

3 Senate Bill No. 712  
4 As Amended

5 SENATE BILL NO. 712 - By: CORN of the Senate and BLACKWELL of the  
6 House.

7 [ corrections - maximum capacity - jail reimbursement 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. 2004,  
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 inmate may be received by a penal facility from a county  
21 jail without first scheduling a transfer with the Department. The  
22 sheriff or court clerk shall transmit by facsimile, electronic mail,  
23 or actual delivery a certified copy of the judgment and sentence  
24 certifying that the inmate is sentenced to the Department of  
25 Corrections. The receipt of the certified copy of the judgment and

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

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

1 the county jail is at capacity, unless other arrangements can be  
2 made with the sheriff.

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

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

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

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

1 Section 38. The Department of Corrections shall reimburse any  
2 county, which is required to retain an inmate pursuant to ~~paragraph~~  
3 2 subsection D of Section 37 of this title, in an amount not to  
4 exceed ~~Twenty-four Dollars (\$24.00)~~ Twenty-six Dollars (\$26.00) per  
5 day for each inmate during such period of retention. The proceeds  
6 of this reimbursement shall be used to defray expenses of equipping  
7 and maintaining the jail and payment of personnel. The Department  
8 of Corrections shall reimburse the county for the emergency medical  
9 care for physical injury or illness of the inmate retained under  
10 this resolution if the injury or illness is directly related to the  
11 incarceration and the county is required by law to provide such care  
12 for inmates in the jail. The Department shall not pay fees for  
13 medical care in excess of the rates established for Medicaid  
14 providers. The state shall not be liable for medical charges in  
15 excess of the Medicaid scheduled rate. The Director may accept any  
16 inmate required to have extended medical care upon application of  
17 the county.

18 SECTION 3. This act shall become effective July 1, 2005.

19 SECTION 4. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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