

SHORT TITLE: County jails; requiring reimbursement of certain medical costs. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1304

By: Easley

AS INTRODUCED

An Act relating to county jails; 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 relate to payment of jail costs; requiring reimbursement of certain medical costs; providing for certain deduction from inmate account; requiring court to order certain reimbursement; 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 person injured during the commission of a felony offense shall be required to reimburse the sheriff the full amount paid by the sheriff for any medical care or treatment administered to such person 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 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 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 person 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 person injured during the commission of a felony offense shall be required to reimburse the sheriff the full amount paid by the sheriff for any medical care or treatment administered to such person 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 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 offense, the court shall order the remaining balance of the medical care and treatment to be paid.

SECTION 4. This act shall become effective July 1, 1998.

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.

46-2-1930

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