

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1304

By: Easley of the Senate

and

Rice of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to county jails and prisons; amending Section 16, Chapter 334, O.S.L. 1993, as last amended by Section 1, Chapter 68, O.S.L. 1997 (19 O.S. Supp. 1997, Section 531), which relates to inmate trust funds; amending 19 O.S. 1991, Section 746, which relates to liability for certain medical care; amending 22 O.S. 1991, Section 979a, as amended by Section 1, Chapter 153, O.S.L. 1996 (22 O.S. Supp. 1997, Section 979a), which relates to payment of jail costs; requiring reimbursement of certain medical costs; providing for certain deduction from inmate account; requiring court to order certain reimbursement; amending 57 O.S. 1991, Sections 563, as last amended by Section 81, Chapter 133, O.S.L. 1997, and 563.1, as amended by Section 2, Chapter 213, O.S.L. 1994 (57 O.S. Supp. 1997, Sections 563 and 563.1), which relate to location of correctional facilities; providing exception to certain prohibition near school property; authorizing a district board of education to vote to allow certain correctional facilities closer than prohibited by law; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 16, Chapter 334, O.S.L. 1993, as last amended by Section 1, Chapter 68, O.S.L. 1997 (19 O.S. Supp. 1997, Section 531), is amended to read as follows:

Section 531. A. 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.

B. The sheriff may deduct an amount of Eight Dollars (\$8.00) from any monies collected from an inmate as a medical copayment for each medical services visit the inmate receives while incarcerated in the county jail, except as otherwise provided in this subsection. 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. Any offender injured during the commission of a felony or misdemeanor offense shall be required to reimburse the sheriff the full amount paid by the sheriff for any medical care or treatment administered to such offender during any period of incarceration in the county jail. The sheriff may deduct the costs of medical care and treatment resulting from the commission of a felony or misdemeanor offense from any money collected from such inmate's jail account. If the funds collected from the inmate's jail account are insufficient to satisfy the actual medical costs paid as a result of the commission of a felony or misdemeanor offense, the court shall order the remaining balance of the medical care and treatment to be paid as provided in Section 979a of Title 22 of the Oklahoma Statutes.

C. 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 2. AMENDATORY 19 O.S. 1991, Section 746, is amended to read as follows:

Section 746. When a defendant is in the custody of a county jail, the custodial county shall only be liable for the cost of medical care for conditions that are not preexisting prior to arrest and that arise due to acts or omissions of the county. Preexisting conditions are defined as those illnesses beginning or

injuries sustained before a person is in the peaceable custody of the county's officers.

An inmate receiving medical care for a preexisting condition or a condition not caused by the acts or omissions of the county shall be liable for payment of the cost of care, including but not limited to, medication, medical treatment, and transportation costs, for or relating to the condition requiring treatment. The court shall order the offender to reimburse the sheriff for all medical care and treatment for preexisting conditions and injuries except for amounts collected pursuant to Section 531 of this title.

SECTION 3. AMENDATORY 22 O.S. 1991, Section 979a, as amended by Section 1, Chapter 153, O.S.L. 1996 (22 O.S. Supp. 1997, Section 979a), is amended to read as follows:

Section 979a. A. The Except as otherwise provided in this section, the court may require a person confined in a city or county jail, for any offense, to pay the jail facility the costs of incarceration, both before and after conviction. Costs of incarceration shall include housing, food, clothing, medical care, dental care, and psychiatric services. The costs for incarceration shall be an amount equal to the actual cost of the services and shall be determined by the chief of police for city jails and by the county sheriff for county jails. The cost of incarceration may be paid to all jail facilities where the person may have been held before and after conviction. The costs shall not be assessed if, in the judgment of the court, such costs would impose a manifest hardship on the person, or if in the opinion of the court the property of the person is needed for the maintenance and support of immediate family.

B. At any time prior to sentencing the convicted defendant may be required to reimburse the jail facility for the costs of incarceration prior to release from the facility.

C. Any offender injured during the commission of a felony or misdemeanor offense shall be required to reimburse the sheriff the full amount paid by the sheriff for any medical care or treatment administered to such offender during any period of incarceration

in the county jail. The sheriff may deduct the costs of medical care and treatment resulting from the commission of a felony or misdemeanor offense from any money collected from such inmate's jail account as authorized by Section 531 of Title 19 of the Oklahoma Statutes. If the funds collected from the inmate's jail account are insufficient to satisfy the actual medical costs paid as a result of the commission of a felony or misdemeanor offense, the court shall order the remaining balance of the medical care and treatment to be paid.

