

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1776

By: Thompson and Shannon of the
House

7 and

8 Corn of the Senate
9

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An act relating to county jails; amending 22 O.S.
12 2001, Section 979a, as last amended by Section 2,
13 Chapter 470, O.S.L. 2005 (22 O.S. Supp. 2006, Section
14 979a), which relates to payment of jail costs by
15 inmate; prohibiting waiver of incarceration costs;
16 providing procedure for reducing incarceration costs;
17 amending 22 O.S. 2001, Section 988.12, as amended by
18 Section 4, Chapter 165, O.S.L. 2002 (22 O.S. Supp.
19 2006, Section 988.12), which relates to the Oklahoma
20 Community Sentencing Act; deleting medical expense
21 payment requirements for certain community sentencing
22 systems; amending 22 O.S. 2001, Section 991a-2, which
23 relates to sentencing provisions of felony offenders;
24 deleting medical care reimbursement requirement;
authorizing recovery of jail booking fee; stating
amount; stating purpose of fee; providing that fee
shall not be waived; providing procedures for
collecting fee; authorizing court clerk to retain
certain amount for administrative costs; providing
for remittance of remainder of fee to certain fund;
amending 57 O.S. 2001, Section 21 and Section 1,
Chapter 231, O.S.L. 2002 (57 O.S. Supp. 2006, Section
22), which relate to prohibited items brought into
jails or penal institutions and receiving
compensation for certain goods or services; expanding
scope of certain prohibited acts; amending 57 O.S.
2001, Section 37, as amended by Section 3, Chapter

1 239, O.S.L. 2004 (57 O.S. Supp. 2006, Section 37),
2 which relates to capacity rates of correctional
3 facilities; modifying time limitation for certain
4 responsibility of the Department of Corrections;
5 clarifying permissive language; defining terms;
6 requiring inmate medical care and treatment
7 reimbursement to health care providers under certain
8 circumstances; requiring reimbursement according to
9 certain fee schedules; establishing authorization and
10 notification requirements; requiring payment of
11 health care screenings and certain medical services;
12 providing certain requirements for paying pharmacy
13 providers; requiring certain treatment be provided
14 through designated host facilities; designating
15 responsibility of inmate transportation and security
16 to health care appointments; providing exception to
17 responsibility of health care costs under certain
18 circumstances; stating circumstances for which the
19 Department of Corrections shall not be responsible
20 for payment of health care costs; amending 57 O.S.
21 2001, Section 549, as last amended by Section 8,
22 Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006, Section
23 549), which relates to powers and duties of the State
24 Board of Corrections; deleting authority to collect
certain receipted funds; authorizing certain
percentage of inmate funds be held with interest for
inmate upon discharge; excluding certain inmate
funds; directing deposit of certain funds; providing
for interest payable to certain accounts; providing
exception to certain interest payable to certain
fund; amending 63 O.S. 2001, Section 1-523, which
relates to the Oklahoma Public Health Code; requiring
testing of county jail inmates under certain
circumstances; requiring written notification of test
results under certain circumstances; requiring
referral to certain services; providing for
codification; providing an effective date; and
declaring an emergency.

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

1 SECTION 1. AMENDATORY 22 O.S. 2001, Section 979a, as
2 last amended by Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp.
3 2006, Section 979a), is amended to read as follows:

4 Section 979a. A. The court shall require a person who is
5 actually received into custody at a jail facility or who is confined
6 in a city or county jail or holding facility, for any offense, to
7 pay the jail facility or holding facility the costs of
8 incarceration, both before and after conviction, upon conviction or
9 receiving a deferred sentence. The costs of incarceration shall be
10 collected by the clerk of the court as provided for collection of
11 other costs and fines, which shall be subject to review under the
12 procedures set forth in Section VIII of the Rules of the Oklahoma
13 Court of Criminal Appeals, Chapter 18, Appendix of Title 22 of the
14 Oklahoma Statutes. Costs of incarceration shall include booking,
15 receiving and processing out, housing, food, clothing, medical care,
16 dental care, and psychiatric services. The costs for incarceration
17 shall be an amount equal to the actual cost of the services and
18 shall be determined by the chief of police for city jails and
19 holding facilities, by the county sheriff for county jails or by
20 contract amount, if applicable. In the event a person requires
21 emergency medical treatment for an injury or condition that
22 threatens life or threatens the loss or use of a limb prior to being
23 actually received into the custody of any jail facility, the
24 provisions of Section 533 of Title 21 of the Oklahoma Statutes shall

