

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1392

By: Laughlin of the Senate

and

Blackwell of the House

COMMITTEE SUBSTITUTE

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 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; limiting certain fees; and declaring an emergency.

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 fines. 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).

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.

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