

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1736

6 By: Tibbs

7 COMMITTEE SUBSTITUTE

8 An act relating to county jails; amending 57 O.S.
9 2001, Section 21 and Section 1, Chapter 231, O.S.L.
10 2002 (57 O.S. Supp. 2006, Section 22), which relate
11 to prohibited items brought into jails or penal
12 institutions and receiving compensation for certain
13 goods or services; expanding scope of certain
14 prohibited acts; 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; and providing
an effective date.

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

18 SECTION 1. 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, shall be guilty of a felony and is subject
7 to imprisonment in the State Penitentiary for not less than one (1)
8 year or more than five (5) years, or a fine of not less than One
9 Hundred Dollars (\$100.00) or more than One Thousand Dollars
10 (\$1,000.00), or both such fine and imprisonment.

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

15 C. If the person found to be in possession of any such item
16 has, prior to the commission of said offense, committed two or more
17 felony offenses, and said possession of contraband was within ten
18 (10) years of the completion of the execution of the sentence, such
19 person, upon conviction, shall be guilty of a felony and shall be
20 punished by imprisonment in the State Penitentiary for a term of not
21 less than twenty (20) years. Felony offenses relied upon shall not
22 have arisen out of the same transaction or occurrence or series of
23 events closely related in time and location.

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1 SECTION 2. AMENDATORY Section 1, Chapter 231, O.S.L.
2 2002 (57 O.S. Supp. 2006, Section 22), is amended to read as
3 follows:

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

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

1 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-523, is
2 amended to read as follows:

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

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

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

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

22 C. 1. If an officer or employee of the State of Oklahoma, or
23 any other person comes into contact with the bodily fluids of an
24 inmate in a state correctional facility, the Director of the

1 Department of Corrections or designee, under such rules as the
2 Director shall promulgate to carry out the provisions of this
3 section, shall cause such inmate to be tested for such disease, if
4 no prior record of the existence of such disease exists. If an
5 officer or employee of a county jail, or any other person comes into
6 contact with the bodily fluids of an inmate in a county jail, the
7 sheriff or designee, under the policies as the sheriff shall
8 promulgate to carry out the provisions of this section, shall cause
9 the inmate to be tested for such disease, if no prior record of the
10 existence of such disease exists.

11 2. The Director or designee shall promptly communicate in
12 writing the results of the test to the person so exposed and refer
13 the employee to the Department of Correction's Employee Assistance
14 Program for appropriate referrals for counseling, health care, and
15 support services for the person so exposed. If the exposure occurs
16 within a county jail, the sheriff or designee shall promptly
17 communicate in writing the results of the test to the person so
18 exposed and refer the employee to the employee assistance program of
19 the county for appropriate referrals for counseling, health care,
20 and support services for the person so exposed.

21 3. As used in this section, the term "serious transmissible
22 disease" means the Human Immunodeficiency Virus (HIV) and hepatitis.
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SECTION 4. This act shall become effective November 1, 2007.

51-1-7189 GRS 02/14/07