1 apply to taking custody, medical care and cost responsibility. The
2 cost of incarceration shall be paid by the court clerk, when
3 collected, to the municipality, holding facility, county or other
4 public entity responsible for the operation of such facility where
5 the person was held at any time. Except for medical costs, ten
6 percent (10%) of any amount collected by the court clerk shall be
7 paid to the municipal attorney's or district attorney's office, and
8 the remaining amount shall be paid to the municipality, the
9 sheriff's service fee account or, if the sheriff does not operate
10 the jail facility, the remaining amount shall be deposited with the
11 public entity responsible for the operation of the jail facility
12 where the person was held at any time. The court shall order the
13 defendant to reimburse all actual costs of incarceration, upon
14 conviction or upon entry of a deferred judgment and sentence unless
15 the defendant is a mentally ill person as defined by Section 1-103
16 of Title 43A of the Oklahoma Statutes. The sheriff shall give
17 notice to the defendant of the actual costs owed before any court-
18 ordered costs are collected. The defendant shall have an
19 opportunity to object to the amount of costs solely on the grounds
20 that the number of days served is incorrect. If no objection is
21 made, the costs may be collected in the amount stated in the notice
22 to the defendant. The sheriff, municipality or other public entity
23 responsible for the operation of the jail may collect costs of
24 incarceration ordered by the court from the jail account of the

1 inmate. If the funds collected from the jail account of the inmate
2 are insufficient to satisfy the actual incarceration costs ordered
3 by the court, the sheriff, municipality or other public entity
4 responsible for the operation of the jail is authorized to collect
5 the remaining balance of the incarceration costs by civil action.
6 When the sheriff, municipality or other public entity responsible
7 for the operation of the jail collects any court-ordered
8 incarceration costs from the jail account of the inmate or by
9 criminal or civil action, the court clerk shall be notified of the
10 amount collected.

11 B. Except as may otherwise be provided in Section 533 of Title
12 21 of the Oklahoma Statutes, any offender receiving routine or
13 emergency medical services or medications or injured during the
14 commission of a felony or misdemeanor offense and administered any
15 medical care shall be required to reimburse the sheriff,
16 municipality or other public entity responsible for the operation of
17 the jail, the full amount paid by the sheriff, municipality or other
18 public entity responsible for the operation of the jail for any
19 medical care or treatment administered to such offender during any
20 period of incarceration or when the person was actually received
21 into custody for any reason in that jail facility. The sheriff,
22 municipality or other public entity responsible for the operation of
23 the jail may deduct the costs of medical care and treatment as
24 authorized by Section 531 of Title 19 of the Oklahoma Statutes. If

1 the funds collected from the jail account of the inmate are
2 insufficient to satisfy the actual medical costs paid, the sheriff,
3 municipality or other public entity responsible for the operation of
4 the jail shall be authorized to collect the remaining balance of the
5 medical care and treatment by civil actions.

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

10 D. The court shall not waive the costs of incarceration in
11 their entirety. However, if the court determines that a reduction
12 in the fine, costs, and costs of incarceration is warranted, the
13 court shall equally apply the same percentage reduction to the fine,
14 costs, and costs of incarceration owed by the defendant.

15 SECTION 2. AMENDATORY 22 O.S. 2001, Section 988.12, as
16 amended by Section 4, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2006,
17 Section 988.12), is amended to read as follows:

18 Section 988.12 A. Any person sentenced to a community
19 punishment pursuant to the provisions of the Oklahoma Community
20 Sentencing Act shall not be deemed an inmate, nor shall the person
21 be considered to be in the custody of the Department of Corrections,
22 nor shall the person require processing through the Lexington
23 Reception and Assessment Center. Persons sentenced to community
24

1 punishment pursuant to the Oklahoma Community Sentencing Act shall
2 be in community custody within the county.

