

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 756

By: Rozell and Wilkerson of
the Senate

and

Dunegan of the House

An Act relating to corrections; amending 57 O.S. 1991, Section 37, which relates to prisons and jails reaching maximum capacity; requiring consideration of certain inmates by Pardon and Parole Board upon need of Department of Corrections to contract for bed space; * * * amending 57 O.S. 1991, Section 332.18, as amended by Section 1, Chapter 341, O.S.L. 1998 (57 O.S. Supp. 2000, Section 332.18), which relates to Pardon and Parole Board docket; exempting certain inmates on medical parole review from certain hearing process.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to corrections; amending 57 O.S. 1991, Section 37, which relates to prisons and jails reaching maximum capacity; requiring consideration of certain inmates by Pardon and Parole Board upon need of Department of Corrections to contract for bed space; requiring county sheriffs to notify Department of Corrections upon commitment of certain inmates; authorizing promulgation of certain transfer form; requiring Department of Corrections to notify sheriff of bed space availability; modifying definition of county jail capacity; clarifying mode of certain notification; removing obsolete language; requiring sheriff to notify Department of Transportation of certain inmates; requiring scheduling of reception of certain inmates within certain time; making Department responsible for certain costs of housing certain inmates; providing per diem rate for certain costs; providing methods and procedures for reimbursement of sheriff for certain costs; amending 57 O.S. 1991, Section 332.18, as amended by Section 1, Chapter 341, O.S.L. 1998 (57 O.S. Supp. 2000, Section 332.18), which relates to Pardon and Parole Board docket; exempting certain inmates on medical parole review from certain hearing process; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 1991, Section 37, is amended to read as follows:

Section 37. A. If all correctional facilities reach maximum capacity and the Department of Corrections is required to contract for bed space to house state inmates, then:

~~1. The~~ the Pardon and Parole Board shall consider all nonviolent offenders for parole who are within ~~the~~ six (6) months ~~prior to~~ of their scheduled release from a penal facility, ~~and.~~

~~2. B.~~ No inmate may be received by a penal facility from a county jail without first scheduling a transfer with the Department, ~~except when.~~ The Sheriff shall transmit by facsimile or actual delivery a transfer form certifying that the inmate is sentenced to the Department of Corrections. The transfer form shall contain information that the sentencing court has entered a judgment and sentence and all other necessary commitment documents. The Department of Corrections is authorized to promulgate the transfer form for use by the sheriff. Once the form is received by the Department of Corrections, the Department shall contact the sheriff when bed space is available to schedule the transfer and reception of the inmate into the Department.

C. When a county jail has reached its capacity of inmates ~~based upon sixty (60) square feet per cell per inmate and seventy-five (75) square feet per inmate for dormitory space~~ as defined in Section 192 of Title 74 of the Oklahoma Statutes, then the county sheriff shall notify the Director of the Oklahoma Department of Corrections, or ~~his~~ the Director's designated representative, by facsimile or actual delivery, that the county jail has reached or exceeded its capacity to hold inmates. Then within seventy-two (72) hours following such notification, the county sheriff shall ~~immediately~~ transport the excess inmate or inmates to a penal facility, ~~except a community treatment center designated by law for~~

~~first-time, nonviolent offenders,~~ designated by the Department. The sheriff shall notify the Department of the transport of the inmate prior to the reception of the inmate. The Department shall schedule the reception date and receive the inmate within seventy-two (72) hours of notification that the county jail is at capacity, unless other arrangements can be made with the sheriff.

D. Once the transfer form is transmitted to the Department of Corrections, the Department will be responsible for the cost of housing the inmate in the county jail from the date the Department receives the transmittal until the date of transfer of the inmate from the county jail. The cost of housing shall be the per diem rate specified in Section 38 of this title. In the event the inmate has other criminal charges pending in another Oklahoma jurisdiction the Department shall be responsible for the housing costs while the inmate remains in the county jail awaiting transfer to another jurisdiction. Once the inmate is transferred to another jurisdiction, the Department is not responsible for the housing cost of the inmate until such time that another transfer form is received from another Oklahoma jurisdiction. The sheriff shall be reimbursed by the Department for the cost of housing the inmate in one of two ways:

1. The sheriff is authorized to submit invoices for the cost of housing the inmate on a monthly basis; or

2. The sheriff may submit one invoice for the total amount due for the inmate after the Department has received the inmate.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 332.18, as amended by Section 1, Chapter 341, O.S.L. 1998 (57 O.S. Supp. 2000, Section 332.18), is amended to read as follows:

Section 332.18 A. The Director of the Department of Corrections shall have the authority to request the Executive Director of the Pardon and Parole Board to place an inmate on the Pardon and Parole Board docket for a medical reason, out of the

normal processing procedures. Documentation of the medical condition of such inmate shall be certified by the medical director of the Department of Corrections. The Pardon and Parole Board shall have the authority to bring any such inmate before the Board at any time, except as otherwise provided in subsection B of this section.

B. When a request is made for a medical parole review of an inmate who is dying or is near death as certified by the medical director of the Department of Corrections, the Executive Director shall place such inmate on the first available parole review docket for a compassionate parole recommendation. Inmates who meet the criteria set out in this section are not subject to the two-stage hearing process in subsection C of Section 332.7 of this title.

SECTION 2. This act shall become effective July 1, 2001.

SECTION 3. 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."

Passed the House of Representatives the 9th day of April, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate