

ENROLLED SENATE
BILL NO. 446

By: Garrison of the Senate

and

Nance of the House

An Act relating to courts; amending Section 5, Chapter 319, O.S.L. 2003 (20 O.S. Supp. 2004, Section 1313.7), which relates to medical expense liability fee; excluding municipal ordinances from certain fee; clarifying language; adding additional criteria for certain claims; limiting certain expenses to state inmates or persons held on state charges; decreasing minimum expense for consideration; establishing order for payment of claims; providing for insufficient funds; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 5, Chapter 319, O.S.L. 2003 (20 O.S. Supp. 2004, Section 1313.7), is amended to read as follows:

Section 1313.7 A. In addition to the fees imposed by Sections 1313.2 and 1313.3 of ~~Title 20 of the Oklahoma Statutes~~ this title, any person convicted of any offense, excluding municipal ordinances, traffic offenses and parking and standing violations, but including violations of Section 11-902 of Title 47 of the Oklahoma Statutes, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such offense, shall be ordered by the court to pay a medical expense liability fee in the amount of Ten Dollars (\$10.00) for each offense to the Medical Expense Liability Revolving Fund provided for in Section ~~4 of this act~~ 746.1 of Title 19 of the Oklahoma Statutes. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

B. The county court clerk shall cause to be deposited the amount of Ten Dollars (\$10.00) as collected, for every conviction as described in this subsection. The county court clerk shall remit the monies in the fund on a monthly basis to the Medical Expense Liability Revolving Fund.

The monies from the Medical Expense Liability Revolving Fund shall be used when all of the following criteria are met:

1. The county has not filed a claim against the fund in the previous twelve (12) months;

2. A county ~~or city~~ jail in this state is determined to be liable for the medical expense or expenses of ~~an~~ a state inmate or person in custody on state charges as provided by law. The minimum expense amount that shall qualify for consideration is ~~Fifteen Thousand Dollars (\$15,000.00)~~ Eight Thousand Dollars (\$8,000.00) per ailment or injury;

~~2.~~ 3. The county clerk of the county makes a written claim to the State and Education Employees Group Insurance Board regarding a county medical expense. In addition to the written claim, all of the medical records and bills shall be submitted that relate to the medical expense under consideration; and

~~3.~~ 4. It is determined that the state inmate or person in custody on state charges lacks the ability and resources to cover the medical expense or expenses.

C. The Medical Expense Liability Revolving Fund shall not pay any expenses in excess of One Hundred Thousand Dollars (\$100,000.00) per state inmate or person in custody on state charges. The State and Education Employees Group Insurance Board shall pay valid requests for reimbursements in the order in which they are received. In the event there are insufficient funds available to pay any outstanding requests, the Board shall pay such requests only after sufficient funds have accumulated.

D. If the state inmate or person in custody on state charges receives any type of compensation or award from a collateral source as a result of the ailment or injury which is paid by the Medical Expense Liability Revolving Fund, the state shall be subrogated to the rights of a claimant to receive or recover from a collateral source to the extent that medical expenses were awarded.

SECTION 2. 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 25th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2005.

Presiding Officer of the House
of Representatives