

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2746

By: Taylor

AS INTRODUCED

An Act relating to counties and county officers; creating certain fund; providing for receiving certain money; providing method of expenditures; providing penalty for certain convictions; providing certain penalty amount; providing procedure for penalty to be paid into certain fund; providing certain criteria required for medical expense award; providing certain maximum award amount; providing for subrogation; providing that the Department of Public Safety employ the necessary personnel to administer fund; providing for codification; providing an effective date; and declaring an emergency.

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 746.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Medical Expense Liability Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from court penalty cost pursuant to Section 2 of this act. All monies accruing to the credit of the fund shall be appropriated and may be budgeted and expended by the Department of Public Safety for qualified medical expenses pursuant to the criteria set forth in Section 2 of this act. The Medical Expense Liability Revolving Fund shall not be used for the costs the Department incurred in administering such monies.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1313.7 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. In addition to the penalty assessment imposed by Sections 1313.2 and 1313.3 of Title 20 of the Oklahoma Statutes, any person convicted of any offense, excluding traffic offenses, as well as parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such offense, shall be ordered by the court to pay a medical expense liability fee in the amount of Ten Dollars (\$10.00) for each offense for the Medical Expense Liability Revolving Fund provided for in Section 1 of this act. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

B. The court clerk shall cause to be deposited the amount of Ten Dollars (\$10.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in the fund on a monthly basis to the Medical Expense Liability Revolving Fund.

The monies from the Medical Expense Liability Revolving Fund shall be used when the following criteria are met:

1. A county or city jail in this state is determined to be liable for the medical expense or expenses of an inmate or person in custody as provided by law. The minimum expense amount that shall qualify for consideration is Fifteen Thousand Dollars (\$15,000.00) per ailment or injury;

2. The court clerk of the county makes a written claim to the Department of Public Safety regarding a county medical expense. In addition to the written claim, all of the medical records and bills

shall be submitted that relate to the medical expense under consideration; and

3. It is determined that the inmate or person in custody lacks the ability and resources to cover his or her medical expense or expenses.

C. The Medical Expense Liability Revolving Fund shall not pay any expenses in excess of One Hundred Thousand Dollars (\$100,000.00) per inmate or person in custody.

D. If the inmate or person in custody receives any type of compensation or award from a collateral source as a result of the ailment or injury which is paid by the Medical Expense Liability Revolving Fund, the state shall be subrogated to the rights of a claimant to receive or recover from a collateral source to the extent that medical expenses were awarded.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-137 of Title 47, unless there is created a duplication in numbering, reads as follows:

The Department of Public Safety, in accordance with administering the Medical Expense Liability Revolving Fund pursuant to Section 1 of this act, shall direct the Commissioner of Public Safety to employ, appoint, or otherwise designate the necessary personnel to carry out the duties of the fund.

SECTION 4. This act shall become effective July 1, 2002.

SECTION 5. 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.

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