ENGROSSED SENATE
BILL NO. 725

By: Aldridge, Gumm and Crutchfield of the Senate

and

Roan of the House

An Act relating to jails; amending 74 O.S. 2001, Section 192, as amended by Section 1, Chapter 154, O.S.L. 2004 (74 O.S. Supp. 2004, Section 192), which relates to duty of State Department of Health to inspect jails and set standards; expanding number of prisoners allowed to be supervised by jailer or certain other persons under certain conditions; prohibiting supervision of prisoners without certain training; requiring compliance with jail standards; providing exception; authorizing cross-training for certain positions; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 192, as amended by Section 1, Chapter 154, O.S.L. 2004, (74 O.S. Supp. 2004, Section 192), is amended to read as follows:

Section 192. A. The State Department of Health shall inspect at least once each year all city and county jails to ensure compliance with the standards promulgated pursuant to the provisions of this section. ~~Such~~ The standards shall provide provision for:

1. Uniform admission and release procedures;

2. Uniform, safe, and sensible security measures;

3. Proper, fit, and sanitary conditions;

4. Inmates ~~are being~~ to be fed a wholesome and adequate diet;

5. Inmates to have adequate clothing and a living area of no less than forty (40) square feet of floor space per inmate plus twenty (20) square feet of floor space in such living area per each additional inmate in existing facilities, and no less than sixty (60) square feet of floor space per cell for two prisoners in facilities constructed after November 1, 1985. Nothing in this

section shall be construed to prohibit double-celling of prisoners, provided there exists no less than forty (40) square feet per initial inmate plus twenty (20) square feet for each additional prisoner. In every barrack-style housing area the square footage shall meet the minimum requirements provided in Section 192 of this title. Such facility shall have showers with hot and cold running water, toilets, and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may build barracks-style jails, single or double cell, to meet the security needs of the county for minimum security prisoners. These jails shall meet all the minimum requirements set forth in this section or any other provision of law. Except as otherwise provided in this section, all facilities under this section shall have showers with hot and cold running water, toilets and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may also build tent jails, which shall be temporary in nature, to meet the security needs of the county for minimum security prisoners. The temporary tent jails shall not be required to meet the minimum requirements set forth in this section or any other provision of law. The State Board of Health shall promulgate minimum standards for temporary tent jails which standards shall be designed to specifically address and take into consideration the temporary status of the inmate housing needs of the county;

6. Inmates ~~are~~ to be properly advised of rules of the facility in which they are detained;

7. Staff members to receive training in order to assist them to better perform their assigned tasks, such training to be provided by the Jail Inspection Division of the State Department of Health. All employees who work in direct contact with inmates after the first year of employment shall receive, at a minimum, four (4) hours' review of material as required by the Jail Inspection Division and

at a maximum, eight (8) hours of jailer training per year after the first year of employment;

8. Proper steps ~~are~~ to be taken to ensure the safety and segregation of women, the infirm, and minors;

9. Adequate medical care, provided such medical care shall be limited to illnesses or injuries incurred during the time beginning with the arrest and throughout the time of incarceration. This shall not prevent an inmate from applying for assistance and receiving assistance provided the inmate meets or exceeds established requirements;

10. No person ~~is~~ to be confined without twenty-four-hour supervision; and

11. At least one designated exit in the facility that will permit prompt evacuation of inmates and staff in an emergency. A facility in existence on November 1, 1985, shall not be required to construct additional exits if it has one exit which is deemed adequate by the State Fire Marshal.

In the event ~~said~~ such inspection shall reveal to the State Department of Health the commission of a crime or crimes incidental to the operations of a city or county jail facility, it shall be the duty of the Department to initiate a complaint with the appropriate district attorney, and to cooperate in the prosecution of the alleged offender in the event an information is filed pursuant to ~~said~~ such complaint.

B. Any county, city, or town may operate a holding facility for the incarceration of persons under arrest who are to be charged with a crime, which holding facility shall not be required to meet the standards established in this section for jails, as long as no person is held therein for a period longer than twelve (12) hours and as long as ~~some~~ an employee of ~~said~~ the county, city, or town is available to render aid to or to release any person so confined in

the event aid or release is required because of a health or life endangering emergency.

C. ~~Any~~ Notwithstanding any other provision of law or rule, any county or municipality that operates a jail facility which houses twenty or fewer prisoners at all times which:

1. Provides twenty-four-hour supervision of prisoner activity that is conducted either by direct observation or electronically by closed circuit television; and

2. Provides an intercommunication system that terminates in a location that is staffed twenty-four (24) hours a day and is capable of providing an emergency response,

shall not be required to have more than one jailer or dispatcher on-site to provide for the security, custody, and supervision of prisoners.

D. Any county or municipality that operates a jail facility which houses more than twenty and less than seventy-five prisoners at all times which:

1. Provides twenty-four-hour supervision of prisoner activity that is conducted either by direct observation or electronically by closed circuit television; and

2. Provides an intercommunication system that terminates in a location that is staffed twenty-four (24) hours a day and is capable of providing an emergency response,

shall be required to have more than one jailer or one jailer and at least one other emergency-response-trained person on the same premises as the jail facility to provide for the security, custody, and supervision of prisoners.

Within ninety (90) days after ~~the effective date of this act~~ June 9, 1994, the State Board of Health shall promulgate new rules governing square footage requirements, double-celling of prisoners and the ratio of showers, toilets, and water basins to prisoners. The rules so promulgated shall be governed by the guidelines

enumerated in this section, and shall be designed to carry out the intent and purpose of the guidelines. Each city or county jail facility in this state shall be in compliance with the rules so promulgated on or before January 1, 1995.

E. The State Department of Health shall employ inspectors and other personnel as necessary and specifically authorized by the Legislature in order to carry out the provisions of this section and may rent or purchase premises or equipment in order to assist inspectors in the performance of their functions.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 513.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

Every sheriff shall require appropriate training for deputies and jailers in accordance with the jail standards promulgated by the State Department of Health. The sheriff shall not permit supervision of any prisoner in the custody of the jail by any person that does not meet the jail standards for training and supervision of inmates. The sheriff or contractor having charge and custody of the jail shall comply with all minimal supervision standards pursuant to the jail standards promulgated by the State Department of Health, except when otherwise provided by law. Nothing in this section shall be construed to prohibit or restrict the sheriff or contractor having charge and custody of the jail from training or cross-training a person as a backup jailer, if otherwise qualified for such position.

SECTION 3. This act shall become effective July 1, 2005.

SECTION 4. 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 8th 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