

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 2953

6 By: Tibbs

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2001, Section 37, as amended by
10 Section 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp.
11 2007, Section 37), which relates to capacity of
12 correctional facilities; giving Department of
13 Corrections sole discretion in scheduling receptions;
14 amending 57 O.S. 2001, Section 58.3, which relates to
15 credits for prisoner labor; increasing credit amount;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 57 O.S. 2001, Section 37, as
19 amended by Section 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp. 2007,
20 Section 37), is amended to read as follows:

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

1 B. No inmate may be received by a penal facility from a county
2 jail without first scheduling a transfer with the Department. The
3 sheriff or court clerk shall transmit by facsimile, electronic mail,
4 or actual delivery a certified copy of the judgment and sentence
5 certifying that the inmate is sentenced to the Department of
6 Corrections. The receipt of the certified copy of the judgment and
7 sentence shall be certification that the sentencing court has
8 entered a judgment and sentence and all other necessary commitment
9 documents. The Department of Corrections is authorized to determine
10 the appropriate method of delivery from each county based on
11 electronic or other capabilities. Once the judgment and sentence is
12 received by the Department of Corrections, the Department shall
13 contact the sheriff when bed space is available to schedule the
14 transfer and reception of the inmate into the Department. Except as
15 provided in subsection C of this section, the Department of
16 Corrections shall have sole discretion concerning the scheduling of
17 receptions.

18 C. When a county jail has reached its capacity of inmates as
19 defined in Section 192 of Title 74 of the Oklahoma Statutes, then
20 the county sheriff shall notify the Director of the Oklahoma
21 Department of Corrections, or the Director's designated
22 representative, by facsimile, electronic mail, or actual delivery,
23 that the county jail has reached or exceeded its capacity to hold
24 inmates. The notification shall include copies of any judgment and

1 sentences not previously delivered as required by subsection B of
2 this section. Then within seventy-two (72) hours following such
3 notification, the county sheriff shall transport the designated
4 excess inmate or inmates to a penal facility designated by the
5 Department. The sheriff shall notify the Department of the
6 transport of the inmate prior to the reception of the inmate. The
7 Department shall schedule the reception date and receive the inmate
8 within seventy-two (72) hours of notification that the county jail
9 is at capacity, unless other arrangements can be made with the
10 sheriff.

11 D. Once the judgment and sentence is transmitted to the
12 Department of Corrections, the Department will be responsible for
13 the cost of housing the inmate in the county jail from the date the
14 Department receives the transmittal until the date of transfer of
15 the inmate from the county jail. The cost of housing shall be the
16 per diem rate specified in Section 38 of this title. In the event
17 the inmate has other criminal charges pending in another Oklahoma
18 jurisdiction the Department shall be responsible for the housing
19 costs while the inmate remains in the county jail awaiting transfer
20 to another jurisdiction. Once the inmate is transferred to another
21 jurisdiction, the Department is not responsible for the housing cost
22 of the inmate until such time that another judgment and sentence is
23 received from another Oklahoma jurisdiction. The sheriff shall be

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1 reimbursed by the Department for the cost of housing the inmate in
2 one of two ways:

3 1. The sheriff is authorized to submit invoices for the cost of
4 housing the inmate on a monthly basis; or

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

7 SECTION 2. AMENDATORY 57 O.S. 2001, Section 58.3, is
8 amended to read as follows:

9 Section 58.3 Prisoners employed as provided herein shall be
10 given a credit of two (2) days on a jail sentence for each day
11 worked, and a credit of ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars
12 (\$50.00) per day upon the payment of a fine or court cost, if
13 sentenced for nonpayment of a fine or court cost. The sheriff shall
14 be authorized to order the credit be given to the prisoner on the
15 records of the court where the conviction of the prisoner is filed.

16 SECTION 3. This act shall become effective November 1, 2008.

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