3 B. Except as otherwise specifically provided by law, persons
4 sentenced to a community punishment which does not include
5 incarceration shall not have medical or dental expenses paid by the
6 Department of Corrections or reimbursed by the Community Sentencing
7 Division.

8 ~~C. In jurisdictions where the local community sentencing system
9 is receiving state funds, the state will pay all required medical
10 expenses while a person is incarcerated in the county jail pursuant
11 to a disciplinary sanction for a community punishment, provided the
12 state has the obligation to pay for the term of incarceration
13 pursuant to the provisions of the Oklahoma Community Sentencing Act.
14 Any community sentenced offender confined pursuant to a disciplinary
15 sanction who requires extensive medical treatment may be transferred
16 to the Department of Corrections for appropriate medical treatment
17 upon order of the court. The community sentenced offender shall be
18 returned to the local system following the necessary medical
19 treatment or upon completion of the term of the disciplinary
20 sanction whichever occurs first.~~

21 SECTION 3. AMENDATORY 22 O.S. 2001, Section 991a-2, is
22 amended to read as follows:

23 Section 991a-2. A. Any person who has been convicted of a
24 nonviolent felony offense in this state may be sentenced, at the

1 discretion of the judge, to incarceration in the county jail for a
2 period of one or more nights or weekends with the remaining portion
3 of each week being spent under supervision. County jail
4 imprisonment pursuant to the provisions of this section for felony
5 offenders shall be:

6 1. Prescribed by law for the particular felony; or

7 2. A condition of a suspended sentence.

8 B. In addition to incarceration, the court may impose any fine,
9 cost assessment, or other punishment provision allowed by law;
10 provided, however, the punishment when taken in its entirety with
11 the jail term shall not impose a greater punishment than allowed by
12 law for the offense.

13 C. Any person incarcerated in the county jail pursuant to the
14 provisions of this section may be assigned work duties as ordered or
15 approved by the judge. The sentencing court may require a person
16 incarcerated pursuant to the provisions of this section to pay the
17 county, for food and maintenance for each day of incarceration, an
18 amount equal to the maximum amount prescribed by law to be paid by
19 the county to the sheriff for such expenses. If the judge does not
20 so order, the Department of Corrections shall reimburse the county
21 for the cost of feeding and care of the person during such periods
22 of incarceration.

23 ~~D. The Department of Corrections shall reimburse the county for~~
24 ~~the actual cost paid for any emergency medical care for physical~~

1 ~~injury or illness of a person incarcerated hereunder, provided the~~
2 ~~injury or illness is directly related to the incarceration and the~~
3 ~~county is required by law to provide such care for inmates in the~~
4 ~~jail.~~

5 E. Any person incarcerated pursuant to the provisions of this
6 section shall not be considered to be in the custody of the
7 Department of Corrections or an inmate of the Department. The
8 person shall be deemed to be in the custody of the county.

9 ~~F.~~ E. When the court sentences a person to incarceration
10 pursuant to the provisions of this section in conjunction with a
11 suspended sentence, the court shall have the authority to revoke any
12 unserved portion of the suspended sentence as provided by law.

13 ~~G.~~ F. For the purposes of subsection A of this section, weekend
14 incarceration shall commence at 6 p.m. on Friday and continue until
15 8 a.m. on the following Monday, and incarceration overnight shall
16 commence at 6 p.m. on one day and continue until 8 a.m. of the next
17 day. Provided, that the sentencing judge may modify the
18 incarceration times if the circumstances of the particular case
19 require such action. Persons who have been sentenced to
20 incarceration in the county jail under the provisions of this
21 section will not have to be processed through the Lexington
22 Assessment and Reception Center prior to incarceration.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 153.4 of Title 28, unless there
3 is created a duplication in numbering, reads as follows:

4 In any criminal case in which a defendant is admitted into a
5 jail facility and is subsequently convicted for a violation of state
6 law, the sheriff or jail trust authority responsible for operating
7 the jail facility in the county in which the conviction was obtained
8 shall be authorized to recover a jail booking fee of Ten Dollars
9 (\$10.00). The jail booking fee shall be used to defer any costs
10 associated with processing the defendant into the jail facility.
11 The jail booking fee shall not be waived by the court. The court
12 clerk shall collect the fee amount and may retain five percent (5%)
13 of such monies to be deposited in the Court Clerk Revolving Fund to
14 cover administrative costs and shall remit the remainder to the
15 Sheriff's Service Fee Account of the sheriff or general fund of the
16 jail trust authority of the county in which the conviction was
17 obtained.

18 SECTION 5. AMENDATORY 57 O.S. 2001, Section 21, is
19 amended to read as follows:

20 Section 21. A. Any person who, without authority, brings into
21 or has in his or her possession in any jail or state penal
22 institution or other place where prisoners are located, any gun,
23 knife, bomb or other dangerous instrument, any controlled dangerous
24 substance as defined by Section 2-101 et seq. of Title 63 of the

1 Oklahoma Statutes, any intoxicating beverage or low-point beer as
2 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
3 Statutes, cigarettes, cigars, snuff, chewing tobacco, or any other
4 form of tobacco product, money, ~~or~~ financial documents for a person
5 other than the inmate or a spouse of the inmate, including, but not
6 limited to tax returns, or any cellular phone or electronic device
7 capable of sending and receiving digital or cellular transmissions,
8 shall be guilty of a felony and is subject to imprisonment in the
9 ~~State Penitentiary~~ custody of the Department of Corrections for not
10 less than one (1) year or more than five (5) years, or a fine of not
11 less than One Hundred Dollars (\$100.00) or more than One Thousand
12 Dollars (\$1,000.00), or both such fine and imprisonment.

13 B. If an inmate is found to be in possession of any such item,
14 upon conviction, such inmate shall be guilty of a felony and shall
15 be subject to imprisonment for not less than five (5) years nor more
16 than twenty (20) years in the ~~State Penitentiary~~ custody of the
17 Department of Corrections.

18 C. If the person found to be in possession of any such item
19 has, prior to the commission of said offense, committed two or more
20 felony offenses, and said possession of contraband was within ten
21 (10) years of the completion of the execution of the sentence, such
22 person, upon conviction, shall be guilty of a felony and shall be
23 punished by imprisonment in the ~~State Penitentiary~~ custody of the
24 Department of Corrections for a term of not less than twenty (20)

1 years. Felony offenses relied upon shall not have arisen out of the
2 same transaction or occurrence or series of events closely related
3 in time and location.

4 SECTION 6. AMENDATORY Section 1, Chapter 231, O.S.L.
5 2002 (57 O.S. Supp. 2006, Section 22), is amended to read as
6 follows:

7 Section 22. A. Except as otherwise provided in this section,
8 any detention officer, deputy sheriff, or other person employed as
9 jail operations staff by a county, city, or other entity that
10 operates a jail who receives compensation from any person other than
11 the sheriff or jail administrator for providing goods, tobacco
12 products, or services for the benefit of an inmate, upon conviction,
13 shall be guilty of a misdemeanor if the compensation is an amount of
14 less than Five Hundred Dollars (\$500.00), punishable by up to six
15 (6) months in the county jail, or a fine of not more than One
16 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
17 and shall be guilty of a felony if the compensation is an amount of
18 Five Hundred Dollars (\$500.00) or more, punishable by imprisonment
19 in the ~~State Penitentiary~~ custody of the Department of Corrections
20 for not more than two (2) years, or a fine of not more than Five
21 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

22 B. The provisions of this section shall not apply to any person
23 operating, or employed by, a vendor facility licensed by the State
24 Department of Rehabilitation Services pursuant to Sections 71

1 through 78 of Title 7 of the Oklahoma Statutes for purposes of
2 carrying out the provisions of the Randolph-Sheppard Act, 20
3 U.S.C.A., Section 107 et seq., or any other duly authorized vendor.

