

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 652

By: Leftwich and Branam of the  
Senate

and

Nance of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to inmates medical costs; amending 19 O.S. 2001, Section 531, which relates to inmate trust accounts; amending 22 O.S. 2001, Section 979a, which relates to payment of jail costs by inmate; increasing obligation of inmate to pay medical cost; providing civil remedies for collection of medical costs against inmates; amending 20 O.S. 2001, Sections 1313.2, as amended by Section 5, Chapter 22, O.S.L. 2002, and 1313.3, as amended by Section 6, Chapter 22, O.S.L. 2002 (20 O.S. Supp. 2002, Sections 1313.2 and 1313.3), which relate to fees in addition to criminal fines and penalties; modifying language; providing for certain late fee in certain amount; creating the Jim Hallett Act; providing short title; creating the Medical Expense Liability Revolving Fund; providing for receiving certain money; providing method of expenditures; providing medical expense liability fee for certain convictions; providing certain fee amount; providing procedure for certain fee 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 State and Education Employees Group Insurance Board employ the necessary personnel to administer fund; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 531, is amended to read as follows:

Section 531. A. Notwithstanding any other provisions of law, the county sheriff may establish a checking account, to be designated the "Inmate Trust Fund Checking Account", to be managed

by the county sheriff and maintained separately from regular county funds. The checking account shall be subject to audit by the State Auditor and Inspector. The county sheriff shall deposit all monies collected from inmates incarcerated in the county jail into this checking account and may write checks to the Sheriff's Commissary Account for purchases made by the inmate during his or her incarceration and to the inmate from unencumbered balances due the inmate upon his or her discharge.

B. The sheriff may deduct an amount of Eight Dollars (\$8.00) or more from any monies collected from an inmate as a medical ~~copayment~~ payment on account for each medical services visit the inmate receives while incarcerated in the county jail, except as otherwise provided in this subsection. The county sheriff may deduct an amount of ten cents (\$0.10) per page from any monies collected from an inmate for copies made at the request of the inmate. Any offender injured during the commission of a felony or misdemeanor offense or treated for any other medical condition or illness while incarcerated shall be required to reimburse the sheriff the full amount paid by the sheriff for any medical care or treatment administered to such offender during any period of incarceration in the county jail. The sheriff may deduct the costs of medical care and treatment whether resulting from the commission of a felony or misdemeanor offense or for emergency or routine medical services from any money collected from such inmate's jail account at a rate of Eight Dollars (\$8.00) or more per visit for medication or service dispensed. If the funds collected from the inmate's jail account are insufficient to satisfy the actual or minimal payment on account for medical costs ~~paid as a result of the commission of a felony or misdemeanor offense~~, the ~~court~~ sheriff shall ~~order~~ collect the remaining balance of the medical care and treatment ~~to be paid~~ as provided in Section 979a of Title 22 of the Oklahoma Statutes.

C. The State Auditor and Inspector shall prescribe procedures for the operation of the Inmate Trust Fund Checking Account.

Banking fees on the account may be paid out of the Sheriff Commissary Account or the county sheriff's Service Fee Cash Fund.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 979a, is amended to read as follows:

Section 979a. A. Except as otherwise provided in this section, 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. 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 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. ~~The~~ 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 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.

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 ~~resulting from the commission of a felony or misdemeanor offense from any money collected from such inmate's jail account~~ 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 ~~as a result of the commission of a felony or misdemeanor offense~~, the ~~court~~ sheriff, municipality or other public entity responsible for the operation of the jail shall ~~order~~ be authorized to collect the remaining balance of the medical care and treatment ~~to be paid by civil actions~~.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Sections 4 through 6 of this act shall be known and may be cited as the "Jim Hallett Act".

SECTION 4. 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 State and Education Employees Group Insurance Board 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 fees assessed pursuant to Section 5 of this act. All monies accruing to the credit of the fund shall be appropriated and may be budgeted and expended by the State and Education Employees Group Insurance Board for qualified medical expenses for inmates or persons in the custody of a county or city jail pursuant to the criteria set forth in Section 5 of this act. A portion of the Medical Expense Liability Revolving Fund shall be used for the costs the Board 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 5. 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 fees imposed by Sections 1313.2 and 1313.3 of Title 20 of the Oklahoma Statutes, any person convicted of any offense, excluding traffic offenses and parking and standing violations, but including violations of Section 11-902 of Title 47 of the Oklahoma Statutes, 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 to the Medical Expense Liability Revolving Fund provided for in Section 4 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 county clerk of the county makes a written claim to the State and Education Employees Group Insurance Board 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 the 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 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1306.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

The State and Education Employees Group Insurance Board, in accordance with administering the Medical Expense Liability Revolving Fund pursuant to Section 4 of this act, shall employ, appoint, or otherwise designate the necessary personnel to carry out the duties of the fund.

SECTION 7. AMENDATORY 20 O.S. 2001, Section 1313.2, as amended by Section 5, Chapter 22, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1313.2), is amended to read as follows:

Section 1313.2 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment;

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty; and

3. "DNA" means Deoxyribonucleic acid.

