

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1904

By: Lamb

4  
5  
6 AS INTRODUCED

7 An Act relating to county jails; amending 22 O.S.  
8 2001, Section 979a, as last amended by Section 2,  
9 Chapter 470, O.S.L. 2005 (22 O.S. Supp. 2007, Section  
10 979a), which relates to payment of jail costs by  
11 inmate; prohibiting waiver of incarceration costs;  
12 providing procedure for reducing incarceration costs;  
13 amending 22 O.S. 2001, Section 988.12, as amended by  
14 Section 4, Chapter 165, O.S.L. 2002 (22 O.S. Supp.  
15 2007, Section 988.12), which relates to the Oklahoma  
16 Community Sentencing Act; deleting medical expense  
17 payment requirements for certain community sentencing  
18 systems; amending 22 O.S. 2001, Section 991a-2, which  
19 relates to sentencing provisions of felony offenders;  
20 deleting medical care reimbursement requirement;  
21 authorizing recovery of jail booking fee; stating  
22 amount; stating purpose of fee; providing that fee  
23 shall not be waived; providing procedures for  
24 collecting fee; authorizing court clerk to retain  
certain amount for administrative costs; providing  
for remittance of remainder of fee to certain fund;  
amending 57 O.S. 2001, Section 21 and Section 1,  
Chapter 231, O.S.L. 2002 (57 O.S. Supp. 2007, Section  
22), which relate to prohibited items brought into  
jails or penal institutions and receiving  
compensation for certain goods or services; expanding  
scope of certain prohibited acts; adding penalty;  
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 rates of  
correctional facilities; modifying time limitation  
for certain responsibility of the Department of  
Corrections; clarifying permissive language; defining  
terms; requiring inmate medical care and treatment  
reimbursement to health care providers under certain  
circumstances; requiring reimbursement according to

1 certain fee schedules; establishing authorization and  
2 notification requirements; requiring payment of  
3 health care screenings and certain medical services;  
4 providing certain requirements for paying pharmacy  
5 providers; requiring certain treatment be provided  
6 through designated host facilities; designating  
7 responsibility of inmate transportation and security  
8 to health care appointments; providing exception to  
9 responsibility of health care costs under certain  
10 circumstances; stating circumstances for which the  
11 Department of Corrections shall not be responsible  
12 for payment of health care costs; amending 57 O.S.  
13 2001, Section 549, as last amended by Section 8,  
14 Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2007, Section  
15 549), which relates to powers and duties of the State  
16 Board of Corrections; deleting authority to collect  
17 certain receipted funds; authorizing certain  
18 percentage of inmate funds be held with interest for  
19 inmate upon discharge; excluding certain inmate  
20 funds; directing deposit of certain funds; providing  
21 for interest payable to certain accounts; providing  
22 exception to certain interest payable to certain  
23 fund; amending 63 O.S. 2001, Section 1-523, which  
24 relates to the Oklahoma Public Health Code; requiring  
testing of county jail inmates under certain  
circumstances; requiring written notification of test  
results under certain circumstances; requiring  
referral to certain services; providing for  
codification; providing an effective date; and  
declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 979a, as  
last amended by Section 2, Chapter 470, O.S.L. 2005 (22 O.S. Supp.  
2007, Section 979a), is amended to read as follows:

Section 979a. A. The court shall require a person who is  
actually received into custody at a jail facility or who is confined  
in a city or county jail or holding facility, for any offense, to

1 pay the jail facility or holding facility the costs of  
2 incarceration, both before and after conviction, upon conviction or  
3 receiving a deferred sentence. The costs of incarceration shall be  
4 collected by the clerk of the court as provided for collection of  
5 other costs and fines, which shall be subject to review under the  
6 procedures set forth in Section VIII of the Rules of the Oklahoma  
7 Court of Criminal Appeals, Chapter 18, Appendix of Title 22 of the  
8 Oklahoma Statutes. Costs of incarceration shall include booking,  
9 receiving and processing out, housing, food, clothing, medical care,  
10 dental care, and psychiatric services. The costs for incarceration  
11 shall be an amount equal to the actual cost of the services and  
12 shall be determined by the chief of police for city jails and  
13 holding facilities, by the county sheriff for county jails or by  
14 contract amount, if applicable. In the event a person requires  
15 emergency medical treatment for an injury or condition that  
16 threatens life or threatens the loss or use of a limb prior to being  
17 actually received into the custody of any jail facility, the  
18 provisions of Section 533 of Title 21 of the Oklahoma Statutes shall  
19 apply to taking custody, medical care and cost responsibility. The  
20 cost of incarceration shall be paid by the court clerk, when  
21 collected, to the municipality, holding facility, county or other  
22 public entity responsible for the operation of such facility where  
23 the person was held at any time. Except for medical costs, ten  
24 percent (10%) of any amount collected by the court clerk shall be