4 SECTION 7. AMENDATORY 57 O.S. 2001, Section 37, as
5 amended by Section 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp. 2006,
6 Section 37), is amended to read as follows:

7 Section 37. A. If all correctional facilities reach maximum
8 capacity and the Department of Corrections is required to contract
9 for bed space to house state inmates, then the Pardon and Parole
10 Board shall consider all nonviolent offenders for parole who are
11 within six (6) months of their scheduled release from a penal
12 facility.

13 B. No inmate may be received by a penal facility from a county
14 jail without first scheduling a transfer with the Department. The
15 sheriff or court clerk shall transmit by facsimile, electronic mail,
16 or actual delivery a certified copy of the judgment and sentence
17 certifying that the inmate is sentenced to the Department of
18 Corrections. The receipt of the certified copy of the judgment and
19 sentence shall be certification that the sentencing court has
20 entered a judgment and sentence and all other necessary commitment
21 documents. The Department of Corrections is authorized to determine
22 the appropriate method of delivery from each county based on
23 electronic or other capabilities. Once the judgment and sentence is
24 received by the Department of Corrections, the Department shall

1 contact the sheriff when bed space is available to schedule the
2 transfer and reception of the inmate into the Department.

3 C. When a county jail has reached its capacity of inmates as
4 defined in Section 192 of Title 74 of the Oklahoma Statutes, then
5 the county sheriff shall notify the Director of the Oklahoma
6 Department of Corrections, or the Director's designated
7 representative, by facsimile, electronic mail, or actual delivery,
8 that the county jail has reached or exceeded its capacity to hold
9 inmates. The notification shall include copies of any judgment and
10 sentences not previously delivered as required by subsection B of
11 this section. Then within seventy-two (72) hours following such
12 notification, the county sheriff shall transport the designated
13 excess inmate or inmates to a penal facility designated by the
14 Department. The sheriff shall notify the Department of the
15 transport of the inmate prior to the reception of the inmate. The
16 Department shall schedule the reception date and receive the inmate
17 within seventy-two (72) hours of notification that the county jail
18 is at capacity, unless other arrangements can be made with the
19 sheriff.

20 D. Once the judgment and sentence is transmitted to the
21 Department of Corrections, the Department will be responsible for
22 the cost of housing the inmate in the county jail from the date the
23 ~~Department receives the transmittal~~ sentence was ordered by the
24 court until the date of transfer of the inmate from the county jail.

1 The cost of housing shall be the per diem rate specified in Section
2 38 of this title. In the event the inmate has other criminal
3 charges pending in another Oklahoma jurisdiction the Department
4 shall be responsible for the housing costs while the inmate remains
5 in the county jail awaiting transfer to another jurisdiction. Once
6 the inmate is transferred to another jurisdiction, the Department is
7 not responsible for the housing cost of the inmate until such time
8 that another judgment and sentence is received from another Oklahoma
9 jurisdiction. The sheriff shall be reimbursed by the Department for
10 the cost of housing the inmate in one of two ways:

11 1. The sheriff ~~is authorized to~~ may submit invoices for the
12 cost of housing the inmate on a monthly basis; or

13 2. The sheriff may submit one invoice for the total amount due
14 for the inmate after the Department has received the inmate.

15 SECTION 8. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 38.3 of Title 57, unless there
17 is created a duplication in numbering, reads as follows:

18 A. As used in this section:

19 1. "Emergency care" means the medical or surgical care
20 necessary to treat the sudden onset of a potentially life- or limb-
21 threatening condition or symptom;

22 2. "Dental emergency" means acute problems in the mouth
23 exhibiting symptoms of pain, swelling, bleeding or elevation of
24 temperature; and

1 3. "Mental health emergency" means a person exhibiting behavior
2 due to mental illness that may be an immediate threat to others or
3 himself or herself that renders the person incapable of caring for
4 himself or herself.

