

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 81

6 By: Corn of the Senate

7 and

8 Joyner and Thompson of the
9 House

10 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

24

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.

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

1 excess inmate or inmates to a penal facility designated by the
2 Department. The sheriff shall notify the Department of the
3 transport of the inmate prior to the reception of the inmate. The
4 Department shall schedule the reception date and receive the inmate
5 within seventy-two (72) hours of notification that the county jail
6 is at capacity, unless other arrangements can be made with the
7 sheriff.

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

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

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

3 SECTION 3. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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