1 paid to the municipal attorney's or district attorney's office, and  
2 the remaining amount shall be paid to the municipality, the  
3 sheriff's service fee account or, if the sheriff does not operate  
4 the jail facility, the remaining amount shall be deposited with the  
5 public entity responsible for the operation of the jail facility  
6 where the person was held at any time. The court shall order the  
7 defendant to reimburse all actual costs of incarceration, upon  
8 conviction or upon entry of a deferred judgment and sentence unless  
9 the defendant is a mentally ill person as defined by Section 1-103  
10 of Title 43A of the Oklahoma Statutes. The sheriff shall give  
11 notice to the defendant of the actual costs owed before any court-  
12 ordered costs are collected. The defendant shall have an  
13 opportunity to object to the amount of costs solely on the grounds  
14 that the number of days served is incorrect. If no objection is  
15 made, the costs may be collected in the amount stated in the notice  
16 to the defendant. The sheriff, municipality or other public entity  
17 responsible for the operation of the jail may collect costs of  
18 incarceration ordered by the court from the jail account of the  
19 inmate. If the funds collected from the jail account of the inmate  
20 are insufficient to satisfy the actual incarceration costs ordered  
21 by the court, the sheriff, municipality or other public entity  
22 responsible for the operation of the jail is authorized to collect  
23 the remaining balance of the incarceration costs by civil action.  
24 When the sheriff, municipality or other public entity responsible

1 for the operation of the jail collects any court-ordered  
2 incarceration costs from the jail account of the inmate or by  
3 criminal or civil action, the court clerk shall be notified of the  
4 amount collected.

5 B. Except as may otherwise be provided in Section 533 of Title  
6 21 of the Oklahoma Statutes, any offender receiving routine or  
7 emergency medical services or medications or injured during the  
8 commission of a felony or misdemeanor offense and administered any  
9 medical care shall be required to reimburse the sheriff,  
10 municipality or other public entity responsible for the operation of  
11 the jail, the full amount paid by the sheriff, municipality or other  
12 public entity responsible for the operation of the jail for any  
13 medical care or treatment administered to such offender during any  
14 period of incarceration or when the person was actually received  
15 into custody for any reason in that jail facility. The sheriff,  
16 municipality or other public entity responsible for the operation of  
17 the jail may deduct the costs of medical care and treatment as  
18 authorized by Section 531 of Title 19 of the Oklahoma Statutes. If  
19 the funds collected from the jail account of the inmate are  
20 insufficient to satisfy the actual medical costs paid, the sheriff,  
21 municipality or other public entity responsible for the operation of  
22 the jail shall be authorized to collect the remaining balance of the  
23 medical care and treatment by civil actions.

24

1 C. Costs of incarceration shall be a debt of the inmate owed to  
2 the municipality, county, or other public entity responsible for the  
3 operation of the jail and may be collected as provided by law for  
4 collection of any other civil debt or criminal penalty.

5 D. The court shall not waive the costs of incarceration in  
6 their entirety. However, if the court determines that a reduction  
7 in the fine, costs, and costs of incarceration is warranted, the  
8 court shall equally apply the same percentage reduction to the fine,  
9 costs, and costs of incarceration owed by the defendant.

