

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1392

By: Laughlin of the Senate

and

Blackwell of the House

An Act relating to jail costs; amending 22 O.S. 2001, Section 979a, as amended by Section 2, Chapter 319, O.S.L. 2003 (22 O.S. Supp. 2003, Section 979a), which relates to payment of jail costs by inmate; * * * requiring notice to court clerk of all costs collected; and declaring an emergency.

AUTHOR: Add the following House Coauthor: Nance

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

"An Act relating to jail costs; amending 22 O.S. 2001, Section 979a, as amended by Section 2, Chapter 319, O.S.L. 2003 (22 O.S. Supp. 2003, Section 979a), which relates to payment of jail costs by inmate; removing provision for certain payment in hardship cases; directing the court to order actual incarceration costs be reimbursed; providing for certain review of collections; providing exception under certain circumstance; providing notice to defendant; providing opportunity to object to certain costs for certain reason; providing for collection of certain incarceration costs by inmate jail account and criminal or civil action; requiring notice to court clerk of all costs collected; making costs of incarceration a debt collectible as provided by law for collection of any other civil debt or criminal penalty; and limiting certain fees.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 979a, as amended by Section 2, Chapter 319, O.S.L. 2003 (22 O.S. Supp. 2003, Section 979a), is amended to read as follows:

Section 979a. A. ~~Except as otherwise provided in this section,~~
~~the~~ The municipal attorney or district attorney shall ask the court
to require a person confined in a city or county jail, for any
offense, to pay the jail facility the costs of incarceration, both
before and after conviction, upon conviction or receiving a deferred
sentence. The costs of incarceration shall be collected by the
clerk of the court as provided for collection of other costs and
finances, which shall be subject to review under the procedures set
forth in Section VIII of the Rules of the Oklahoma Court of Criminal
Appeals, Chapter 18, Appendix of Title 22. Costs of incarceration
shall include booking, receiving and processing out, housing, food,
clothing, medical care, dental care, and psychiatric services. The
costs for incarceration shall be an amount equal to the actual cost
of the services and shall be determined by the chief of police for
city jails, by the county sheriff for county jails or by contract
amount, if applicable. The cost of incarceration shall be paid by
the court clerk when collected to the municipality, county or other
public entity responsible for the operation of all jail facilities
where the person is held before and after conviction. ~~Except for~~
~~medical costs, incarceration costs shall not be assessed if, in the~~
~~judgment of the court, such costs would impose a manifest hardship~~
~~on the person, or if in the opinion of the court the property of the~~
~~person is needed for the maintenance and support of immediate~~
~~family.~~ Five percent (5%) of any amount collected by the court
clerk shall be paid to the municipal attorney's or district
attorney's office, five percent (5%) shall be transmitted by the
court clerk to the District Attorneys Council Revolving Fund,
established by Section 215.28 of Title 19 of the Oklahoma Statutes,
to be used to fund personnel to process victim compensation claims
in district offices designated by the Crime Victims Compensation
Board and the remaining amount shall be paid to the municipality,
the sheriff's service fee account or, if the sheriff does not

operate the jail facility, the remaining amount shall be deposited with the public entity responsible for the operation of the jail facility where the person is held. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The sheriff shall give notice to the defendant of the actual costs owed before any court-ordered costs are collected. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. The sheriff, municipality or other public entity responsible for the operation of the jail may collect costs of incarceration ordered by the court from the inmate's jail account. If the funds collected from the inmate's jail account are insufficient to satisfy the actual incarceration costs ordered by the court, the sheriff, municipality or other public entity responsible for the operation of the jail is authorized to collect the remaining balance of the incarceration costs by civil action. When the sheriff, municipality or other public entity responsible for the operation of the jail collects any court-ordered incarceration costs from an inmate's jail account or by criminal or civil action, the court clerk shall be notified of the amount collected.

B. Any offender receiving routine or emergency medical services or medications or injured during the commission of a felony or misdemeanor offense and administered any medical care shall be required to reimburse the sheriff, municipality or other public entity responsible for the operation of the jail, the full amount paid by the sheriff, municipality or other public entity responsible for the operation of the jail for any medical care or treatment

administered to such offender during any period of incarceration or preceding incarceration in that jail facility. The sheriff, municipality or other public entity responsible for the operation of the jail may deduct the costs of medical care and treatment as authorized by Section 531 of Title 19 of the Oklahoma Statutes. If the funds collected from the inmate's jail account are insufficient to satisfy the actual medical costs paid, the sheriff, municipality or other public entity responsible for the operation of the jail shall be authorized to collect the remaining balance of the medical care and treatment by civil actions.

C. Costs of incarceration shall be a debt of the inmate owed to the municipality, county, or other public entity responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty. Jail fees shall not exceed Three Thousand Dollars (\$3,000.00)."

Passed the House of Representatives the 20th day of April, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate