

EHB 1481

THE STATE SENATE
Thursday, March 27, 2003

ENGROSSED

House Bill No. 1481

ENGROSSED HOUSE BILL NO. 1481 - By: WALKER of the House and CAPPS of the Senate.

An Act relating to county and municipal law enforcement; amending 19 O.S. 2001, Section 180.43, which relates to county sheriffs; clarifying authorization to use unmarked cars for traffic enforcement; amending 11 O.S. 2001, Section 34-106, which relates to use of unmarked vehicles; clarifying authorization to use unmarked cars for traffic enforcement; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 180.43, is amended to read as follows:

Section 180.43. A. Each sheriff shall be paid actual expenses by the county for keeping, feeding, and maintaining prisoners, not to exceed the sum of Three Dollars and fifty cents (\$3.50) per day for each prisoner for the first twenty prisoners and Two Dollars (\$2.00) per day for each additional prisoner. The claim for said expenses shall be filed with and approved or disapproved by the board of county commissioners as other claims, and the sheriff shall receive no other compensation for said services. The sheriff shall file an annual report with the board of county commissioners not later than January 15 of each year. The State Auditor and Inspector

1 shall conduct an audit of the report as on other public records of
2 the county.

3 B. Each county sheriff may contract with the Department of
4 Justice of the United States of America, the Department of
5 Corrections, or any municipality of this state for the feeding,
6 care, housing, and upkeep of federal, state, or municipal prisoners,
7 or alien detainees incarcerated in the county jail. Any funds
8 received pursuant to said contract shall be the funds of the county
9 where the federal, state, or municipal prisoners, or alien detainees
10 are incarcerated and shall be deposited in a separate revolving fund
11 with the county treasurer. All purchases made pursuant to the
12 provisions of this subsection shall be made pursuant to the
13 purchasing procedures specified in Sections 1500 through 1505 of
14 this title, including the use of blanket purchase orders as provided
15 for in Section 310.8 of Title 62 of the Oklahoma Statutes. The
16 sheriff shall be permitted to expend any surplus in the revolving
17 fund for administering expenses for salaries, training, equipment,
18 or travel, or for capital expenditures.

19 The claim for said expenses shall be filed with and allowed by
20 the board of county commissioners as other claims. The sheriff
21 shall receive no compensation for said services. The sheriff shall
22 file an annual report with the board of county commissioners not
23 later than January 15 of each year. The State Auditor and Inspector

1 shall conduct an audit of the report as on other public records of
2 the county.

3 C. In lieu of the travel reimbursement or monthly travel
4 allowance provided for by law, the board of county commissioners may
5 purchase and provide for the operation, maintenance, insurance,
6 equipping, and repair of an automobile for each county commissioner
7 to be used in performing the duties of his office. In lieu of the
8 travel reimbursement or monthly travel allowance provided for by
9 law, the board of county commissioners, with the concurrence of the
10 county sheriff, may purchase and provide for the operation,
11 maintenance, insurance, equipping, and repair of automobiles for the
12 use of the sheriff in performing the duties of his office. Any
13 automobile purchased pursuant to the authority granted in this
14 section shall be purchased by competitive bids. The use of any said
15 automobile for private or personal purposes is hereby prohibited.
16 In any county having a population of at least three hundred fifty
17 thousand (350,000), where it is determined by the sheriff to be more
18 economical and advantageous to the county, the sheriff may establish
19 a monthly automobile allowance of not more than Four Hundred Dollars
20 (\$400.00) per month in lieu of the mileage per mile for in-county
21 driving as authorized in this section. Any travel reimbursement
22 other than in-county driving as provided for in this section shall
23 be for actual and necessary expenses as provided for in the State

1 Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the
2 Oklahoma Statutes. Any person violating the provisions of this
3 subsection, upon conviction, shall be guilty of a misdemeanor and
4 shall be punished by a fine of not more than One Hundred Dollars
5 (\$100.00) or by imprisonment in the county jail for not more than
6 thirty (30) days, or by both said fine and imprisonment, and in
7 addition thereto shall be discharged from county employment.

8 D. The State of Oklahoma hereby declares and states that the
9 increased number of persons impersonating law enforcement officers
10 by making routine traffic stops while using unmarked cars is a
11 threat to the public health and safety of all of the citizens of the
12 State of Oklahoma; therefore it shall be unlawful for any county
13 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle
14 which is not clearly marked as a law enforcement vehicle for routine
15 traffic enforcement except as provided in Section 12-218 of Title 47
16 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47
17 of the Oklahoma Statutes, the peace officer operating the law
18 enforcement vehicle for routine traffic stops shall be dressed in
19 the official uniform including shoulder patches, badge, and any
20 other identifying insignias normally used by the employing law
21 enforcement agency.

22 E. Each county sheriff may operate, or contract the operation
23 of, a commissary for the benefit of persons lawfully confined in the

1 county jail under the custody of the county sheriff. Any funds
2 received pursuant to said operations shall be the funds of the
3 county where the persons are incarcerated and shall be deposited in
4 the Sheriff's Commissary Account. The sheriff shall be permitted to
5 expend the funds to improve or provide jail services. The sheriff
6 shall be permitted to expend any surplus in the Sheriff's Commissary
7 Account for administering expenses for training equipment, travel or
8 for capital expenditures. The claims for expenses shall be filed
9 with and allowed by the board of county commissioners in the same
10 manner as other claims. The sheriff shall receive no compensation
11 for the operation of said commissary. The sheriff shall file an
12 annual report on any said commissary under his or her operation no
13 later than January 15 of each year. The State Auditor and Inspector
14 shall conduct an audit of the report in the same manner as other
15 public records of the county. Nothing in this subsection shall
16 circumvent the provisions of Section 73 of Title 7 of the Oklahoma
17 Statutes.

18 F. Each county sheriff may operate, or contract the operation
19 of, a telephone system for the benefit of persons lawfully confined
20 in the county jail under the custody of the county sheriff. Any
21 funds received pursuant to said operations shall be the funds of the
22 county where the persons are incarcerated and shall be deposited in
23 the Sheriff's Service Fee Account. Such funds may be expended

1 according to the guidelines previously established for expenditures
2 from the general fund. The claims for expenses shall be filed with
3 and allowed by the board of county commissioners in the same manner
4 as other claims.

5 SECTION 2. AMENDATORY 11 O.S. 2001, Section 34-106, is
6 amended to read as follows:

7 Section 34-106. The State of Oklahoma hereby declares and
8 states that the increased number of persons impersonating law
9 enforcement officers by making routine traffic stops while using
10 unmarked cars is a threat to the public health and safety of all the
11 citizens of the State of Oklahoma; therefore it shall be unlawful
12 for any municipal police department to use any vehicle which is not
13 clearly marked as a law enforcement vehicle for routine traffic
14 enforcement except as provided in Section 12-218 of Title 47 of the
15 Oklahoma Statutes. In addition to Section 12-218 of Title 47 of the
16 Oklahoma Statutes, the peace officer operating the law enforcement
17 vehicle for routine traffic stops shall be dressed in the official
18 uniform including shoulder patches, badge, and any other identifying
19 insignias normally used by the employing law enforcement agency.

20 SECTION 3. This act shall become effective November 1, 2003.

21 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
22 PUBLIC SAFETY, dated 3-24-03 - DO PASS.