10 SECTION 2. AMENDATORY 22 O.S. 2001, Section 988.12, as  
11 amended by Section 4, Chapter 165, O.S.L. 2002 (22 O.S. Supp. 2007,  
12 Section 988.12), is amended to read as follows:

13 Section 988.12 A. Any person sentenced to a community  
14 punishment pursuant to the provisions of the Oklahoma Community  
15 Sentencing Act shall not be deemed an inmate, nor shall the person  
16 be considered to be in the custody of the Department of Corrections,  
17 nor shall the person require processing through the Lexington  
18 Reception and Assessment Center. Persons sentenced to community  
19 punishment pursuant to the Oklahoma Community Sentencing Act shall  
20 be in community custody within the county.

21 B. Except as otherwise specifically provided by law, persons  
22 sentenced to a community punishment which does not include  
23 incarceration shall not have medical or dental expenses paid by the  
24

1 Department of Corrections or reimbursed by the Community Sentencing  
2 Division.

3 ~~C. In jurisdictions where the local community sentencing system  
4 is receiving state funds, the state will pay all required medical  
5 expenses while a person is incarcerated in the county jail pursuant  
6 to a disciplinary sanction for a community punishment, provided the  
7 state has the obligation to pay for the term of incarceration  
8 pursuant to the provisions of the Oklahoma Community Sentencing Act.  
9 Any community sentenced offender confined pursuant to a disciplinary  
10 sanction who requires extensive medical treatment may be transferred  
11 to the Department of Corrections for appropriate medical treatment  
12 upon order of the court. The community sentenced offender shall be  
13 returned to the local system following the necessary medical  
14 treatment or upon completion of the term of the disciplinary  
15 sanction whichever occurs first.~~

16 SECTION 3. AMENDATORY 22 O.S. 2001, Section 991a-2, is  
17 amended to read as follows:

18 Section 991a-2. A. Any person who has been convicted of a  
19 nonviolent felony offense in this state may be sentenced, at the  
20 discretion of the judge, to incarceration in the county jail for a  
21 period of one or more nights or weekends with the remaining portion  
22 of each week being spent under supervision. County jail  
23 imprisonment pursuant to the provisions of this section for felony  
24 offenders shall be:

1 1. Prescribed by law for the particular felony; or

2 2. A condition of a suspended sentence.

3 B. In addition to incarceration, the court may impose any fine,  
4 cost assessment, or other punishment provision allowed by law;  
5 provided, however, the punishment when taken in its entirety with  
6 the jail term shall not impose a greater punishment than allowed by  
7 law for the offense.

8 C. Any person incarcerated in the county jail pursuant to the  
9 provisions of this section may be assigned work duties as ordered or  
10 approved by the judge. The sentencing court may require a person  
11 incarcerated pursuant to the provisions of this section to pay the  
12 county, for food and maintenance for each day of incarceration, an  
13 amount equal to the maximum amount prescribed by law to be paid by  
14 the county to the sheriff for such expenses. If the judge does not  
15 so order, the Department of Corrections shall reimburse the county  
16 for the cost of feeding and care of the person during such periods  
17 of incarceration.

18 ~~D. The Department of Corrections shall reimburse the county for~~  
19 ~~the actual cost paid for any emergency medical care for physical~~  
20 ~~injury or illness of a person incarcerated hereunder; provided the~~  
21 ~~injury or illness is directly related to the incarceration and the~~  
22 ~~county is required by law to provide such care for inmates in the~~  
23 ~~jail.~~

1       ~~E.~~ Any person incarcerated pursuant to the provisions of this  
2 section shall not be considered to be in the custody of the  
3 Department of Corrections or an inmate of the Department. The  
4 person shall be deemed to be in the custody of the county.

5       ~~F.~~ E. When the court sentences a person to incarceration  
6 pursuant to the provisions of this section in conjunction with a  
7 suspended sentence, the court shall have the authority to revoke any  
8 unserved portion of the suspended sentence as provided by law.

9       ~~G.~~ F. For the purposes of subsection A of this section, weekend  
10 incarceration shall commence at 6 p.m. on Friday and continue until  
11 8 a.m. on the following Monday, and incarceration overnight shall  
12 commence at 6 p.m. on one day and continue until 8 a.m. of the next  
13 day. Provided, that the sentencing judge may modify the  
14 incarceration times if the circumstances of the particular case  
15 require such action. Persons who have been sentenced to  
16 incarceration in the county jail under the provisions of this  
17 section will not have to be processed through the Lexington  
18 Assessment and Reception Center prior to incarceration.

