

EHB 1212

THE STATE SENATE
Wednesday, March 17, 1999

ENGROSSED

House Bill No. 1212

ENGROSSED HOUSE BILL NO. 1212 - By: PHILLIPS of the House and COFFEE of the Senate.

An Act relating to law enforcement vehicles; making declaration of danger to public health and safety; prohibiting use by municipal police departments of unmarked cars for routine traffic enforcement; stating exceptions; amending 19 O.S. 1991, Section 180.43, as last amended by Section 1, Chapter 91, O.S.L. 1994 (19 O.S. Supp. 1998, Section 180.43), which relates to automobiles used by sheriffs; making declaration of danger to public health and safety; prohibiting use of unmarked cars for routine traffic enforcement; stating exceptions; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34-106 of Title 11, unless there is created a duplication in numbering, reads as follows:

The State of Oklahoma hereby declares and states that the increased number of persons impersonating law enforcement officers by making routine traffic stops while using unmarked cars is a threat to the public health and safety of all the citizens of the State of Oklahoma; therefore it shall be unlawful for any municipal police department to use any vehicle which is not clearly marked as a law enforcement vehicle for routine traffic enforcement. Use of a vehicle which is not clearly marked as a law enforcement vehicle by

1 a municipal police department for enforcement against reckless
2 driving, driving under the influence or drug charges shall not be a
3 violation of this section.

4 SECTION 2. AMENDATORY 19 O.S. 1991, Section 180.43, as
5 last amended by Section 1, Chapter 91, O.S.L. 1994 (19 O.S. Supp.
6 1998, Section 180.43), is amended to read as follows:

7 Section 180.43 A. Each sheriff shall be paid actual expenses
8 by the county for keeping, feeding, and maintaining prisoners, not
9 to exceed the sum of Three Dollars and fifty cents (\$3.50) per day
10 for each prisoner for the first twenty prisoners and Two Dollars
11 (\$2.00) per day for each additional prisoner. The claim for said
12 expenses shall be filed with and approved or disapproved by the
13 board of county commissioners as other claims, and the sheriff shall
14 receive no other compensation for said services. The sheriff shall
15 file an annual report with the board of county commissioners not
16 later than January 15 of each year. The State Auditor and Inspector
17 shall conduct an audit of the report as on other public records of
18 the county.

19 B. Each county sheriff may contract with the Department of
20 Justice of the United States of America, the Department of
21 Corrections, or any municipality of this state for the feeding,
22 care, housing, and upkeep of federal, state, or municipal prisoners,
23 or alien detainees incarcerated in the county jail. Any funds

1 received pursuant to said contract shall be the funds of the county
2 where the federal, state, or municipal prisoners, or alien detainees
3 are incarcerated and shall be deposited in a separate revolving fund
4 with the county treasurer. All purchases made pursuant to the
5 provisions of this subsection shall be made pursuant to the
6 purchasing procedures specified in Sections 1500 through 1505 of
7 this title, including the use of blanket purchase orders as provided
8 for in Section 310.8 of Title 62 of the Oklahoma Statutes. The
9 sheriff shall be permitted to expend any surplus in the revolving
10 fund for administering expenses for salaries, training, equipment,
11 or travel, or for capital expenditures.

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

19 C. In lieu of the travel reimbursement or monthly travel
20 allowance provided for by law, the board of county commissioners may
21 purchase and provide for the operation, maintenance, insurance,
22 equipping, and repair of an automobile for each county commissioner
23 to be used in performing the duties of his office. In lieu of the

1 travel reimbursement or monthly travel allowance provided for by
2 law, the board of county commissioners, with the concurrence of the
3 county sheriff, may purchase and provide for the operation,
4 maintenance, insurance, equipping, and repair of automobiles for the
5 use of the sheriff in performing the duties of his office. Any
6 automobile purchased pursuant to the authority granted in this
7 section shall be purchased by competitive bids. The use of any said
8 automobile for private or personal purposes is hereby prohibited.
9 In any county having a population of at least three hundred fifty
10 thousand (350,000), where it is determined by the sheriff to be more
11 economical and advantageous to the county, the sheriff may establish
12 a monthly automobile allowance of not more than Four Hundred Dollars
13 (\$400.00) per month in lieu of the mileage per mile for in-county
14 driving as authorized in this section. Any travel reimbursement
15 other than in-county driving as provided for in this section shall
16 be for actual and necessary expenses as provided for in the State
17 Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the
18 Oklahoma Statutes. Any person violating the provisions of this
19 subsection, upon conviction, shall be guilty of a misdemeanor and
20 shall be punished by a fine of not more than One Hundred Dollars
21 (\$100.00) or by imprisonment in the county jail for not more than
22 thirty (30) days, or by both said fine and imprisonment, and in
23 addition thereto shall be discharged from county employment.

1 D. The State of Oklahoma hereby declares and states that the
2 increased number of persons impersonating law enforcement officers
3 by making routine traffic stops while using unmarked cars is a
4 threat to the public health and safety of all of the citizens of the
5 State of Oklahoma; therefore it shall be unlawful for any county
6 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle
7 which is not clearly marked as a law enforcement vehicle for routine
8 traffic enforcement. Use of a vehicle which is not clearly marked
9 as a law enforcement vehicle by a county sheriff's department for
10 enforcement against reckless driving, driving under the influence or
11 drug charges shall not be a violation of this subsection.

12 E. Each county sheriff may operate, or contract the operation
13 of, a commissary for the benefit of persons lawfully confined in the
14 county jail under the custody of the county sheriff. Any funds
15 received pursuant to said operations shall be the funds of the
16 county where the persons are incarcerated and shall be deposited in
17 the Sheriff's Commissary Account. The sheriff shall be permitted to
18 expend the funds to improve or provide jail services. The sheriff
19 shall be permitted to expend any surplus in the Sheriff's Commissary
20 Account for administering expenses for training equipment, travel or
21 for capital expenditures. The claims for expenses shall be filed
22 with and allowed by the board of county commissioners in the same
23 manner as other claims. The sheriff shall receive no compensation

1 for the operation of said commissary. The sheriff shall file an
2 annual report on any said commissary under his or her operation no
3 later than January 15 of each year. The State Auditor and Inspector
4 shall conduct an audit of the report in the same manner as other
5 public records of the county. Nothing in this subsection shall
6 circumvent the provisions of Section 73 of Title 7 of the Oklahoma
7 Statutes.

8 ~~E.~~ F. Each county sheriff may operate, or contract the
9 operation of, a telephone system for the benefit of persons lawfully
10 confined in the county jail under the custody of the county sheriff.
11 Any funds received pursuant to said operations shall be the funds of
12 the county where the persons are incarcerated and shall be deposited
13 in the Sheriff's Service Fee Account. Such funds may be expended
14 according to the guidelines previously established for expenditures
15 from the general fund. The claims for expenses shall be filed with
16 and allowed by the board of county commissioners in the same manner
17 as other claims.

18 SECTION 3. This act shall become effective November 1, 1999.

19 COMMITTEE REPORT BY: COMMITTEE ON DEREGULATION, dated 03-16-99 - DO
20 PASS.