B. Any person convicted of an offense, including traffic offenses but excluding 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 an offense, shall be ordered by the court to pay Seven Dollars (\$7.00) as a separate ~~penalty assessment~~ fee and One Hundred Fifty Dollars (\$150.00) as a Laboratory Analysis Fee if applicable pursuant to subsection C of this section, and One Hundred Fifty Dollars (\$150.00) as a DNA fee if applicable pursuant to subsection G of this section, which ~~assessment and fee~~ fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. 1. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars (\$150.00) for each offense if forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the

Office of the Chief Medical Examiner or by any municipality or county in connection with the case.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in the fund on a monthly basis either to:

- a. the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation,
- b. the Office of the Chief Medical Examiner who shall deposit the monies into the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma Statutes for services rendered or administered by the Toxicology Laboratory of the Office of the Chief Medical Examiner, or
- c. the appropriate municipality or county for services rendered or administered by a municipality or county.

3. The monies from the Laboratory Analysis Fee Fund deposited into the OSBI Revolving Fund shall be used for the following:

- a. providing criminalistic laboratory services,
- b. the purchase and maintenance of equipment for use by the laboratory in performing analysis,
- c. education, training, and scientific development of Oklahoma State Bureau of Investigation personnel, and
- d. the destruction of seized property and chemicals as prescribed in Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

D. Upon conviction or bond forfeiture, the court shall collect the ~~penalty assessment~~ fee provided for in subsection B of this section and deposit it in an account created for that purpose. Except as otherwise provided in subsection E of this section, monies shall be forwarded quarterly by the court clerk to the State Treasury. Deposits shall be due July 15 for the preceding quarter ending June 30, October 15 for the preceding quarter ending September 30, January 15 for the preceding quarter ending December 31, and April 15 for the preceding quarter ending March 31. There shall be a ~~penalty~~ late fee imposed for failure to make timely deposits; provided, the Council on Law Enforcement and Education Training, in its discretion, may waive all or part of the ~~penalty~~ late fee. Such ~~penalty~~ late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the ~~penalty~~ late fee reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by the State Treasurer from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund and ten percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, fifty-two and ninety-two one hundredths percent (52.92%) of the monies received by the State Treasurer from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund, five and eighty-five one hundredths percent (5.85%) shall be deposited in the General Revenue Fund and forty-one and twenty-three one hundredths percent (41.23%) shall be deposited in the C.L.E.E.T. Training Center Revolving Fund created pursuant to subsection F of this section. Along with the deposits required by this subsection each court shall also submit a report stating the total amount of funds collected and the total number of ~~penalty assessments~~ fees imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by the Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council for training law enforcement officers shall retain from monies collected pursuant to this section, Two Dollars (\$2.00) from each ~~penalty assessment~~ fee. These monies shall be deposited into an account for the sole use of the municipality or county in implementing its law enforcement training functions. Not more than seven percent (7%) of such monies shall be used for court and prosecution training. The court clerk of any such municipality or county shall furnish to the State Treasury the report required by subsection D of this section.

F. There is hereby created in the State Treasury a fund for the Council on Law Enforcement Education and Training to be designated the "C.L.E.E.T. Fund". The fund shall be subject to legislative appropriation and shall consist of any monies received from fees and receipts collected pursuant to the Oklahoma Open Records Act, reimbursements for parts used in the repair of weapons of law enforcement officers attending the basic academies, gifts, bequests, contributions, tuition, fees, devises, and the assessments levied pursuant to the fund pursuant to law.

G. 1. Any person convicted of violating Section 7115 of Title 10 of the Oklahoma Statutes or Section 645, subsection B of Section 649, Section 650, 650.2, 650.4, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 716, 741, 759, 798, 799, 800, 801, 832, 885, 888, 891, subsection B of Section 1021, Section 1021.2, 1021.3, 1087, 1088, 1114, 1115, 1116, 1123, 1173, 1192, 1192.1, 1431 or 1435 of Title 21 of the Oklahoma Statutes shall pay a DNA fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be collected if the person has a valid DNA sample in the OSBI DNA Offender Database at the time of sentencing.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every

conviction as described in this subsection. The court clerk shall remit the monies in said fund on a monthly basis to the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation.

3. The monies from the DNA sample fee deposited into the OSBI Revolving Fund shall be used for creating, staffing, and maintaining the OSBI DNA Laboratory and OSBI DNA Offender Database.

SECTION 8. AMENDATORY 20 O.S. 2001, Section 1313.3, as amended by Section 6, Chapter 22, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1313.3), is amended to read as follows:

Section 1313.3 A. In addition to the ~~penalty assessment~~ fees imposed by Section 1313.2 of this title, any person convicted of any offense, including traffic offenses but excluding 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 fingerprinting fee in the amount of Three Dollars (\$3.00) for each offense for the A.F.I.S. Fund in the State Treasury. 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. The fee shall be collected at the same time and in the same manner as the ~~penalty assessment~~ fees provided for in Section 1313.2 of this title. The court clerk shall deposit the fee collected pursuant to this section in the account provided for in subsection D of Section 1313.2 of this title and shall forward the amounts imposed by this section and Section 1313.2 of this title as a lump sum in one check or draft. The deposits required by this section shall be included in the total amount of money disclosed in the report required by Section 1313.2 of this title, but it shall not be required that the fee be listed as a separate item. Two Dollars and seventy cents

(\$2.70) of each ~~penalty assessment~~ fee received pursuant to this section by the State Treasurer shall be deposited in the A.F.I.S. Fund and the balance shall be deposited in the General Revenue Fund.

B. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence; and

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

SECTION 9. 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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