19       SECTION 4.       NEW LAW       A new section of law to be codified  
20 in the Oklahoma Statutes as Section 153.4 of Title 28, unless there  
21 is created a duplication in numbering, reads as follows:

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

1 the jail facility in the county in which the conviction was obtained  
2 shall be authorized to recover a jail booking fee of Eighteen  
3 Dollars (\$18.00). The jail booking fee shall be used to defer any  
4 costs associated with processing the defendant into the jail  
5 facility. The jail booking fee shall not be waived by the court.  
6 The court clerk shall collect the fee amount and may retain five  
7 percent (5%) of such monies to be deposited in the Court Clerk  
8 Revolving Fund to cover administrative costs and shall remit the  
9 remainder to the Sheriff's Service Fee Account of the sheriff or  
10 general fund of the jail trust authority of the county in which the  
11 conviction was obtained.

12 SECTION 5. AMENDATORY 57 O.S. 2001, Section 21, is  
13 amended to read as follows:

14 Section 21. A. Any person who, without authority, brings into  
15 or has in his or her possession in any jail or state penal  
16 institution or other place where prisoners are located, any gun,  
17 knife, bomb or other dangerous instrument, any controlled dangerous  
18 substance as defined by Section 2-101 et seq. of Title 63 of the  
19 Oklahoma Statutes, any intoxicating beverage or low-point beer as  
20 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma  
21 Statutes, money, or financial documents for a person other than the  
22 inmate or a spouse of the inmate, including, but not limited to tax  
23 returns, shall be guilty of a felony and is subject to imprisonment  
24 in the ~~State Penitentiary~~ custody of the Department of Corrections

1 for not less than one (1) year or more than five (5) years, or a  
2 fine of not less than One Hundred Dollars (\$100.00) or more than One  
3 Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

4 B. If an inmate is found to be in possession of any such item,  
5 upon conviction, such inmate shall be guilty of a felony and shall  
6 be subject to imprisonment for not less than five (5) years nor more  
7 than twenty (20) years in the ~~State Penitentiary~~ custody of the  
8 Department of Corrections.

9 C. If the person found to be in possession of any such item  
10 has, prior to the commission of said offense, committed two or more  
11 felony offenses, and said possession of contraband was within ten  
12 (10) years of the completion of the execution of the sentence, such  
13 person, upon conviction, shall be guilty of a felony and shall be  
14 punished by imprisonment in the ~~State Penitentiary~~ custody of the  
15 Department of Corrections for a term of not less than twenty (20)  
16 years. Felony offenses relied upon shall not have arisen out of the  
17 same transaction or occurrence or series of events closely related  
18 in time and location.

19 D. Any person who, without authority, brings into or has in his  
20 or her possession in any jail or state penal institution or other  
21 place where prisoners are located, cigarettes, cigars, snuff,  
22 chewing tobacco, or any other form of tobacco product, or any  
23 cellular phone or electronic device capable of sending or receiving  
24 digital transmissions shall be guilty of a misdemeanor punishable by

1 imprisonment in the county jail not to exceed one (1) year, or a  
2 fine not to exceed Five Hundred Dollars (\$500.00), or both such fine  
3 and imprisonment.

4 SECTION 6. AMENDATORY Section 1, Chapter 231, O.S.L.  
5 2002 (57 O.S. Supp. 2007, Section 22), is amended to read as  
6 follows:

7 Section 22. A. Except as otherwise provided in this section,  
8 any detention officer, deputy sheriff, or other person employed as  
9 jail operations staff by a county, city, or other entity that  
10 operates a jail who receives compensation from any person other than  
11 the sheriff or jail administrator for providing goods, tobacco  
12 products, or services for the benefit of an inmate, upon conviction,  
13 shall be guilty of a misdemeanor if the compensation is an amount of  
14 less than Five Hundred Dollars (\$500.00), punishable by up to six  
15 (6) months in the county jail, or a fine of not more than One  
16 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment  
17 and shall be guilty of a felony if the compensation is an amount of  
18 Five Hundred Dollars (\$500.00) or more, punishable by imprisonment  
19 in the ~~State Penitentiary~~ custody of the Department of Corrections  
20 for not more than two (2) years, or a fine of not more than Five  
21 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

22 B. The provisions of this section shall not apply to any person  
23 operating, or employed by, a vendor facility licensed by the State  
24 Department of Rehabilitation Services pursuant to Sections 71

1 through 78 of Title 7 of the Oklahoma Statutes for purposes of  
2 carrying out the provisions of the Randolph-Sheppard Act, 20  
3 U.S.C.A., Section 107 et seq., or any other duly authorized vendor.