5 B. The Department of Corrections shall reimburse health care
6 providers for medical care and treatment for inmates retained in
7 county jails after a certified copy of a judgment and sentence has
8 been entered pursuant to the provisions of Section 980 of Title 22
9 of the Oklahoma Statutes or pursuant to the provisions of Section
10 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Health care
11 providers that are in the network established by the Department of
12 Corrections in conjunction with the State and Education Employees
13 Group Insurance Board shall be reimbursed according to the fee
14 schedule established for that network; provided, that reimbursement
15 will be no less than the fee structure that was in effect January 1,
16 2007, or the current fee schedule, whichever is greater. Health
17 care providers that are out-of-network shall be reimbursed according
18 to the Oklahoma Medicaid Fee Schedule; provided, that reimbursement
19 shall be no less than the fee structure that was in effect January
20 1, 2007, or the current fee schedule, whichever is greater. Prior
21 to obtaining nonemergency care outside the county jail facility,
22 authorization must be received from the Department of Corrections.
23 For any emergency care, dental emergency or mental health emergency
24 care obtained outside the county jail facility, the Department of

1 Corrections must be notified within twenty-four (24) hours. The
2 Department of Corrections is hereby authorized to reject claims if
3 proper notification has not been provided.

4 C. The sheriff shall be responsible for providing and paying
5 for medical, dental and mental health care screening when an inmate
6 is admitted, routine sick calls within the county jail and access to
7 on-site physician services as is routinely provided for all inmates
8 in the custody of the sheriff and as provided by Section 52 of Title
9 57 of the Oklahoma Statutes.

10 D. The Department of Corrections shall pay the pharmacy
11 provider for medications provided to inmates retained in county
12 jails after a certified copy of a judgment and sentence has been
13 entered pursuant to the provisions of Section 980 of Title 22 of the
14 Oklahoma Statutes or pursuant to the provisions of Section 988.12 or
15 991a-2 of Title 22 of the Oklahoma Statutes. If the pharmacy
16 provider is a Medicaid provider, the pharmacy provider must bill the
17 Department at Medicaid rates. The county jail shall be responsible
18 for paying for any medications that are not listed on the Department
19 of Corrections formulary, unless the county jail receives a written
20 exception from the Department.

21 E. Dental and mental health care shall be provided through the
22 designated host facility of the Department of Corrections for
23 inmates retained in county jails after a certified copy of a
24 judgment and sentence has been entered pursuant to the provisions of

1 Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the
2 provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma
3 Statutes. Each county jail is encouraged to work with local
4 community mental health centers to provide necessary medications and
5 emergency services that would be reimbursed pursuant to the
6 provisions of this subsection.

7 F. The sheriff shall be responsible for transportation and
8 security of inmates to all outside health care appointments
9 including host facilities of the Department of Corrections.

10 G. Neither the Department of Corrections nor the sheriff shall
11 be responsible for the cost of health care while an inmate is on
12 escape status or for any injury incurred while on escape status.

13 H. The Department of Corrections shall not be responsible for
14 payment of health care of inmates housed in the county jail under
15 the following circumstances:

16 1. Prior to entry of a certified judgment and sentence pursuant
17 to the provisions of Section 980 of Title 22 of the Oklahoma
18 Statutes;

19 2. When an inmate is detained in the county jail pursuant to a
20 writ of habeas corpus;

21 3. When an inmate is detained in the county jail for additional
22 cases pending after a certified copy of the judgment and sentence
23 has been entered;

24

1 4. When an inmate is detained in the county jail and his or her
2 status is on hold for another jurisdiction; or

3 5. When an inmate is detained in the county jail and the inmate
4 is sentenced to county jail time only.

