

THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 2008

Committee Substitute for
House Bill No. 2953

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2953 - By: TIBBS of the House and CORN of the Senate.

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

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

1 SECTION 1. AMENDATORY 57 O.S. 2001, Section 37, as amended by Section
2 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp. 2007, Section 37), is amended to read as
3 follows:

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

8 B. No inmate may be received by a penal facility from a county jail without first
9 scheduling a transfer with the Department. The sheriff or court clerk shall transmit by
10 facsimile, electronic mail, or actual delivery a certified copy of the judgment and sentence

1 certifying that the inmate is sentenced to the Department of Corrections. The receipt of
2 the certified copy of the judgment and sentence shall be certification that the sentencing
3 court has entered a judgment and sentence and all other necessary commitment
4 documents. The Department of Corrections is authorized to determine the appropriate
5 method of delivery from each county based on electronic or other capabilities. Once the
6 judgment and sentence is received by the Department of Corrections, the Department
7 shall contact the sheriff when bed space is available to schedule the transfer and
8 reception of the inmate into the Department. Except as provided in subsection C of this
9 section, the Department of Corrections shall have sole discretion concerning the
10 scheduling of receptions.

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

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

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

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

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

19 Section 58.3 Prisoners employed as provided herein shall be given a credit of two
20 (2) days on a jail sentence for each day worked, and a credit of ~~Twenty-five Dollars~~
21 ~~(\$25.00)~~ Fifty Dollars (\$50.00) per day upon the payment of a fine or court cost, if
22 sentenced for nonpayment of a fine or court cost. The sheriff shall be authorized to order

1 the credit be given to the prisoner on the records of the court where the conviction of the
2 prisoner is filed.

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
5 dated 03-05-08 - DO PASS, As Amended and Coauthored.