

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 512

By: Branam

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 979a, as last amended by Section 11, Chapter 275, O.S.L. 2004 (22 O.S. Supp. 2004, Section 979a), which relates to costs of incarceration; removing authority for city and district attorney to ask court for incarceration costs; deleting collection of incarceration cost by court clerk; deleting percentage of costs of incarceration payable to city and district attorney; mandating payment of costs of incarceration by person incarcerated both before and after conviction; providing for petition alleging person to be indigent; providing for hearing and determination of petition; prohibiting collection of costs of incarceration if person is indigent; authorizing judge to order costs of incarceration based on ability to pay, lump sum, and payment schedule; 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 11, Chapter 275, O.S.L. 2004 (22 O.S. Supp. 2004, Section 979a), is amended to read as follows:

Section 979a. A. Except as otherwise provided in this section, the municipal ~~attorney or district attorney~~ police chief and county sheriff shall ~~ask the court to~~ require a person confined in a city or county jail, for any offense, to pay the jail facility the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. The costs of incarceration shall be collected by the ~~clerk of the court~~ municipal police chief or county sheriff by providing an itemized statement to the person incarcerated of the costs of incarceration. 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, by the county sheriff for county jails or by contract amount, if applicable. The cost of incarceration shall be paid to the municipality, county or other public entity responsible for the operation of all jail facilities where the person is held before and after conviction. Except for medical costs, incarceration costs shall not be assessed if, ~~in the judgment of the court,~~ a petition alleging the person to be indigent is filed with the court within thirty (30) days of receiving a statement of costs of incarceration. The court shall hold a hearing to determine if such costs would impose a manifest hardship on the person, or if in the opinion of the court the property of the person is needed for the maintenance and support of immediate family. ~~Ten percent (10%) of any amount collected 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 is held.~~ If the court determines the person to be indigent, no costs of incarceration shall be required to be paid, unless the judge orders a payment schedule or a lump sum based on a sliding scale and ability to pay such costs of incarceration.

B. 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 preceding incarceration 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 inmate's jail account 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.

SECTION 2. 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.

50-1-573

NP

6/13/2015 8:48:11 AM