

ENROLLED SENATE
BILL NO. 636

By: Laster and Nichols of the
Senate

and

Jett, Sullivan and Nance of
the House

An Act relating to jails; amending 21 O.S. 2001, Section 533, as amended by Section 1, Chapter 199, O.S.L. 2003 (21 O.S. Supp. 2004, Section 533), which relates to crime for refusing to receive or fingerprinting prisoners; providing exception to receive or fingerprint certain persons; providing for certain emergency medical treatment prior to being received into certain custody; establishing responsibility for certain emergency medical treatment costs; amending 22 O.S. 2001, Section 979a, as last amended by Section 16 of Enrolled House Bill No. 2060 of the 1st Session of the 50th Oklahoma Legislature, which relates to payment of jail costs by inmate; clarifying responsibility for jail costs; including holding facilities; making exception for certain emergency medical treatment costs; requiring person to be actually received into custody; removing certain fee limitation; repealing 22 O.S. 2001, Section 979a, as last amended by Section 2 of Enrolled House Bill No. 1434 of the 1st Session of the 50th Oklahoma Legislature, which is a duplicate section; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 533, as amended by Section 1, Chapter 199, O.S.L. 2003 (21 O.S. Supp. 2004, Section 533), is amended to read as follows:

Section 533. A. Any Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law as such officer or by contract to receive into the officer's custody any person as a prisoner, willfully neglects or refuses so to receive such person into the officer's custody is guilty of a misdemeanor.

B. Any Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by laws law or by contract to fingerprint any person received into the officer's custody as a prisoner, willfully neglects or refuses so to fingerprint such person is guilty of a misdemeanor.

C. Any person coming into contact with a peace officer prior to being actually received into custody at a jail facility or holding facility, including, but not limited to, during the time of any arrest, detention, transportation, investigation of any incident, accident or crime, who needs emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, shall be taken directly to a medical facility or hospital for such emergency medical care notwithstanding any duty imposed pursuant to this section or any other provision of law to first take such person into custody or to fingerprint such person. The responsibility for payment of such emergency medical costs shall be the sole responsibility of the person coming into the officer's contact and shall not be the responsibility of any jail, law enforcement agency, jail or prison contractor, sheriff, peace officer, municipality or county, except when the condition is a direct result of injury caused by such officer acting outside the scope of lawful authority.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 979a, as last amended by Section 16 of Enrolled House Bill No. 2060 of the 1st Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 979a. A. ~~The municipal attorney or district attorney shall ask the court to~~ shall require a person who is actually received into custody at a jail facility or who is confined in a city or county jail or holding facility, for any offense, to pay the jail facility or holding 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 of the Oklahoma Statutes. 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 and holding facilities, by the county sheriff for county jails or by contract amount, if applicable. In the event a person requires emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb prior to being actually received into the custody of any jail facility, the provisions of Section 533 of Title 21 of the Oklahoma Statutes shall apply to taking custody, medical care and cost responsibility. The cost of incarceration shall be paid by the court clerk, when collected, to the municipality, holding facility, county or other public entity

responsible for the operation of ~~all jail facilities~~ such facility where the person ~~is~~ was held before and after conviction at any time. ~~Ten~~ Except for medical costs, ten percent (10%) of any amount collected by the court clerk shall be paid to the municipal attorney's or district attorney's office, 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 was held at any time. 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 the inmate or by criminal or civil action, the court clerk shall be notified of the amount collected.

B. ~~Any~~ Except as may otherwise be provided in Section 533 of Title 21 of the Oklahoma Statutes, 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~~ or when the person was actually received into custody for any reason 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. REPEALER 22 O.S. 2001, Section 979a, as last amended by Section 2 of Enrolled House Bill 1434 of the 1st Session of the 50th Oklahoma Legislature, is hereby repealed.

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 26th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2005.

Presiding Officer of the House
of Representatives

