

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 756

By: Rozell

AS INTRODUCED

An Act relating to corrections; amending 57 O.S. 1991, Section 37, which relates to prisons and jails reaching maximum capacity; including contract bed space in criteria for determining maximum capacity; requiring the Pardon and Parole Board to consider certain inmates within certain period of release under certain condition; prohibiting transfer of certain persons without scheduling; specifying information required and procedure to transfer inmates from the county jail; requiring the Department to take responsibility for certain per diem cost; providing per diem is determination; setting per diem payment amount; providing when per diem cost may be submitted to the Department; changing definition of jail capacity; requiring written notification of capacity; requiring the Department to take certain action upon receipt of certain notification; lengthening time for transfer of felony inmates; deleting certain option to transfer first-time offenders to certain facility; 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. ~~If all correctional facilities reach maximum capacity~~ A. Whenever the Department of Corrections is required to contract for bed space to house state inmates then:

1. 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. No inmate ~~may~~ shall be received by a penal facility from a county jail without first scheduling a transfer with the Department, ~~except when.~~ The scheduling and transfer of any felony inmate shall only occur when the following conditions have been met:

- a. the sheriff has received a judgment and sentence and other necessary commitment documents from the sentencing court,
- b. all other matters before the sentencing court have been completed, and
- c. no other jurisdiction is to take custody of the inmate;

The sheriff must transmit a copy of the judgment and sentence and other necessary commitment documents to the Department prior to scheduling the inmate for transfer and reception into the Department. Once the transfer is scheduled, the Department will be responsible for payment of the per diem cost of housing the inmate in the county jail from the date the schedule is set to the date of transfer and reception into the Department. The cost of housing shall be at the per diem rate specified in Section 38 of this title. The sheriff shall submit the total amount of per diem due for the inmate only after the inmate has been received by the Department.

B. Whenever 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, in writing, the Director of the Oklahoma Department of Corrections, or ~~his~~ the Director's designated representative, that the county jail has reached or exceeded its capacity to hold inmates. ~~Then within seventy-two (72) hours following such~~ Upon receipt of the written notification, the ~~county sheriff~~ Department shall ~~immediately transport~~ schedule reception of the excess inmate or inmates within seven (7) days to a penal facility, ~~except a community treatment center designated by law for first-time, nonviolent offenders,~~ designated by the Department.

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.

48-1-509

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