ENGROSSED HOUSE
BILL NO. 1434

By: Wilt and Nance of the House

and

Shurden of the Senate

An Act relating to sheriffs; amending 19 O.S. 2001, Section 548, which relates to appointments and revocations of undersheriffs and deputy sheriffs; modifying appointment and revocation procedures; amending 22 O.S. 2001, Section 979a, as last amended by Section 1, Chapter 455, O.S.L. 2004 (22 O.S. Supp. 2004, Section 979a), which relates to payment of jail costs by inmate; deleting authority of municipal and district attorneys to seek reimbursement of incarceration costs; directing the court to order reimbursement of incarceration costs; deleting certain monetary cap; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 548, is amended to read as follows:

Section 548. A. Every appointment of an undersheriff or a deputy sheriff, and every revocation of such appointments, shall be in writing, under the hand of the sheriff~~, and shall be filed in the office of the clerk of the county; but this~~. The sheriff shall maintain a list of every appointment and revocation of an undersheriff or deputy sheriff. The list shall be made available to the public upon request.

B. This section shall not extend to any person who may be deputized by any sheriff or undersheriff to do any particular act only.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 979a, as last amended by Section 1, Chapter 455, O.S.L. 2004 (22 O.S. Supp. 2004, Section 979a), is amended to read as follows:

Section 979a. A. The ~~municipal attorney or district attorney shall ask the~~ court ~~to~~ shall 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, 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. 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 of the inmate. If the funds collected from the ~~inmate's~~ jail account of the inmate 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~~ the jail account of an inmate 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 of the inmate 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 3. This act shall become effective November 1, 2005.

Passed the House of Representatives the 28th day of February, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2005.

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Presiding Officer of the Senate