

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3336

By: Thompson and Roan of the
House

7 and

Lamb of the Senate

8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to county jails; amending 19 O.S.
12 2001, Section 547, which relates to county sheriffs;
13 requiring probationary period for certain deputy
14 sheriffs and detention officers; prohibiting
15 discharge except under certain circumstance; amending
16 22 O.S. 2001, Section 979a, as last amended by
17 Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp.
18 2007, Section 979a), which relates to payment of jail
19 costs; prohibiting waiver of incarceration costs;
20 providing procedure for reducing incarceration costs;
21 amending 22 O.S. 2001, Section 988.12, as amended by
22 Section 4, Chapter 165, O.S.L. 2002 (22 O.S. Supp.
23 2007, Section 988.12), which relates to the Oklahoma
24 Community Sentencing Act; deleting medical expense
payment requirements for certain community sentencing
systems; amending 22 O.S. 2001, Section 991a-2, which
relates to sentencing provisions of felony offenders;
deleting medical care reimbursement requirement;
amending 57 O.S. 2001, Section 21 and Section 1,
Chapter 231, O.S.L. 2002 (57 O.S. Supp. 2007, Section
22), which relate to contraband in jails or penal
institutions; updating language; making certain acts
unlawful; providing penalties; expanding scope of
certain prohibited act; amending 57 O.S. 2001,
Section 37, as amended by Section 3, Chapter 239,
O.S.L. 2004 (57 O.S. Supp. 2007, Section 37), which
relates to capacity rates of correctional facilities;

1 modifying time limitation for certain responsibility
2 of the Department of Corrections; clarifying
3 permissive language; defining terms; requiring
4 reimbursement to health care providers under certain
5 circumstances; requiring reimbursement according to
6 certain fee schedules; establishing authorization and
7 notification requirements; requiring payment of
8 health care screenings and certain medical services;
9 establishing requirements for paying pharmacy
10 providers; requiring certain treatment be provided
11 through designated host facilities; designating
12 responsibility of inmate transportation and security;
13 providing exception to responsibility for health care
14 costs under certain circumstances; stating
15 circumstances for which the Department of Corrections
16 shall not be responsible for payment of health care
17 costs; amending 63 O.S. 2001, Section 1-523, which
18 relates to the Oklahoma Public Health Code; requiring
19 testing of county jail inmates under certain
20 circumstances; requiring written notification of test
21 results; requiring exposed employee be referred for
22 certain services; providing for codification;
23 providing an effective date; and declaring an
24 emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 547, is
amended to read as follows:

Section 547. A. The sheriff shall be responsible for the
official acts of the undersheriff and deputy sheriffs, and may
revoke such appointments at the pleasure of the sheriff; provided,
however, for counties with a population of five hundred thousand
(500,000) or more persons, according to the latest Federal Decennial
Census, with the exception of chief deputies and undersheriffs, all
deputy sheriffs and detention officers shall serve a five-year

1 probationary period during which the deputy sheriff or detention
2 officer shall be considered an at-will employee. After the five-
3 year probationary period, such deputy sheriff or detention officer
4 shall not be discharged except for just cause. The sheriff or the
5 undersheriff may in writing depute certain persons to do particular
6 acts.

7 B. Each sheriff may appoint as many reserve force deputy
8 sheriffs as are necessary to preserve the peace and dignity of the
9 county. A current list of each person holding such appointment
10 shall be maintained by the county sheriff and shall be available to
11 the public. Reserve force deputy sheriffs may perform duties which
12 encompass a particular act or a series of acts. A sheriff or
13 salaried deputy sheriff shall accompany a reserve force deputy
14 sheriff in the performance of all duties assigned to such reserve
15 force deputy sheriff unless such reserve deputy has completed the
16 required one-hundred-sixty-hour basic police course. Reserve force
17 deputies may receive compensation for their services. The sheriff
18 may pay reserve force deputies for travel expenses pursuant to the
19 State Travel Reimbursement Act. Such reserve deputy sheriffs shall
20 complete a one-hundred-sixty-hour basic police course within twelve
21 (12) months after they have been commissioned to be paid by the
22 county as an individual reserve deputy. The sheriff may pay for
23 additional training courses attended by reserve force deputies.

24

1 C. 1. For counties with a population of two hundred thousand
2 (200,000) or more persons, according to the latest Federal Decennial
3 Census, reserve force deputy sheriffs with at least one hundred
4 sixty (160) hours of training pursuant to Section 3311 of Title 70
5 of the Oklahoma Statutes shall not serve more than one hundred forty
6 (140) hours per calendar month.

