

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1430

By: Gilbert

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 979a, as last amended by Section 3, Chapter 290, O.S.L. 1998 (22 O.S. Supp. 1998, Section 979a), which relates to payment of jail costs by inmates; modifying entity to receive reimbursement under certain circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 979a, as last amended by Section 3, Chapter 290, O.S.L. 1998 (22 O.S. Supp. 1998, Section 979a), is amended to read as follows:

Section 979a. A. Except as otherwise provided in this section, the municipal attorney or district attorney shall ask the court ~~may~~ to 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, upon conviction or receiving a deferred sentence. Costs of incarceration shall include booking, receiving and processing out, 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 or by contract amount if applicable. The cost of incarceration ~~may~~ shall be paid to all jail facilities where the person ~~may have been~~ is 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. Ten percent (10%) of any amount collected shall be paid to the municipal attorney's or district attorney's office, five percent (5%) shall be deposited in the court clerk's revolving fund and the remaining amount shall be deposited in the appropriate fund that reimburses costs assessed for incarceration in a county jail, or in the appropriate city account if reimbursing costs assessed for incarceration in a city jail.

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 or municipality the full amount paid by the sheriff or municipality for any medical care or treatment administered to such offender during any period of incarceration or preceding incarceration in the county or city jail. The sheriff may deduct the costs of medical care and treatment resulting from the commission of a felony or misdemeanor offense may be deducted 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 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.

47-1-5218            LAC            6/12/15