

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1776

By: Thompson and Shannon of the
House

6 and

7 Corn of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 [sheriffs - booking fee - capacity rates -
12 relocation of certain jails - codification -
13 emergency]

14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

19 In any criminal case in which a defendant is admitted into a
20 jail facility and is subsequently convicted for a violation of state
21 law, the sheriff or jail trust authority responsible for operating
22 the jail facility in the county in which the conviction was obtained
23 shall be authorized to recover a jail booking fee of Ten Dollars
24 (\$10.00). The jail booking fee shall be used to defer any costs

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

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

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

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

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

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

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

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

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

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 43.1 of Title 57, unless there
22 is created a duplication in numbering, reads as follows:

23 On and after the effective date of this act, every county with a
24 population of one hundred fifty thousand (150,000) or more desiring

1 to relocate or expand an existing county jail facility or construct
2 a new county jail facility in any location beyond a one-mile radius
3 of the current jail location shall be required to have the written
4 consent of a majority of the property owners who own property within
5 a two-mile radius of the relocated jail site.

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

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