

3 Senate Bill No. 1938
4 As Amended

5 SENATE BILL NO. 1938 - By: CORN of the Senate and BLACKWELL of the
6 House.

7 [corrections - delivery of prisoners - per diem rate -
8 effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 57 O.S. 2001, Section 37, as
12 amended by Section 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp. 2005,
13 Section 37), is amended to read as follows:

14 Section 37. A. If all correctional facilities reach maximum
15 capacity and the Department of Corrections is required to contract
16 for bed space to house state inmates, then the Pardon and Parole
17 Board shall consider all nonviolent offenders for parole who are
18 within six (6) months of their scheduled release from a penal
19 facility.

20 B. ~~No~~ Except as provided in subsection C of this section, no
21 inmate may be received by a penal facility from a county jail until
22 fifteen (15) days after the sentence date nor without first
23 scheduling a transfer with the Department. The sheriff or court
24 clerk shall transmit by facsimile, electronic mail, or actual
25 delivery a certified copy of the judgment and sentence certifying

1 that the inmate is sentenced to the Department of Corrections. The
2 receipt of the certified copy of the judgment and sentence shall be
3 certification that the sentencing court has entered a judgment and
4 sentence and all other necessary commitment documents. The
5 Department of Corrections is authorized to determine the appropriate
6 method of delivery from each county based on electronic or other
7 capabilities. Once the judgment and sentence is received by the
8 Department of Corrections, the Department shall contact the sheriff
9 when bed space is available to schedule the transfer and reception
10 of the inmate into the Department.

11 C. When a county jail has reached its capacity of inmates as
12 defined in Section 192 of Title 74 of the Oklahoma Statutes, then
13 the county sheriff shall notify the Director of the Oklahoma
14 Department of Corrections, or the Director's designated
15 representative, by facsimile, electronic mail, or actual delivery,
16 that the county jail has reached or exceeded its capacity to hold
17 inmates. The notification shall include copies of any judgment and
18 sentences not previously delivered as required by subsection B of
19 this section. Then within seventy-two (72) hours following such
20 notification, the county sheriff shall transport the designated
21 excess inmate or inmates to a penal facility designated by the
22 Department. The sheriff shall notify the Department of the
23 transport of the inmate prior to the reception of the inmate. The

1 Department shall schedule the reception date and receive the inmate
2 within seventy-two (72) hours of notification that the county jail
3 is at capacity, unless other arrangements can be made with the
4 sheriff.

5 D. Once the judgment and sentence is transmitted to the
6 Department of Corrections, the Department will be responsible for
7 the cost of housing the inmate in the county jail from the date the
8 ~~Department receives the transmittal~~ sentence was ordered by the
9 court until the date of transfer of the inmate from the county jail.
10 The cost of housing shall be the per diem rate specified in Section
11 38 of this title. In the event the inmate has other criminal
12 charges pending in another Oklahoma jurisdiction the Department
13 shall be responsible for the housing costs while the inmate remains
14 in the county jail awaiting transfer to another jurisdiction. Once
15 the inmate is transferred to another jurisdiction, the Department is
16 not responsible for the housing cost of the inmate until such time
17 that another judgment and sentence is received from another Oklahoma
18 jurisdiction. The sheriff shall be reimbursed by the Department for
19 the cost of housing the inmate in one of two ways:

20 1. The sheriff is authorized to submit invoices for the cost of
21 housing the inmate on a monthly basis; or

22 2. The sheriff may submit one invoice for the total amount due
23 for the inmate after the Department has received the inmate.

1 SECTION 2. AMENDATORY 57 O.S. 2001, Section 38, is
2 amended to read as follows:

3 Section 38. The Department of Corrections shall reimburse any
4 county, which is required to retain an inmate pursuant to ~~paragraph~~
5 ~~2 of Section 37 of this title~~, in an amount not to exceed ~~Twenty-~~
6 ~~four Dollars (\$24.00)~~ Thirty Dollars (\$30.00) per day for each
7 inmate during such period of retention. The proceeds of this
8 reimbursement shall be used to defray expenses of equipping and
9 maintaining the jail and payment of personnel. The Department of
10 Corrections shall reimburse the county for the emergency medical
11 care for physical injury or illness of the inmate retained under
12 ~~this resolution~~ Section 37 of this title if the injury or illness is
13 directly related to the incarceration and the county is required by
14 law to provide such care for inmates in the jail. The Department
15 shall not pay fees for medical care in excess of the rates
16 established for Medicaid providers. The state shall not be liable
17 for medical charges in excess of the Medicaid scheduled rate. The
18 Director may accept any inmate required to have extended medical
19 care upon application of the county.

20 SECTION 3. This act shall become effective July 1, 2006.

21 SECTION 4. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO
4 PASS, As Amended and Coauthored.