5 SECTION 9. AMENDATORY 57 O.S. 2001, Section 549, as last
6 amended by Section 8, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006,
7 Section 549), is amended to read as follows:

8 Section 549. A. The State Board of Corrections shall have the
9 following powers and duties with respect to the operation of prison
10 industries, the Construction Division, and administration of inmate
11 trust funds:

12 1. The power to make leases or other contracts consistent with
13 the operation of prison industries, and to set aside land or
14 facilities for the use of such industry;

15 2. The power to establish conditions for expenditures by the
16 Department of Corrections from the Industries Revolving Fund;

17 3. The power to negotiate wages and working conditions on
18 behalf of prisoners working in prison industries or prisoners
19 working in the Construction Division. Pay grades for the
20 Construction Division "on-the-job training" inmate crews shall be as
21 follows:

- 22 a. Pay Grade "A" - Inmate Worker,
- 23 b. Pay Grade "B" - Inmate Worker,
- 24 c. Pay Grade "C" - Apprentice, and

1 d. Pay Grade "D" - Skilled Craft;

2 4. The power to collect wages ~~and other receipted funds~~ on
3 behalf of the inmate, to apportion inmate wages ~~and funds~~ in
4 accordance with the law; and the duty to preserve those wages ~~and~~
5 ~~funds~~ reserved for the inmate in an account for his or her benefit,
6 and to establish procedures by which the inmate can draw funds from
7 this account under the conditions and limitations and for the
8 purposes allowed by law;

9 5. The duty to establish the percentages of such wages ~~and~~
10 ~~other receipted funds~~ which shall be available for apportionment to
11 ~~inmate savings, to~~ the inmate for his or her personal use; to the
12 lawful dependents of the inmate, if any; to the victim of the
13 inmate's crime; for payment of creditors; for payment of costs and
14 expenses for criminal actions against such inmate; and to the
15 Department of Corrections for costs of incarceration. Provided,
16 that not less than twenty percent (20%) of such wages and funds
17 shall be placed in an account, ~~and shall be~~ payable to the prisoner
18 upon his or her discharge. Funds from this account may be used by
19 the inmate for fees or costs in filing a civil or criminal action as
20 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes
21 or for federal action as defined in Section 1911 et seq. of Title 28
22 of the United States Code, ~~28 U.S.C., Section 1911 et seq.~~; and

23 6. The Effective July 1, 2009, the duty to collect funds on
24 behalf of the inmate from outside sources and to establish a

1 percentage of such funds for the inmate's savings account; provided,
2 however, inmates serving a sentence of death or life without parole
3 shall not be required to have a savings account, and such inmates
4 may use funds received from outside sources under the conditions and
5 limitations set by the Department and for purposes allowed by law
6 for expenditure of inmate trust accounts. The Department shall
7 withhold ten percent (10%) of all funds received on behalf of the
8 inmate from outside sources and shall deposit such funds in a
9 special interest-bearing account established by the State Treasurer
10 for the benefit of participating inmates in the custody of the
11 Department. The State Treasurer shall apportion interest accruing
12 to the account to the Department for distribution to individual
13 inmate savings accounts based on the account's average monthly
14 balance, and each participating inmate shall receive his or her
15 savings account balance with interest upon discharge; and

16 7. Except for funds held as provided in paragraph 6 of this
17 subsection, the power to invest funds held by the Department of
18 ~~Corrections~~ on behalf of each inmate in an interest-bearing account
19 with the interest accruing and payable to the Crime Victims
20 Compensation Fund, as provided in Section 142.17 of Title 21 of the
21 Oklahoma Statutes. The interest from each inmate's savings account
22 established pursuant to paragraph 5 of this subsection shall be
23 payable to the Crime Victims Compensation Fund, at such intervals as
24 may be determined by the Board, in addition to any other payments to

1 such fund required by the inmate's sentence or otherwise by law. An
2 inmate shall not have the right, use or control of any interest
3 derived from any funds placed in a mandatory savings account.

4 B. The Except for funds held as provided in paragraph 6 of
5 subsection A of this section, the State Board of Corrections shall
6 cause to be placed in an account income from the inmate's employment
7 and any other income or benefits accruing to or payable to and for
8 the benefit of ~~said~~ the inmate, including any workers' compensation
9 or Social Security benefits.

