ENGROSSED HOUSE
BILL NO. 2295

By: Blackwell and Balkman of the House

and

Laughlin of the Senate

An Act relating to criminal procedure; 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 costs of incarceration in jail; requiring inmates to pay cost of incarceration; eliminating requirement that cost be ordered by the court; removing hardship exception; making costs of incarceration a debt collectable as provided by law for collection of any other civil debt or criminal penalty; limiting certain fees; and providing an effective date.

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 municipal attorney or district attorney shall ask the court to require a~~ Any person confined in a city or county jail, for any offense~~, to~~ shall 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. ~~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 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. This act shall become effective July 1, 2004.

Passed the House of Representatives the 23rd day of February, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2004.

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Presiding Officer of the Senate