

CS for SB 687

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**THE STATE SENATE**  
**Wednesday, March 2, 2005**

**Committee Substitute for**  
**Senate Bill No. 687**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 687 - By: CORN of the Senate and DORMAN of the House.

[ corrections - contracting for county jails - allowing certain other jails - feasibility analysis - intergovernmental agreements - codification - effective date - emergency ]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 561.4 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. On and after the effective date of this act, any county jail that is fully operational and under contract with the Department of Corrections for the care and housing of inmates sentenced to the custody of the Department of Corrections shall be given priority consideration for future contracts for the care and housing of state inmates, notwithstanding the provisions of subsection C of this section; provided, however, the jail facility shall meet the standards and conditions set by the Department for the contract.

B. Notwithstanding the provisions of subsection C of this section, any county jail that has begun actual physical construction of a new jail facility on or before the effective date of this act

1 shall be given equal consideration to the jail facilities in  
2 subsection A of this section for future contracts with the  
3 Department of Corrections for the care and housing of inmates  
4 sentenced to the custody of the Department, notwithstanding the fact  
5 that the facility has not entered into a contract for state inmates  
6 or received into the actual physical custody any state inmates;  
7 provided, however, the jail facility shall meet the standards and  
8 conditions set by the Department for the contract.

9 C. On and after the effective date of this act, every county  
10 jail, other than the jail facilities designated in subsection A or B  
11 of this section, desiring to contract with the Department of  
12 Corrections for the care and housing of inmates sentenced to the  
13 custody of the Department shall undergo a financial feasibility  
14 analysis by the Department, prior to any consideration for a  
15 contract, to determine whether state funds are required or will be  
16 used to supplant the county obligations for debt service,  
17 administration or operational expenses. For purposes of this  
18 subsection, any jail facility designated in subsection A or B of  
19 this section that expands its bed space or constructs any additional  
20 housing unit or facility after the effective date of this act shall  
21 be required to undergo the financial feasibility analysis and shall  
22 be given equal consideration to the other jail facilities specified  
23 in this subsection for purposes of contracts with the Department.

1           D. The Department of Corrections shall have authority to  
2 terminate any contract for the care and housing of state inmates at  
3 any time when a jail facility ceases to comply with or refuses to  
4 meet any standard or condition specified in the contract or required  
5 by law for the care and housing of inmates sentenced to the custody  
6 of the Department. The Department may allow a reasonable time and  
7 opportunity for the jail facility to correct the situation prior to  
8 termination of the contract.

9           E. Notwithstanding any provision of Section 561 of Title 57 of  
10 the Oklahoma Statutes for contracting for outside services, the  
11 Department of Corrections is authorized to provide for  
12 incarceration, supervision and residential treatment of inmates  
13 sentenced to the custody of the Department at a county jail facility  
14 within this state; provided, however, the jail facility shall meet  
15 the requirements of this section, any applicable provision of law,  
16 and any standards and conditions set by the Board of Corrections or  
17 the Department for purposes of the contract. All contracted  
18 services shall meet standards and conditions set by the Board of  
19 Corrections or the Department of Corrections and shall be specified  
20 in writing in each contract. The services shall be contracted for  
21 and enforced in accordance with the provisions for intergovernmental  
22 agency agreements and the terms of the contract. After notice to  
23 all applicable providers of the need for services, the Department of

1 Corrections shall review the provider's qualifications and select  
2 one or more providers that most substantially meet all the  
3 requirements, standards and conditions of the contract.

4 SECTION 2. This act shall become effective July 1, 2005.

5 SECTION 3. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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