

CS for SB 446

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THE STATE SENATE
Wednesday, March 2, 2005

Committee Substitute for
Senate Bill No. 446

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 446 - By: GARRISON of the Senate and NANCE of the House.

[courts - medical expense liability fee - priority for payment - reimbursement to municipalities - 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

1 all fines and penalties otherwise provided for by law for such
2 offense.

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

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

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

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

20 3. It is determined that the inmate or person in custody lacks
21 the ability and resources to cover the medical expense or expenses.

22 C. The Medical Expense Liability Revolving Fund shall not pay
23 any expenses in excess of One Hundred Thousand Dollars (\$100,000.00)

1 per inmate or person in custody. The State and Education Employees
2 Group Insurance Board shall pay valid requests for reimbursements in
3 the order in which they are received. In the event there are
4 insufficient funds available to pay any outstanding requests, the
5 Board shall pay such requests only after sufficient funds have
6 accumulated.

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

13 E. On the effective date of this act, any municipality having
14 paid any monies into the Medical Expense Liability Revolving Fund
15 shall be reimbursed such funds and shall be precluded from
16 participating or contributing to the fund thereafter. Nothing in
17 this subsection shall allow any individual the right to receive a
18 reimbursement for any medical expense liability fee paid on behalf
19 of any municipal offense.

20 SECTION 2. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
2 PASS, As Amended and Coauthored.