statutes. The contract per offender shall not exceed Twenty-five Dollars (\$25.00) per day during any period of incarceration. Any funds received pursuant to said ~~contract~~ contracts shall be the funds of the county where the federal, state, or municipal prisoners, or alien detainees or other offenders are incarcerated and shall be deposited in a separate revolving fund with the county treasurer. All purchases made for the care, feeding, housing and upkeep of the prisoners pursuant to the ~~provisions~~ contract authority of this subsection shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1505 of this title, including the use of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. The sheriff shall be permitted to expend any surplus in the revolving fund for administering expenses for salaries, training, equipment, or travel, or for capital expenditures.

The claim for said expenses shall be filed with and allowed by the board of county commissioners as provided for other claims. The sheriff shall receive no compensation for said services. The sheriff shall file an annual report with the board of county commissioners not later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report as ~~en~~ provided for other public records of the county.

C. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners may purchase and provide for the operation, maintenance, insurance, equipping, and repair of an automobile for each county commissioner to be used in performing the duties of his or her office. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners, with the concurrence of the county sheriff, may purchase and provide for the operation, maintenance, insurance, equipping, and repair of automobiles for the use of the sheriff in performing the duties of ~~his~~ that office. Any automobile purchased pursuant to the authority granted in this section shall be purchased by competitive bids. The use of any ~~said~~ automobile for private or personal purposes is hereby prohibited. In any county having a population of at least three hundred fifty thousand (350,000), where it is determined by the sheriff to be more economical and advantageous to the county, the sheriff may establish a monthly automobile allowance of not more than Four Hundred Dollars (\$400.00) per month in lieu of the mileage per mile for in-county driving as authorized in this section. Any travel reimbursement other than in-county driving as provided for in this section shall be for actual and necessary expenses as provided for in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Any person violating the provisions of this

subsection, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both said fine and imprisonment, and in addition thereto shall be discharged from county employment.

D. Each county sheriff may operate, or contract the operation of, a commissary for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff. Any funds received pursuant to said operations shall be the funds of the county where the persons are incarcerated and shall be deposited in the Sheriff's Commissary Account. The sheriff shall be permitted to expend the funds to improve or provide jail services. The sheriff shall be permitted to expend any surplus in the Sheriff's Commissary Account for administering expenses for training equipment, travel or for capital expenditures. The claims for expenses shall be filed with and allowed by the board of county commissioners in the same manner as other claims. The sheriff shall receive no compensation for the operation of said commissary. The sheriff shall file an annual report on any ~~said~~ commissary under his or her operation no later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report in the same manner as other public records of the county. Nothing in this subsection shall circumvent the provisions of Section 73 of Title 7 of the Oklahoma Statutes.

E. Each county sheriff may operate, or contract the operation of, a telephone system for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff. Any funds received pursuant to said operations shall be the funds of the county where the persons are incarcerated and shall be deposited in the Sheriff's Service Fee Account. Such funds may be expended

according to the guidelines previously established for expenditures from the general fund. The claims for expenses shall be filed with and allowed by the board of county commissioners in the same manner as other claims.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 38, as amended by Section 1, Chapter 293, O.S.L. 1992 (57 O.S. Supp. 1995, Section 38), is amended to read as follows:

Section 38. The Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed ~~Seven Dollars (\$7.00)~~ Twenty-five Dollars (\$25.00) per day for each inmate during such period of retention. ~~The proceeds~~ After the expenses of housing, feeding, care and upkeep of state inmates have been paid, any surplus of this reimbursement shall be used to defray expenses of equipping and maintaining the jail, capital improvements and payment of personnel. ~~The~~ In addition, the Department of Corrections shall reimburse the county for the actual costs paid for any emergency medical care for physical injury or illness of the inmate retained under this resolution ~~if,~~ provided the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Director may accept any state inmate required to have extended medical care upon application of the county.

SECTION 3. This act shall become effective July 1, 1996.

SECTION 4. 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.

