STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 475 By: Wilkerson

COMMITTEE SUBSTITUTE

An Act relating to corrections; amending 22 O.S. 1991, Section 980, as amended by Section 2, Chapter 89, O.S.L. 1998 (22 O.S. Supp. 1998, Section 980), which relates to duty of sheriff; amending Section 50, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.12), which relates to medical expenditures for community sentencing; limiting rates the Department of Corrections may pay for medical services; limiting certain liability to pay for certain services charged at rates above Medicaid fee schedules; amending 57 O.S. 1991, Section 38, as last amended by Section 76, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 38), which relates to jail reimbursement rates; limiting medical reimbursement rate to Medicaid rate; limiting liability of services charged above certain rate; amending 57 O.S. 1991, Section 95, as last amended by Section 4, Chapter 89, O.S.L. 1998 (57 O.S. Supp. 1998, Section 95), which relate to duty of sheriff upon sentencing; requiring the sheriff to deliver certain medical, dental and mental health records and prescribed medication or medical or dental devices to the Department of Corrections with defendant; repealing 57 O.S. 1991, Section 95, as amended by Section 23, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 95), which relates to duty of sheriff and which is a duplicate section; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 980, as amended by Section 2, Chapter 89, O.S.L. 1998 (22 O.S. Supp. 1998, Section 980), is amended to read as follows:

Section 980. If the judgment is for imprisonment in a state prison, the sheriff of the county or subdivision must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the Lexington Assessment and Reception Center or to a

place determined by the Director of the Department of Corrections. The sheriff must also deliver to the Department of Corrections ~~a~~:

1. A certified copy of the judgment and sentence;

2. A copy of any medical, dental, or mental health records of the defendant for conditions reviewed or treated while in the custody of the sheriff; and

3. Any medication or medical or dental device prescribed for the defendant while in the custody of the sheriff or for a pre-existing condition.

~~, and~~ Upon delivery of the defendant with the required judgment, records and medication or devices, the sheriff must take from the Department of Corrections a receipt for the defendant, and make return thereof to the court.

SECTION 2. AMENDATORY Section 50, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.12), is amended to read as follows:

Section 987.12 A. Any person sentenced to a community punishment pursuant to the provisions of the Oklahoma Community Sentencing Act shall not be deemed an inmate, nor shall the person be considered to be in the custody of the Department of Corrections, nor shall the person require processing through the Lexington Reception and Assessment Center. Persons sentenced to community punishment pursuant to the applicable state sentencing matrix or otherwise as authorized by law, shall be in community custody within the county.

B. Except as otherwise specifically provided by law, persons sentenced to a community punishment shall not have medical or dental expenses paid by the Department of Corrections or reimbursed by the Community Sentencing Division. Each local community sentencing system shall be required to budget for minor required medical or dental expenses for persons participating in the local system. The local system shall request a medical or dental co-payment for any

medical or dental services delivered to offenders sentenced to a community punishment.

C. The local administrator may request the Community Sentencing Division within the Department of Corrections to provide emergency medical assistance to a local community sentencing system or to an individual offender when the emergency is beyond the budget of the local system. When a request for emergency medical services is made, the Division shall negotiate the necessary medical assistance through an appropriate state agency on a case-by-case basis.

D. Any felony offender requiring extensive medical treatment or services relating to confinement, which is a court-ordered part of a community sentence pursuant to the authority of the applicable state sentencing matrix, may be transferred to the Department of Corrections for appropriate treatment upon order of the court. The offender shall be returned to the local system following the necessary medical treatment or upon completion of the sentence.

E. 1. The state will pay ~~all~~ required medical expenses while a person is incarcerated in the county jail, subject to the provisions of subsection F of this section, provided the state has the obligation to pay for the term of incarceration pursuant to the provisions of ~~this act~~ the Oklahoma Community Sentencing Act. For persons sentenced under the authority of Field 2 or Field 3 punishment levels of the matrices, the state will pay required medical expenses for a maximum of one (1) year while incarcerated in the county jail. If the sentencing judge under the authority of Field 2 or Field 3 punishment levels orders any term of imprisonment less than one (1) year, the state will pay required medical expenses for up to a total of one (1) year for incarceration and disciplinary jail sanctions combined.

2. The state will pay up to a maximum of thirty (30) days on required medical expenses while a person is incarcerated in the county jail pursuant to Field 4 punishment levels of the state's

sentencing matrix, and this shall be only for required medical expenses occurring during periods of disciplinary sanction in the county jail.

F. The Department of Corrections shall not pay fees for medical or dental care or treatment provided to eligible offenders in excess of the rates established for Medicaid providers. The state shall not be liable for medical and dental charges in excess of the Medicaid scheduled rate.

SECTION 3. AMENDATORY 57 O.S. 1991, Section 38, as last amended by Section 76, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 38), is amended to read as follows:

Section 38. A. 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 Twenty-four Dollars ($24.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. 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 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 Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county.

B. The state shall provide funding for county jail incarceration for eligible felony offenders pursuant to the provisions of the Oklahoma Community Sentencing Act at a rate of

Twenty Dollars ($20.00) per day per person imprisoned for a maximum term as specified in this act.

SECTION 4. AMENDATORY 57 O.S. 1991, Section 95, as last amended by Section 4, Chapter 89, O.S.L. 1998 (57 O.S. Supp. 1998, Section 95), is amended to read as follows:

Section 95. A. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail shall be transported by the sheriff of the county where the person is sentenced, or transported by a designated representative of the sheriff, to the Department of Corrections at the Lexington Assessment and Reception Center or other location designated by the Director of the Department of Corrections. The sheriff shall deliver the person to the Department at such center together with ~~a~~:

1. A certified copy of the judgment and sentence from the court ordering such imprisonment~~, a~~;

2. A certificate setting forth the number of days served in the county jail after the pronouncement of judgment and rendering of sentence for the offenses committed~~, and a~~;

3. A copy of any medical, dental, or mental health records of the defendant for conditions reviewed or treated while in the custody of the sheriff; and

4. Any medication or medical or dental device prescribed for the defendant while in the custody of the sheriff or for a pre-existing condition; and

5. A copy of the presentence investigation report, if a report was prepared.

B. The Department shall give the sheriff a receipt for each person received into the custody of the Department at the Lexington Assessment and Reception Center. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made.

SECTION 5. REPEALER 57 O.S. 1991, Section 95, as amended by Section 23, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 95), is hereby repealed.

SECTION 6. This act shall become effective July 1, 1999.

SECTION 7. 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.

47-1-1092 NP 6/11/2015 8:29:17 PM