

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1842

By: Laster

AS INTRODUCED

An Act relating to jails; amending 21 O.S. 2001, Section 533, as last amended by Section 1, Chapter 470, O.S.L. 2005 (21 O.S. Supp. 2005, Section 533), which relates to taking person into custody; shifting responsibility for emergency medical costs prior to taking person into custody to law enforcement entities; making medical treatment for certain persons in custody the responsibility of certain law enforcement entities; authorizing full reimbursement from person receiving certain medical treatment; providing exception; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 533, as last amended by Section 1, Chapter 470, O.S.L. 2005 (21 O.S. Supp. 2005, Section 533), is amended to read as follows:

Section 533. A. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to receive into custody any person as a prisoner, willfully neglects or refuses so to receive such person into custody is guilty of a misdemeanor.

B. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or

by contract to fingerprint any person received into custody as a prisoner, willfully neglects or refuses so to fingerprint such person is guilty of a misdemeanor.

C. Any person coming into contact with a peace officer prior to being actually received into custody at a jail facility or holding facility, including, but not limited to, during the time of any arrest, detention, transportation, investigation of any incident, accident or crime, who needs emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, shall be taken directly to a medical facility or hospital for such emergency medical care notwithstanding any duty imposed pursuant to this section ~~or any other provision of law~~ to first take such person into custody or to fingerprint such person. The responsibility for payment of such emergency medical costs shall be the sole responsibility of the ~~person coming into the officer's contact and shall not be the responsibility of any jail, holding facility, law enforcement agency, jail or prison contractor, or sheriff, or peace officer, municipality or county, except when the condition is a direct result of injury caused by such officer acting outside the scope of lawful authority~~ who directed such person to be treated if the person is subsequently taken into custody. In addition, any person in the custody of, or being taken into the custody of any jail, holding facility, law enforcement agency, prison contractor or sheriff, who needs medical treatment for an injury or condition that cannot be rendered by such person or facility shall be taken directly to a medical facility or hospital for such medical care. The responsibility for payment of medical costs rendered to such person while admitted for treatment in such medical facility or hospital shall be the sole responsibility of the person or facility having custody or control of such treated person. For purposes of this subsection, any jail, holding facility, law enforcement agency, prison contractor or sheriff shall be authorized

to collect full reimbursement for any medical costs incurred for the person receiving such medical treatment, except as may otherwise be provided in Section 979a of Title 22 of the Oklahoma Statutes.

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.

50-2-3167

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