10 1. From this account, the State Board ~~of Corrections~~ may charge
11 for costs of incarceration any inmate working in private prison
12 industries or any other inmate for costs of incarceration not to
13 exceed fifty percent (50%) of any deposits made to ~~said~~ such
14 account, unless ~~said~~ such deposits were from a workers' compensation
15 benefit.

16 2. From this account, the State Board ~~of Corrections~~ may charge
17 any inmate for costs of incarceration, an amount equivalent to one
18 hundred percent (100%) of any deposits from a workers' compensation
19 benefit to ~~said~~ such account.

20 3. The Department ~~of Corrections~~ shall pay into the Crime
21 Victims Compensation Revolving Fund, Section 142.17 of Title 21 of
22 the Oklahoma Statutes, an amount equal to five percent (5%) of the
23 gross wages earned by inmates working in a private prison industries
24

1 program, ~~said~~ such amount to be paid from the amount deducted for
2 cost of incarceration.

3 4. Withdrawals and deposits shall be made according to rules
4 and regulations established by the State Board ~~of Corrections~~.

5 C. The Department ~~of Corrections~~ may assess costs of
6 incarceration against all inmates beginning on September 1, 1992.
7 Such costs shall be a debt of the inmate owed to the Department ~~of~~
8 ~~Corrections~~ and may be collected as provided by law for collection
9 of any other civil debt. In addition to the provisions of this
10 section authorizing expenditure of inmate trust funds for costs of
11 incarceration, any monies received for costs of incarceration shall
12 be deposited in the Department of Corrections Revolving Fund.

13 SECTION 10. AMENDATORY 63 O.S. 2001, Section 1-523, is
14 amended to read as follows:

15 Section 1-523. A. 1. Any and all institutions in this state,
16 whether penal or eleemosynary, public or private, and free or for
17 pay, shall make, and preserve for a period of at least one (1) year,
18 a record showing the name, age, sex, race, nationality and place of
19 residence of any infected inmate of such institution who may come to
20 their knowledge.

21 2. The institution shall make available such record at all
22 reasonable hours for inspection by the State Commissioner of Health
23 or the local health officer.

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1 3. Such institutions shall further furnish a physician and all
2 proper medicines, instruments and apparatus for the proper treatment
3 of such infected inmate.

4 B. Each institution and each Department of Corrections district
5 office, and each county or municipal jail shall notify their
6 correctional officers, probation and parole officers, and any
7 jailor, or other employee or any employee of the Pardon and Parole
8 Board, who has or will have direct contact with an inmate, when such
9 inmate is infected with the human immunodeficiency virus (HIV) or
10 has the Acquired Immune Deficiency Syndrome (AIDS) disease.

11 C. 1. If an officer or employee of the State of Oklahoma, or
12 any other person comes into contact with the bodily fluids of an
13 inmate in a state correctional facility, the Director of the
14 Department of Corrections or designee, under such rules as the
15 Director shall promulgate to carry out the provisions of this
16 section, shall cause such inmate to be tested for such disease, if
17 no prior record of the existence of such disease exists. If an
18 officer or employee of a county jail, or any other person, comes
19 into contact with the bodily fluids of an inmate in a county jail,
20 the sheriff or designee, under policies the sheriff shall promulgate
21 to carry out the provisions of this section, shall cause the inmate
22 to be tested for such disease, if no prior record of the existence
23 of such disease exists.

1 2. The Director or designee shall promptly communicate in
2 writing the results of the test to the person so exposed and refer
3 the employee to the Department of Correction's Employee Assistance
4 Program for appropriate referrals for counseling, health care, and
5 support services for the person so exposed. If the exposure occurs
6 within a county jail, the sheriff or designee shall promptly
7 communicate in writing the results of the test to the person so
8 exposed and refer the employee to the employee assistance program of
9 the county for appropriate referrals for counseling, health care,
10 and support services for the person so exposed.

11 3. As used in this section, the term "serious transmissible
12 disease" means the Human Immunodeficiency Virus (HIV) and hepatitis.

13 SECTION 11. Section 7 of this act shall become effective July
14 1, 2008.

15 SECTION 12. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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