

SB 725

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THE STATE SENATE
Monday, February 21, 2005

Senate Bill No. 725

SENATE BILL NO. 725 - By: ALDRIDGE and GUMM of the Senate and ROAN of the House.

An Act relating to jails; amending 74 O.S. 2001, Section 192, as amended by Section 1, Chapter 154, O.S.L. 2004 (74 O.S. Supp. 2004, Section 192), which relates to duty of State Department of Health to inspect jails and set standards; expanding number of prisoners allowed to be supervised by jailer or certain other persons under certain conditions; prohibiting supervision of prisoners without certain training; requiring compliance with jail standards; providing exception; authorizing cross-training for certain positions; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 192, as amended by Section 1, Chapter 154, O.S.L. 2004, (74 O.S. Supp. 2004, Section 192), is amended to read as follows:

Section 192. A. The State Department of Health shall inspect at least once each year all city and county jails to ensure compliance with the standards promulgated pursuant to the provisions of this section. ~~Such~~ The standards shall provide provision for:

- 1. Uniform admission and release procedures;
- 2. Uniform, safe, and sensible security measures;
- 3. Proper, fit, and sanitary conditions;
- 4. Inmates ~~are being~~ to be fed a wholesome and adequate diet;

1 5. Inmates to have adequate clothing and a living area of no
2 less than forty (40) square feet of floor space per inmate plus
3 twenty (20) square feet of floor space in such living area per each
4 additional inmate in existing facilities, and no less than sixty
5 (60) square feet of floor space per cell for two prisoners in
6 facilities constructed after November 1, 1985. Nothing in this
7 section shall be construed to prohibit double-celling of prisoners,
8 provided there exists no less than forty (40) square feet per
9 initial inmate plus twenty (20) square feet for each additional
10 prisoner. In every barrack-style housing area the square footage
11 shall meet the minimum requirements provided in Section 192 of this
12 title. Such facility shall have showers with hot and cold running
13 water, toilets, and water basins provided in the ratio of not less
14 than one to every twenty prisoners. Counties may build barracks-
15 style jails, single or double cell, to meet the security needs of
16 the county for minimum security prisoners. These jails shall meet
17 all the minimum requirements set forth in this section or any other
18 provision of law. Except as otherwise provided in this section, all
19 facilities under this section shall have showers with hot and cold
20 running water, toilets and water basins provided in the ratio of not
21 less than one to every twenty prisoners. Counties may also build
22 tent jails, which shall be temporary in nature, to meet the security
23 needs of the county for minimum security prisoners. The temporary

1 tent jails shall not be required to meet the minimum requirements
2 set forth in this section or any other provision of law. The State
3 Board of Health shall promulgate minimum standards for temporary
4 tent jails which standards shall be designed to specifically address
5 and take into consideration the temporary status of the inmate
6 housing needs of the county;

7 6. Inmates ~~are~~ to be properly advised of rules of the facility
8 in which they are detained;

9 7. Staff members to receive training in order to assist them to
10 better perform their assigned tasks, such training to be provided by
11 the Jail Inspection Division of the State Department of Health. All
12 employees who work in direct contact with inmates after the first
13 year of employment shall receive, at a minimum, four (4) hours'
14 review of material as required by the Jail Inspection Division and
15 at a maximum, eight (8) hours of jailer training per year after the
16 first year of employment;

17 8. Proper steps ~~are~~ to be taken to ensure the safety and
18 segregation of women, the infirm, and minors;

19 9. Adequate medical care, provided such medical care shall be
20 limited to illnesses or injuries incurred during the time beginning
21 with the arrest and throughout the time of incarceration. This
22 shall not prevent an inmate from applying for assistance and

1 receiving assistance provided the inmate meets or exceeds
2 established requirements;

3 10. No person ~~is~~ to be confined without twenty-four-hour
4 supervision; and

5 11. At least one designated exit in the facility that will
6 permit prompt evacuation of inmates and staff in an emergency. A
7 facility in existence on November 1, 1985, shall not be required to
8 construct additional exits if it has one exit which is deemed
9 adequate by the State Fire Marshal.

10 In the event ~~said~~ such inspection shall reveal to the State
11 Department of Health the commission of a crime or crimes incidental
12 to the operations of a city or county jail facility, it shall be the
13 duty of the Department to initiate a complaint with the appropriate
14 district attorney, and to cooperate in the prosecution of the
15 alleged offender in the event an information is filed pursuant to
16 ~~said~~ such complaint.

17 B. Any county, city, or town may operate a holding facility for
18 the incarceration of persons under arrest who are to be charged with
19 a crime, which holding facility shall not be required to meet the
20 standards established in this section for jails, as long as no
21 person is held therein for a period longer than twelve (12) hours
22 and as long as ~~some~~ an employee of ~~said~~ the county, city, or town is
23 available to render aid to or to release any person so confined in

1 the event aid or release is required because of a health or life
2 endangering emergency.

3 C. Any Notwithstanding any other provision of law or rule, any
4 county or municipality that operates a jail facility which houses
5 ~~twenty or fewer~~ less than fifty prisoners at all times which:

6 1. Provides twenty-four-hour supervision of prisoner activity
7 that is conducted either by direct observation or electronically by
8 closed circuit television; and

9 2. Provides an intercommunication system that terminates in a
10 location that is staffed twenty-four (24) hours a day and is capable
11 of providing an emergency response,
12 shall not be required to have more than one jailer or dispatcher on-
13 site to provide for the security, custody, and supervision of
14 prisoners.

15 D. Any county or municipality that operates a jail facility
16 which houses more than twenty and less than seventy-five prisoners
17 at all times which:

18 1. Provides twenty-four-hour supervision of prisoner activity
19 that is conducted either by direct observation or electronically by
20 closed circuit television; and

21 2. Provides an intercommunication system that terminates in a
22 location that is staffed twenty-four (24) hours a day and is capable
23 of providing an emergency response,

1 shall not be required to have more than one jailer or dispatcher on-
2 site and at least one other emergency-response-trained person on the
3 same premises as the jail facility to provide for the security,
4 custody, and supervision of prisoners.

5 Within ninety (90) days after ~~the effective date of this act~~
6 June 9, 1994, the State Board of Health shall promulgate new rules
7 governing square footage requirements, double-celling of prisoners
8 and the ratio of showers, toilets, and water basins to prisoners.
9 The rules so promulgated shall be governed by the guidelines
10 enumerated in this section, and shall be designed to carry out the
11 intent and purpose of the guidelines. Each city or county jail
12 facility in this state shall be in compliance with the rules so
13 promulgated on or before January 1, 1995.

14 E. The State Department of Health shall employ inspectors and
15 other personnel as necessary and specifically authorized by the
16 Legislature in order to carry out the provisions of this section and
17 may rent or purchase premises or equipment in order to assist
18 inspectors in the performance of their functions.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 513.1 of Title 19, unless there
21 is created a duplication in numbering, reads as follows:

22 Every sheriff shall require appropriate training for deputies
23 and jailers in accordance with the jail standards promulgated by the

1 State Department of Health. The sheriff shall not permit
2 supervision of any prisoner in the custody of the jail by any person
3 that does not meet the jail standards for training and supervision
4 of inmates. The sheriff or contractor having charge and custody of
5 the jail shall comply with all minimal supervision standards
6 pursuant to the jail standards promulgated by the State Department
7 of Health, except when otherwise provided by law. Nothing in this
8 section shall be construed to prohibit or restrict the sheriff or
9 contractor having charge and custody of the jail from training or
10 cross-training a person as a backup jailer, if otherwise qualified
11 for such position.

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-14-05
18 - DO PASS, As Coauthored.