

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 1445

By: Leftwich of the Senate

and

Nance of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to counties and municipalities and city-county health departments; amending 19 O.S. 2001, Sections 130.2 and 130.4, which relate to Commission on County Government Personnel Education and Training and Center for Local Government Technology; modifying duties of certain Commission to include contracting for training for political subdivisions; authorizing certain Center to contract to provide training for state agencies and private entities; authorizing county sheriff to apply for certain grants; directing funding from certain grants to be placed in sheriff's general fund; amending 63 O.S. 2001, Section 1-524, which relates to examination of prisoners and arrestees for certain diseases; requiring notification of city-county health department in certain counties of certain arrests; requiring portion of certain fines to be forwarded to certain city-county health departments; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 130.2, is amended to read as follows:

Section 130.2 The duties of the Commission shall be:

1. To oversee a professional development program for training Oklahoma county commissioners, county clerks, county treasurers, county assessors, court clerks, their deputies and employees, county sheriffs, and other political subdivisions through the Center for Local Government Technology and Cooperative Extension Service at Oklahoma State University;

2. To provide guidance to the Center for Local Government Technology and Cooperative Extension Service in designing curricula to be used in educational programs and materials;

3. To identify needs and set priorities for research to be conducted in cooperation with the Center for Local Government Technology and Cooperative Extension Service in areas relevant to the study and improvement of Oklahoma county government and its functions and to accept gifts and grants for such purposes;

4. To cooperate with the advisory boards authorized in Section 130.4 of this title in determining the educational needs of county officials and their employees so that they can perform their duties and responsibilities efficiently and professionally;

5. To contract with the Center for Local Government Technology and Cooperative Extension Service at Oklahoma State University to administer ~~county~~ personnel education and training for counties and other political subdivisions.

SECTION 2. AMENDATORY 19 O.S. 2001, Section 130.4, is amended to read as follows:

Section 130.4 A. The Center for Local Government Technology and Cooperative Extension Service are hereby authorized to create advisory boards as they deem necessary. Members of such advisory boards shall be appointed by the Center for Local Government Technology and Cooperative Extension Service and shall include, but shall not be limited to, county government officials and appropriate state agency representatives. Meetings of advisory boards shall be called by the Director of the Center for Local Government Technology. Such advisory boards shall assist in developing educational programs and materials for training county government officers and their employees.

Advisory board members shall be reimbursed for expenses incurred in the performance of their duties under Sections ~~1 through 7~~ 130.1

through 130.7 of this act title in accordance with the State Travel Reimbursement Act.

B. The Center for Local Government Technology is authorized to contract with state agencies and private entities to provide training.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 529 of Title 19, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provisions of law, the county sheriff may apply for any law enforcement grant which would help fund the office of the sheriff. The funds from such grants shall go directly into the sheriff's general revenue fund for the operation of the sheriff's office.

SECTION 4. AMENDATORY 63 O.S. 2001, Section 1-524, is amended to read as follows:

Section 1-524. A. The keeper of any prison or penal institution in this state shall cause to be examined every person confined in such prison or penal institution, to determine whether such person is an infected person.

B. Any licensed physician may examine persons who are arrested by lawful warrant for prostitution, or other sex crimes not specified in subsection C of this section, for the purpose of determining if they are infected with a venereal disease or a communicable disease including, but not limited to, the human immunodeficiency virus (HIV). For purposes of expediting such examination, in counties with a population of greater than four hundred thousand (400,000), the county sheriff or the chief of police of any municipality with a population of greater than two hundred thousand (200,000) that is located within such county and that has a municipal court of record shall notify the city-county health department serving the county of any person who has been arrested by county or city officers for prostitution. Any such

examination shall be made subsequent to arrest and if the examination is for the human immunodeficiency virus, upon order of the court issued at the initial appearance of the arrested person. Every person shall submit to the examination and shall permit specimens to be taken for laboratory examinations. Such person may be detained until the results of the examination are known. The examination shall be made by a licensed physician. A determination as to whether or not the person is infected shall not be based on any prior examination. Any person found to be infected with a venereal disease shall be treated by the State Commissioner of Health or local health officer, or a physician of such person's own choice, until such person is noninfectious or dismissed by the Commissioner or local health officer or physician. In the event a person infected with a venereal disease refuses or fails to submit to treatment, then such person may be quarantined for the purpose of treatment, and a report thereof shall be made to the Commissioner.

C. A licensed physician shall examine persons who are arrested by lawful warrant for the offense of first or second degree rape, forcible sodomy or the intentional infection or attempt to intentionally infect a person with the human immunodeficiency virus pursuant to Section 1192.1 of Title 21 of the Oklahoma Statutes, for the purpose of determining if they are infected with a venereal disease or a communicable disease including, but not limited to, the human immunodeficiency virus (HIV). The court shall issue an order for this examination upon the arraignment of the person arrested for any of the offenses specified in this subsection. At the request of the victim or the district attorney, the judge may order such examination and test at the initial appearance or thereafter upon a motion of the victim or the district attorney. The order requiring such examination and test shall not include the name and address of the alleged victim but shall provide that the alleged victim shall be notified of the test results.

D. For purposes of this section, the term "initial appearance" shall refer to the first court appearance of an individual, in person or by closed circuit television, before a magistrate on a presentment, indictment or preliminary information on a felony offense.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1089 of Title 21, unless there is created a duplication in numbering, reads as follows:

In counties having a population of greater than four hundred thousand (400,000), One Hundred Dollars (\$100.00) of each fine collected for violation of Sections 1028, 1029, 1030, and 1081 of Title 21 of the Oklahoma Statutes shall be forwarded by the court clerk to the city-county health department serving the county.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 28-102a of Title 11, unless there is created a duplication in numbering, reads as follows:

In municipalities that have a population of more than two hundred thousand (200,000), that have a municipal court of record, and that are located within a county having a population greater than four hundred thousand (400,000), One Hundred Dollars (\$100.00) of each fine collected for violations of municipal ordinances relating to prostitution shall be forwarded by the city clerk or other appropriate finance official to the city-county health department serving the county.

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.