

SHORT TITLE: Criminal procedure; requiring access to inmate's medical benefits; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 524

By: Helton

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 991a-2, which relates to night and weekend incarceration; requiring access to inmate's medical benefits; directing certain medical services be submitted for payment to inmate's medical provider; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 991a-2, is amended to read as follows:

Section 991a-2. A. Any person who has been convicted of a nonviolent felony in the state may be sentenced, at the discretion of the judge, to incarceration in the county jail for a period of one or more nights or weekends with the remaining portion of each week being spent under probation, in lieu of any other kind of imprisonment prescribed by law for the particular felony.

B. Any person incarcerated in the county jail may be assigned work duties as may be approved by the judge.

C. The sentencing court may require a person incarcerated pursuant to this ~~act~~ section to pay the county, for food and maintenance for each day of incarceration, an amount equal to the maximum amount prescribed by law to be paid by the county to the

sheriff for such expenses. If the judge does not so order, the Department of Corrections shall reimburse the county for the cost of feeding and care of the person during such periods of incarceration.

D. The Department of Corrections shall reimburse the county for the actual costs paid for any emergency medical care for physical injury or illness of a person incarcerated hereunder if 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. Any inmate having medical insurance or other medical benefits shall be required to access those services before the Department of Corrections will reimburse the county for any medical expense. Any medical treatment delivered by the Department of Corrections or the county shall be submitted for payment to the inmate's medical insurance or benefit provider.

D. For the purposes of this section, weekend incarceration shall commence at 6 p.m. on Friday and continue until 8 a.m. on the following Monday, and incarceration overnight shall commence at 6 p.m. on one day and continue until 8 a.m. of the next day. Provided, that the sentencing judge may modify said times if the circumstances of the particular case require such action.

E. Persons who have been sentenced to incarceration in the county jail under the provisions of this section will not have to be processed through the Lexington Assessment and Reception Center prior to incarceration.

SECTION 2. 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.