

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 636

By: Laster

AS INTRODUCED

An Act relating to jails; amending 21 O.S. 2001, Section 533, as amended by Section 1, Chapter 199, O.S.L. 2003 (21 O.S. Supp. 2004, Section 533), which relates to crime for refusing to receive or fingerprinting prisoners; providing exception to receive or fingerprint certain persons; providing for emergency medical care prior to being received into certain custody; establishing responsibility for certain emergency medical costs; 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 payment of jail costs by inmate; clarifying responsibility for jail costs; making exception for certain emergency medical care costs; requiring person to be actually received into custody; 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 amended by Section 1, Chapter 199, O.S.L. 2003 (21 O.S. Supp. 2004, Section 533), is amended to read as follows:

Section 533. A. ~~Any~~ Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes for emergency medical care, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law as such officer or by contract to receive into the officer's custody any person as a prisoner, willfully neglects or refuses so to receive such person into the officer's custody is guilty of a misdemeanor.

B. ~~Any~~ Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes for emergency medical care, any peace officer or jail or prison contractor who, in violation of a

duty imposed upon the officer or contractor by ~~laws~~ law or by contract to fingerprint any person received into ~~the officer's~~ 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, including, but not limited to, during the time of any arrest, detention, transportation, investigation of any incident, accident or crime, who needs emergency medical care 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, law enforcement agency, jail or prison contractor, sheriff, 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.

SECTION 2. 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 shall ask the court to require a person who is actually received into custody at a jail facility or who is 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. 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. In the event a person requires emergency medical treatment 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 to the municipality, county or other public entity responsible for the operation of all jail facilities where the person ~~is~~ was held ~~before and after conviction~~ in custody at any time. Except for medical costs, incarceration costs shall not be assessed if, in the judgment of the court, 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~~ Except for medical costs, 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 was held at any time.

B. ~~Any~~ 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 preceding 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 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 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.

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