STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1522 By: Leftwich of the Senate

and

Nance of the House

AS INTRODUCED

An Act relating to corrections; amending 57 O.S. 2001, Sections 37 and 38, which relate to housing cost of inmates in the county jail and per diem rate; modifying payment responsibility of housing costs for certain offenders; providing for court minute to be certification of sentence; increasing per diem rate; 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. 2001, 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 the Pardon and Parole Board shall consider all nonviolent offenders for parole who are within six (6) months of their scheduled release from a penal facility.

B. No inmate may be received by a penal facility from a county jail without first scheduling a transfer with the Department. 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. For purposes of this subsection, the court minute shall be sufficient to certify that the offender has been sentenced to the Department of Corrections.

C. When a county jail has reached its capacity of inmates 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 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 transport the excess inmate or inmates to a penal facility 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~~ of the court minute sentencing the offender to the Department of Corrections 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 and has a sentence to the Department on a previous

offense, the Department ~~is not~~ shall be responsible for the housing cost of the inmate until such time that ~~another transfer form~~ the inmate is received ~~from another Oklahoma jurisdiction~~ by the Department of Corrections or until the sentence has been completed, whichever occurs first. 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. 2001, Section 38, is amended to read as follows:

Section 38. The Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed ~~Twenty-four Dollars ($24.00)~~ Thirty Dollars ($30.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this resolution if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county.

SECTION 3. This act shall become effective July 1, 2002.

SECTION 4. 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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