

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1776

6 By: Thompson

7 COMMITTEE SUBSTITUTE

8 An Act relating to sheriffs; authorizing recovery of
9 jail booking fee; stating amount; stating purpose of
10 fee; providing that fee shall not be waived;
11 providing procedures for collecting fee; authorizing
12 court clerk to retain certain amount for
13 administrative costs; providing for remittance of
14 remainder; amending 57 O.S. 2001, Section 37, as
15 amended by Section 3, Chapter 239, O.S.L. 2004 (57
16 O.S. Supp. 2006, Section 37), which relates to
17 capacity rates of correctional facilities; modifying
18 time limitation for certain responsibility of the
19 Department of Corrections; clarifying permissive
20 language; providing for codification; and declaring
21 an emergency.

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

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

In any criminal case in which a defendant is admitted into a
jail facility and is subsequently convicted for a violation of state
law, the sheriff or jail trust authority responsible for operating
the jail facility in the county in which the conviction was obtained

1 shall be authorized to recover a jail booking fee of Ten Dollars
2 (\$10.00). The jail booking fee shall be used to defer any costs
3 associated with processing the defendant into the jail facility.
4 The jail booking fee shall not be waived by the court. The court
5 clerk shall collect the fee amount and may retain five percent (5%)
6 of such monies to be deposited in the Court Clerk Revolving Fund to
7 cover administrative costs and shall remit the remainder to the
8 Sheriff's Service Fee Account of the sheriff or general fund of the
9 jail trust authority of the county in which the conviction was
10 obtained.

11 SECTION 2. AMENDATORY 57 O.S. 2001, Section 37, as
12 amended by Section 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp. 2006,
13 Section 37), is amended to read as follows:

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

20 B. No inmate may be received by a penal facility from a county
21 jail without first scheduling a transfer with the Department. The
22 sheriff or court clerk shall transmit by facsimile, electronic mail,
23 or actual delivery a certified copy of the judgment and sentence
24 certifying that the inmate is sentenced to the Department of

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

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

1 is at capacity, unless other arrangements can be made with the
2 sheriff.

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

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

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

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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