7 2. For counties with a population of less than two hundred
8 thousand (200,000) persons, according to the latest Federal
9 Decennial Census, reserve force deputy sheriffs with at least one
10 hundred sixty (160) hours of training shall not serve more than one
11 hundred ten (110) hours per calendar month.

12 D. The sheriff or a designee may deputize municipal police
13 officers subject to an interlocal governmental agreement to combine
14 city and county law enforcement efforts and to encourage cooperation
15 between city and county law enforcement officials. Liability for
16 the conduct of any municipal police officers deputized under the
17 terms and conditions of an interlocal governmental agreement shall
18 remain the responsibility of their municipal employer.

19 E. The sheriff may enter into mutual aid agreements pursuant to
20 the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of
21 the Oklahoma Statutes, to assist or provide law enforcement services
22 to any town, city, and county within this state and the sheriff and
23 deputies shall have law enforcement authority within the
24 jurisdiction making the request. The employing governmental unit

1 shall remain responsible for their officers or deputies pursuant to
2 any mutual aid agreement.

3 F. A sheriff of the county may respond to any request from any
4 other jurisdiction within the state for law enforcement assistance
5 in cases of emergency. The sheriff, deputy sheriffs and reserve
6 deputy sheriffs serving in response to the emergency request shall
7 have the same powers and duties as though employed by the requesting
8 law enforcement agency, and when so acting they shall be deemed to
9 be acting within the scope of employment of the requesting law
10 enforcement agency. Salaries, insurance and other benefits shall be
11 provided in the regular manner by the county in which the sheriff,
12 deputy sheriffs and reserve deputy sheriffs are regularly employed.
13 As used in this subsection, "emergency" means a sudden and
14 unforeseeable occurrence or condition, either as to its onset or its
15 extent, of such severity or magnitude that immediate response or
16 action is necessary to assist law enforcement agencies having
17 jurisdiction at the scene of the emergency to carry out their
18 functions.

19 G. A reserve force deputy sheriff shall be authorized to serve
20 civil process pursuant to Section 2004 of Title 12 of the Oklahoma
21 Statutes.

22 SECTION 2. AMENDATORY 22 O.S. 2001, Section 979a, as
23 last amended by Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp.
24 2007, Section 979a), is amended to read as follows:

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

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

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

8 B. Except as may otherwise be provided in Section 533 of Title
9 21 of the Oklahoma Statutes, any offender receiving routine or
10 emergency medical services or medications or injured during the
11 commission of a felony or misdemeanor offense and administered any
12 medical care shall be required to reimburse the sheriff,
13 municipality or other public entity responsible for the operation of
14 the jail, the full amount paid by the sheriff, municipality or other
15 public entity responsible for the operation of the jail for any
16 medical care or treatment administered to such offender during any
17 period of incarceration or when the person was actually received
18 into custody for any reason in that jail facility. The sheriff,
19 municipality or other public entity responsible for the operation of
20 the jail may deduct the costs of medical care and treatment as
21 authorized by Section 531 of Title 19 of the Oklahoma Statutes. If
22 the funds collected from the jail account of the inmate are
23 insufficient to satisfy the actual medical costs paid, the sheriff,
24 municipality or other public entity responsible for the operation of

1 the jail shall be authorized to collect the remaining balance of the
2 medical care and treatment by civil actions.

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

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

12 SECTION 3. AMENDATORY 22 O.S. 2001, Section 988.12, as
13 amended by Section 4, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2007,
14 Section 988.12), is amended to read as follows:

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

23 B. Except as otherwise specifically provided by law, persons
24 sentenced to a community punishment which does not include

1 incarceration shall not have medical or dental expenses paid by the
2 Department of Corrections or reimbursed by the Community Sentencing
3 Division.

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

17 SECTION 4. AMENDATORY 22 O.S. 2001, Section 991a-2, is
18 amended to read as follows:

19 Section 991a-2. A. Any person who has been convicted of a
20 nonviolent felony offense in this state may be sentenced, at the
21 discretion of the judge, to incarceration in the county jail for a
22 period of one or more nights or weekends with the remaining portion
23 of each week being spent under supervision. County jail
24

1 imprisonment pursuant to the provisions of this section for felony
2 offenders shall be:

- 3 1. Prescribed by law for the particular felony; or
- 4 2. A condition of a suspended sentence.

