ENGROSSED SENATE
BILL NO. 687

By: Corn of the Senate

and

Dorman of the House

[corrections - contracting for county jails - allowing certain other jails - feasibility analysis - intergovernmental agreements – codification - effective date – emergency]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 561.4 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. On and after the effective date of this act, any county jail that is fully operational and under contract with the Department of Corrections for the care and housing of inmates sentenced to the custody of the Department of Corrections shall be given priority consideration for future contracts for the care and housing of state inmates, notwithstanding the provisions of subsection C of this section; provided, however, the jail facility shall meet the standards and conditions set by the Department for the contract.

B. Notwithstanding the provisions of subsection C of this section, any county jail that has begun actual physical construction of a new jail facility on or before the effective date of this act shall be given equal consideration to the jail facilities in subsection A of this section for future contracts with the Department of Corrections for the care and housing of inmates sentenced to the custody of the Department, notwithstanding the fact that the facility has not entered into a contract for state inmates

or received into the actual physical custody any state inmates; provided, however, the jail facility shall meet the standards and conditions set by the Department for the contract.

C. On and after the effective date of this act, every county jail, other than the jail facilities designated in subsection A or B of this section, desiring to contract with the Department of Corrections for the care and housing of inmates sentenced to the custody of the Department shall undergo a financial feasibility analysis by the Department, prior to any consideration for a contract, to determine whether state funds are required or will be used to supplant the county obligations for debt service, administration or operational expenses. For purposes of this subsection, any jail facility designated in subsection A or B of this section that expands its bed space or constructs any additional housing unit or facility after the effective date of this act shall be required to undergo the financial feasibility analysis and shall be given equal consideration to the other jail facilities specified in this subsection for purposes of contracts with the Department.

D. The Department of Corrections shall have authority to terminate any contract for the care and housing of state inmates at any time when a jail facility ceases to comply with or refuses to meet any standard or condition specified in the contract or required by law for the care and housing of inmates sentenced to the custody of the Department. The Department may allow a reasonable time and opportunity for the jail facility to correct the situation prior to termination of the contract.

E. Notwithstanding any provision of Section 561 of Title 57 of the Oklahoma Statutes for contracting for outside services, the Department of Corrections is authorized to provide for incarceration, supervision and residential treatment of inmates sentenced to the custody of the Department at a county jail facility within this state; provided, however, the jail facility shall meet

the requirements of this section, any applicable provision of law, and any standards and conditions set by the Board of Corrections or the Department for purposes of the contract. All contracted services shall meet standards and conditions set by the Board of Corrections or the Department of Corrections and shall be specified in writing in each contract. The services shall be contracted for and enforced in accordance with the provisions for intergovernmental agency agreements and the terms of the contract. After notice to all applicable providers of the need for services, the Department of Corrections shall review the provider's qualifications and select one or more providers that most substantially meet all the requirements, standards and conditions of the contract.

SECTION 2. This act shall become effective July 1, 2005.

SECTION 3. 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.

Passed the Senate the 14th day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives