

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1820

By: Branam

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 979a, as last amended by Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp. 2005, Section 979a), which relates to jail costs; requiring statement of incarceration costs be filed; granting opportunity for certain objection; authorizing collection of certain cost by certain entities; providing for hearing on objections; requiring certain records; authorizing certain standing order; clarifying certain court authority; making certain exceptions for payment of certain costs by certain persons; requiring petition for indigent person; providing for hearing and notice; authorizing certain court actions; remitting certain funds to certain entities when collected; deleting language; removing certain fee for collection of certain costs; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 979a, as last amended by Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp. 2005, Section 979a), is amended to read as follows:

Section 979a. A. 1. The municipal police chief or the county sheriff shall give an itemized statement of the actual costs of incarceration to the person incarcerated and file a copy of such statement with the court clerk. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect by filing such objection with the court within thirty (30) days of receiving the itemized statement. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. Where there is no objection, costs of incarceration may be collected by either the authority that issued the itemized statement or the court clerk

wherein the statement is filed. Records shall be kept to account for all costs paid by any person. When an objection is filed, the court shall hold a hearing to determine the costs of incarceration.

2. The court may issue a standing order requiring any person incarcerated to pay the actual costs of incarceration. Upon failure of a person to pay the costs of incarceration after receiving the itemized statement and having had opportunity to object as provided in paragraph 1 of this subsection, the court shall ~~require~~ order a person who is actually received into custody at a jail facility or who is confined in a city or county jail or holding facility, for any offense, to pay the jail facility or holding facility the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence, unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes, or an indigent person. If a petition alleging the person to be indigent is filed with the court within thirty (30) days of receiving a statement of incarceration costs, the court shall hold a hearing to determine if the person is indigent and if such costs would impose a manifest hardship on the person. The hearing shall be held within ten (10) days of the date the petition is filed. Notice shall be given to all parties. If at the hearing, the court determines the person to be indigent, costs of incarceration shall not be required to be paid in full, and the court may order a payment schedule, reduce or dismiss the amount of incarceration costs, order community service in lieu of incarceration costs, or any combination of the above.

3. The court-ordered costs of incarceration shall be collected by the clerk of the court as provided for collection of other costs and fines, which shall be subject to review under the procedures set forth in Section VIII of the Rules of the Oklahoma Court of Criminal Appeals, Chapter 18, Appendix of Title 22 of the Oklahoma Statutes. The court-ordered cost of incarceration shall be remitted by the

court clerk, when collected, to the municipality, holding facility, county or other public entity responsible for the operation of such facility where the person was held at any time.

4. Costs of incarceration shall include booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. The costs for incarceration shall be an amount equal to the actual cost of the services and shall be determined by the chief of police for city jails and holding facilities, by the county sheriff for county jails or by contract amount, if applicable.

5. In the event a person requires emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb prior to being actually received into the custody of any jail facility, the provisions of Section 533 of Title 21 of the Oklahoma Statutes shall apply to taking custody, medical care and cost responsibility. ~~The cost of incarceration shall be paid by the court clerk, when collected, to the municipality, holding facility, county or other public entity responsible for the operation of such facility where the person was held at any time. Except for medical costs, ten percent (10%) of any amount collected by the court clerk shall be paid to the municipal attorney's or district attorney's office, and the remaining amount shall be paid to the municipality, the sheriff's service fee account or, if the sheriff does not operate the jail facility, the remaining amount shall be deposited with the public entity responsible for the operation of the jail facility where the person was held at any time. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes.~~

6. The sheriff shall give notice to the defendant of the ~~actual~~ amount of court-ordered incarceration costs owed before ~~any court-~~

~~ordered such costs are collected. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant.~~ The sheriff, municipality or other public entity responsible for the operation of the jail may collect costs of incarceration ordered by the court from the jail account of the inmate. If the funds collected from the jail account of the inmate are insufficient to satisfy the actual incarceration costs ordered by the court, the sheriff, municipality or other public entity responsible for the operation of the jail is authorized to collect the remaining balance of the incarceration costs by civil action. When the sheriff, municipality or other public entity responsible for the operation of the jail collects any court-ordered incarceration costs from the jail account of the inmate or by ~~criminal or~~ civil action, the court clerk shall be notified of the amount collected.

B. Except as may otherwise be provided in Section 533 of Title 21 of the Oklahoma Statutes, any offender receiving routine or emergency medical services or medications or injured during the commission of a felony or misdemeanor offense and administered any medical care shall be required to reimburse the sheriff, municipality or other public entity responsible for the operation of the jail, the full amount paid by the sheriff, municipality or other public entity responsible for the operation of the jail for any medical care or treatment administered to such offender during any period of incarceration or when the person was actually received into custody for any reason in that jail facility. The sheriff, municipality or other public entity responsible for the operation of the jail may deduct the costs of medical care and treatment as authorized by Section 531 of Title 19 of the Oklahoma Statutes. If the funds collected from the jail account of the inmate are

insufficient to satisfy the actual medical costs paid, the sheriff, municipality or other public entity responsible for the operation of the jail shall be authorized to collect the remaining balance of the medical care and treatment by civil actions.

C. Costs of incarceration shall be a debt of the inmate owed to the municipality, county, or other public entity responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty.

SECTION 2. This act shall become effective July 1, 2006.

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

50-2-3047

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