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

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

20 ~~D. The Department of Corrections shall reimburse the county for~~
21 ~~the actual cost paid for any emergency medical care for physical~~
22 ~~injury or illness of a person incarcerated hereunder; provided the~~
23 ~~injury or illness is directly related to the incarceration and the~~

24

1 ~~county is required by law to provide such care for inmates in the~~
2 ~~jail.~~

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

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

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

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

23 Section 21. A. Any person who, without authority, brings into
24 or has in his or her possession in any jail or state penal

1 institution or other place where prisoners are located, any gun,
2 knife, bomb or other dangerous instrument, any controlled dangerous
3 substance as defined by Section 2-101 et seq. of Title 63 of the
4 Oklahoma Statutes, any intoxicating beverage or low-point beer as
5 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
6 Statutes, money, or financial documents for a person other than the
7 inmate or a spouse of the inmate, including, but not limited to tax
8 returns, shall be guilty of a felony and is subject to imprisonment
9 in the ~~State Penitentiary~~ custody of the Department of Corrections
10 for not less than one (1) year or more than five (5) years, or a
11 fine of not less than One Hundred Dollars (\$100.00) or more than One
12 Thousand 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 D. Any person who, without authority, brings into or has in his
5 or her possession in any jail or state penal institution or other
6 place where prisoners are located, cigarettes, cigars, snuff,
7 chewing tobacco, or any other form of tobacco product, or any
8 cellular phone or electronic device capable of sending or receiving
9 digital transmissions shall, upon conviction, be guilty of a
10 misdemeanor punishable by imprisonment in the county jail not to
11 exceed one (1) year, or a fine not to exceed Five Hundred Dollars
12 (\$500.00), or by both such fine and imprisonment.

13 SECTION 6. AMENDATORY Section 1, Chapter 231, O.S.L.
14 2002 (57 O.S. Supp. 2007, Section 22), is amended to read as
15 follows:

16 Section 22. A. Except as otherwise provided in this section,
17 any detention officer, deputy sheriff, or other person employed as
18 jail operations staff by a county, city, or other entity that
19 operates a jail who receives compensation from any person other than
20 the sheriff or jail administrator for providing goods, tobacco
21 products, or services for the benefit of an inmate, upon conviction,
22 shall be guilty of a misdemeanor if the compensation is an amount of
23 less than Five Hundred Dollars (\$500.00), punishable by up to six
24 (6) months in the county jail, or a fine of not more than One

1 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment
2 and shall be guilty of a felony if the compensation is an amount of
3 Five Hundred Dollars (\$500.00) or more, punishable by imprisonment
4 in the ~~State Penitentiary~~ custody of the Department of Corrections
5 for not more than two (2) years, or a fine of not more than Five
6 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

7 B. The provisions of this section shall not apply to any person
8 operating, or employed by, a vendor facility licensed by the State
9 Department of Rehabilitation Services pursuant to Sections 71
10 through 78 of Title 7 of the Oklahoma Statutes for purposes of
11 carrying out the provisions of the Randolph-Sheppard Act, 20
12 U.S.C.A., Section 107 et seq., or any other duly authorized vendor.

13 SECTION 7. AMENDATORY 57 O.S. 2001, Section 37, as
14 amended by Section 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp. 2007,
15 Section 37), is amended to read as follows:

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

22 B. No inmate may be received by a penal facility from a county
23 jail without first scheduling a transfer with the Department. The
24 sheriff or court clerk shall transmit by facsimile, electronic mail,

1 or actual delivery a certified copy of the judgment and sentence
2 certifying that the inmate is sentenced to the Department of
3 Corrections. The receipt of the certified copy of the judgment and
4 sentence shall be certification that the sentencing court has
5 entered a judgment and sentence and all other necessary commitment
6 documents. The Department of Corrections is authorized to determine
7 the appropriate method of delivery from each county based on
8 electronic or other capabilities. Once the judgment and sentence is
9 received by the Department of Corrections, the Department shall
10 contact the sheriff when bed space is available to schedule the
11 transfer and reception of the inmate into the Department.

12 C. When a county jail has reached its capacity of inmates as
13 defined in Section 192 of Title 74 of the Oklahoma Statutes, then
14 the county sheriff shall notify the Director of the Oklahoma
15 Department of Corrections, or the Director's designated
16 representative, by facsimile, electronic mail, or actual delivery,
17 that the county jail has reached or exceeded its capacity to hold
18 inmates. The notification shall include copies of any judgment and
19 sentences not previously delivered as required by subsection B of
20 this section. Then within seventy-two (72) hours following such
21 notification, the county sheriff shall transport the designated
22 excess inmate or inmates to a penal facility designated by the
23 Department. The sheriff shall notify the Department of the
24 transport of the inmate prior to the reception of the inmate. The

1 Department shall schedule the reception date and receive the inmate
2 within seventy-two (72) hours of notification that the county jail
3 is at capacity, unless other arrangements can be made with the
4 sheriff.

