

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1434

By: Wilt of the House

and

Shurden of the Senate

AS INTRODUCED

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:

1 Section 979a. A. The ~~municipal attorney or district attorney~~  
2 ~~shall ask the court to~~ shall require a person confined in a city or  
3 county jail, for any offense, to pay the jail facility the costs of  
4 incarceration, both before and after conviction, upon conviction or  
5 receiving a deferred sentence. The costs of incarceration shall be  
6 collected by the clerk of the court as provided for collection of  
7 other costs and fines, which shall be subject to review under the  
8 procedures set forth in Section VIII of the Rules of the Oklahoma  
9 Court of Criminal Appeals, Chapter 18, Appendix of Title 22. Costs  
10 of incarceration shall include booking, receiving and processing  
11 out, housing, food, clothing, medical care, dental care, and  
12 psychiatric services. The costs for incarceration shall be an  
13 amount equal to the actual cost of the services and shall be  
14 determined by the chief of police for city jails, by the county  
15 sheriff for county jails or by contract amount, if applicable. The  
16 cost of incarceration shall be paid by the court clerk, when  
17 collected, to the municipality, county or other public entity  
18 responsible for the operation of all jail facilities where the  
19 person is held before and after conviction. Five percent (5%) of  
20 any amount collected by the court clerk shall be paid to the  
21 municipal attorney's or district attorney's office, five percent  
22 (5%) shall be transmitted by the court clerk to the District  
23 Attorneys Council Revolving Fund, established by Section 215.28 of  
24 Title 19 of the Oklahoma Statutes, to be used to fund personnel to  
25 process victim compensation claims in district offices designated by  
26 the Crime Victims Compensation Board and the remaining amount shall  
27 be paid to the municipality, the sheriff's service fee account or,  
28 if the sheriff does not operate the jail facility, the remaining  
29 amount shall be deposited with the public entity responsible for the  
30 operation of the jail facility where the person is held. The court  
31 shall order the defendant to reimburse all actual costs of  
32 incarceration, upon conviction or upon entry of a deferred judgment

1 and sentence unless the defendant is a mentally ill person as  
2 defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The  
3 sheriff shall give notice to the defendant of the actual costs owed  
4 before any court-ordered costs are collected. The defendant shall  
5 have an opportunity to object to the amount of costs solely on the  
6 grounds that the number of days served is incorrect. If no  
7 objection is made, the costs may be collected in the amount stated  
8 in the notice to the defendant. The sheriff, municipality or other  
9 public entity responsible for the operation of the jail may collect  
10 costs of incarceration ordered by the court from the ~~inmate's~~ jail  
11 account of the inmate. If the funds collected from the ~~inmate's~~  
12 jail account of the inmate are insufficient to satisfy the actual  
13 incarceration costs ordered by the court, the sheriff, municipality  
14 or other public entity responsible for the operation of the jail is  
15 authorized to collect the remaining balance of the incarceration  
16 costs by civil action. When the sheriff, municipality or other  
17 public entity responsible for the operation of the jail collects any  
18 court-ordered incarceration costs from ~~an inmate's~~ the jail account  
19 of an inmate or by criminal or civil action, the court clerk shall  
20 be notified of the amount collected.

21 B. Any offender receiving routine or emergency medical services  
22 or medications or injured during the commission of a felony or  
23 misdemeanor offense and administered any medical care shall be  
24 required to reimburse the sheriff, municipality or other public  
25 entity responsible for the operation of the jail, the full amount  
26 paid by the sheriff, municipality or other public entity responsible  
27 for the operation of the jail for any medical care or treatment  
28 administered to such offender during any period of incarceration or  
29 preceding incarceration in that jail facility. The sheriff,  
30 municipality or other public entity responsible for the operation of  
31 the jail may deduct the costs of medical care and treatment as  
32 authorized by Section 531 of Title 19 of the Oklahoma Statutes. If

1 the funds collected from the ~~inmate's~~ jail account of the inmate are  
2 insufficient to satisfy the actual medical costs paid, the sheriff,  
3 municipality or other public entity responsible for the operation of  
4 the jail shall be authorized to collect the remaining balance of the  
5 medical care and treatment by civil actions.

6 C. Costs of incarceration shall be a debt of the inmate owed to  
7 the municipality, county, or other public entity responsible for the  
8 operation of the jail and may be collected as provided by law for  
9 collection of any other civil debt or criminal penalty. ~~Jail fees~~  
10 ~~shall not exceed Three Thousand Dollars (\$3,000.00).~~

11 SECTION 3. This act shall become effective November 1, 2005.

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