SECTION 4. AMENDATORY 57 O.S. 1991, Section 563, as last amended by Section 81, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, Section 563), is amended to read as follows:

Section 563. A. Except as otherwise authorized by Section ~~79~~ 183 of ~~this act~~ Title 73 of the Oklahoma Statutes, before any correctional facility other than an inmate work center as authorized in subsection B of this section or an inmate drug offender work camp, whether within the Department of Corrections or within any other state agency, may be created or any construction performed which may significantly increase, extend or expand the present facility, such creation or construction shall be approved by the Legislature. Correctional facilities owned or operated by private prison contractors shall not be deemed to be within the Department of Corrections or other state agency.

B. The Department of Corrections is hereby authorized to establish inmate work centers, not to exceed one hundred (100) inmates, in locations where a need for labor to conduct public work projects is determined. The Department shall select the inmate work center locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

C. No state, county or municipal correctional facility including any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed

shall be located within one thousand (1,000) feet of any public or private elementary or secondary school nor within two thousand five hundred (2,500) feet of any state training school. The provisions of this subsection shall not apply to any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed established prior to May 20, 1994. Provided, that the provisions of this subsection shall not apply to state, county, or municipal correctional facilities that are granted permission to operate within the areas restricted by this subsection by a majority vote of the following entities:

1. The district board of education of each school district with an affected school; and

2. The governing body of each affected private school.

D. In any county with a population of two hundred fifty thousand (250,000) or more, as determined by the latest Federal Decennial Census, the Department of Corrections shall not cause, permit or require any inmate in the custody of the Department or cause, permit or require any offender under the supervision of the Department to enter, remain or be present in any Department of Corrections facility located within one thousand (1,000) feet of a private or public elementary or secondary school, or on the grounds of such a facility, for any activities involving or relating to processing, training, instructing, interviewing, counseling, reporting, conferring, imposing discipline, reviewing or adjudicating or any correctional function requiring or permitting the presence of the offender, except offenders may be employed in construction, maintenance or janitorial activities in or on the structures or grounds while under supervision of a correctional employee. The provisions of this subsection shall not apply to any facility established or acquired by the Department of Corrections prior to May 20, 1994.

SECTION 5. AMENDATORY 57 O.S. 1991, Section 563.1, as amended by Section 2, Chapter 213, O.S.L. 1994 (57 O.S. Supp. 1997, Section 563.1), is amended to read as follows:

Section 563.1 The location of any prison facility which is not operated by the Department of Corrections, a county, or a city shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such facility is specifically prohibited within one (1) mile of any public or private elementary or secondary school. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any such facility after such facility has been in use as a prison facility, this shall not be a bar to the continued use of the facility as a prison so long as it remains in continuous use as a prison. Provided further, the provisions of this section shall not apply to any prison facility established within the prohibited distance from a private elementary or secondary school prior to ~~the effective date of this act~~ May 20, 1994 or within the prohibited distance from a public elementary or secondary school prior to July 1, 1987. The distance indicated in this section shall be measured from the nearest property line of the school to the nearest property line of the prison facility. Provided, that the provisions of this subsection shall not apply to a correctional facility not operated by the Department of Corrections that is granted permission to operate within the areas restricted by this subsection by a majority vote of the following entities:

1. The district board of education of each school district with an affected school; and
2. The equivalent governing body of each affected private school.

Prior to the establishment of any prison facility which is not operated by the Department of Corrections, a private prison contractor shall obtain written authorization to establish the facility from the governing body of any municipality in which such a facility is to be located, or if the facility is not to be located within the incorporated limits of a municipality, from the board of county commissioners of the county in which the facility is to be located. Said authorization shall be submitted to the

Board of Corrections before any contract between the Department of Corrections and the private prison contractor is awarded.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-117.1a of Title 70, unless there is created a duplication in numbering, reads as follows:

The board of education of a school district or a private school may, through a majority vote of the board, allow a correctional facility operated by the Department of Corrections, a county, a municipality, or a private corporation to operate within the areas restricted by Sections 563 and 563.1 of Title 57 of the Oklahoma Statutes.

SECTION 7. This act shall become effective July 1, 1998.

SECTION 8. 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.

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