5 D. Once the judgment and sentence is transmitted to the
6 Department of Corrections, the Department will be responsible for
7 the cost of housing the inmate in the county jail from the date the
8 ~~Department receives the transmittal~~ sentence was ordered by the
9 court until the date of transfer of the inmate from the county jail.
10 The cost of housing shall be the per diem rate specified in Section
11 38 of this title. In the event the inmate has other criminal
12 charges pending in another Oklahoma jurisdiction the Department
13 shall be responsible for the housing costs while the inmate remains
14 in the county jail awaiting transfer to another jurisdiction. Once
15 the inmate is transferred to another jurisdiction, the Department is
16 not responsible for the housing cost of the inmate until such time
17 that another judgment and sentence is received from another Oklahoma
18 jurisdiction. The sheriff shall be reimbursed by the Department for
19 the cost of housing the inmate in one of two ways:

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

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

24

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

4 A. As used in this section:

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

8 2. "Dental emergency" means acute problems in the mouth
9 exhibiting symptoms of pain, swelling, bleeding or elevation of
10 temperature; and

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

15 B. The Department of Corrections shall reimburse health care
16 providers for medical care and treatment for inmates retained in
17 county jails after a certified copy of a judgment and sentence has
18 been entered pursuant to the provisions of Section 980 of Title 22
19 of the Oklahoma Statutes or pursuant to the provisions of Section
20 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Health care
21 providers that are in the network established by the Department of
22 Corrections in conjunction with the State and Education Employees
23 Group Insurance Board shall be reimbursed according to the fee
24 schedule established for that network; provided, that reimbursement

1 will be no less than the fee structure that was in effect January 1,
2 2007, or the current fee schedule, whichever is greater. Health
3 care providers that are out of network shall be reimbursed according
4 to the Oklahoma Medicaid Fee Schedule; provided, that reimbursement
5 shall be no less than the fee structure that was in effect January
6 1, 2007, or the current fee schedule, whichever is greater. Prior
7 to obtaining nonemergency care outside the county jail facility,
8 authorization must be received from the Department of Corrections.
9 For any emergency care, dental emergency or mental health emergency
10 care obtained outside the county jail facility, the Department of
11 Corrections must be notified within twenty-four (24) hours. The
12 Department of Corrections is hereby authorized to reject claims if
13 proper notification has not been provided.

14 C. The sheriff shall be responsible for providing and paying
15 for medical, dental and mental health care screening when an inmate
16 is admitted, routine sick calls within the county jail and access to
17 on-site physician services as is routinely provided for all inmates
18 in the custody of the sheriff and as provided by Section 52 of Title
19 57 of the Oklahoma Statutes.

20 D. The Department of Corrections shall pay the pharmacy
21 provider for medications provided to inmates retained in county
22 jails after a certified copy of a judgment and sentence has been
23 entered pursuant to the provisions of Section 980 of Title 22 of the
24 Oklahoma Statutes or pursuant to the provisions of Section 988.12 or

1 991a-2 of Title 22 of the Oklahoma Statutes. If the pharmacy
2 provider is a Medicaid provider, the pharmacy provider must bill the
3 Department at Medicaid rates. The county jail shall be responsible
4 for paying for any medications that are not listed on the Department
5 of Corrections formulary, unless the county jail receives a written
6 exception from the Department.

7 E. Dental and mental health care shall be provided through the
8 designated host facility of the Department of Corrections for
9 inmates retained in county jails after a certified copy of a
10 judgment and sentence has been entered pursuant to the provisions of
11 Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the
12 provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma
13 Statutes. Each county jail is encouraged to work with local
14 community mental health centers to provide necessary medications and
15 emergency services that would be reimbursed pursuant to the
16 provisions of this subsection.

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

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

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

4 1. Prior to entry of a certified judgment and sentence pursuant
5 to the provisions of Section 980 of Title 22 of the Oklahoma
6 Statutes;

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

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

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

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

16 SECTION 9. AMENDATORY 63 O.S. 2001, Section 1-523, is
17 amended to read as follows:

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

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

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

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

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

1 to be tested for such disease, if no prior record of the existence
2 of such disease exists.

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

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

15 SECTION 10. Section 7 of this act shall become effective July
16 1, 2009.

17 SECTION 11. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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