4 SECTION 7. AMENDATORY 57 O.S. 2001, Section 37, as  
5 amended by Section 3, Chapter 239, O.S.L. 2004 (57 O.S. Supp. 2007,  
6 Section 37), is amended to read as follows:

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

13 B. No inmate may be received by a penal facility from a county  
14 jail without first scheduling a transfer with the Department. The  
15 sheriff or court clerk shall transmit by facsimile, electronic mail,  
16 or actual delivery a certified copy of the judgment and sentence  
17 certifying that the inmate is sentenced to the Department of  
18 Corrections. The receipt of the certified copy of the judgment and  
19 sentence shall be certification that the sentencing court has  
20 entered a judgment and sentence and all other necessary commitment  
21 documents. The Department of Corrections is authorized to determine  
22 the appropriate method of delivery from each county based on  
23 electronic or other capabilities. Once the judgment and sentence is  
24 received by the Department of Corrections, the Department shall

1 contact the sheriff when bed space is available to schedule the  
2 transfer and reception of the inmate into the Department.

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

20 D. Once the judgment and sentence is transmitted to the  
21 Department of Corrections, the Department will be responsible for  
22 the cost of housing the inmate in the county jail from the date the  
23 ~~Department receives the transmittal~~ sentence was ordered by the  
24 court until the date of transfer of the inmate from the county jail.

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

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

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

15 SECTION 8. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 38.3 of Title 57, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. As used in this section:

19 1. "Emergency care" means the medical or surgical care  
20 necessary to treat the sudden onset of a potentially life- or limb-  
21 threatening condition or symptom;

22 2. "Dental emergency" means acute problems in the mouth  
23 exhibiting symptoms of pain, swelling, bleeding or elevation of  
24 temperature; and

1           3. "Mental health emergency" means a person exhibiting behavior  
2 due to mental illness that may be an immediate threat to others or  
3 himself or herself that renders the person incapable of caring for  
4 himself or herself.

5           B. The Department of Corrections shall reimburse health care  
6 providers for medical care and treatment for inmates retained in  
7 county jails after a certified copy of a judgment and sentence has  
8 been entered pursuant to the provisions of Section 980 of Title 22  
9 of the Oklahoma Statutes or pursuant to the provisions of Section  
10 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Health care  
11 providers that are in the network established by the Department of  
12 Corrections in conjunction with the State and Education Employees  
13 Group Insurance Board shall be reimbursed according to the fee  
14 schedule established for that network; provided, that reimbursement  
15 will be no less than the fee structure that was in effect January 1,  
16 2007, or the current fee schedule, whichever is greater. Health  
17 care providers that are out-of-network shall be reimbursed according  
18 to the Oklahoma Medicaid Fee Schedule; provided, that reimbursement  
19 shall be no less than the fee structure that was in effect January  
20 1, 2007, or the current fee schedule, whichever is greater. Prior  
21 to obtaining nonemergency care outside the county jail facility,  
22 authorization must be received from the Department of Corrections.  
23 For any emergency care, dental emergency or mental health emergency  
24 care obtained outside the county jail facility, the Department of

1 Corrections must be notified within twenty-four (24) hours. The  
2 Department of Corrections is hereby authorized to reject claims if  
3 proper notification has not been provided.

4 C. The sheriff shall be responsible for providing and paying  
5 for medical, dental and mental health care screening when an inmate  
6 is admitted, routine sick calls within the county jail and access to  
7 on-site physician services as is routinely provided for all inmates  
8 in the custody of the sheriff and as provided by Section 52 of Title  
9 57 of the Oklahoma Statutes.

10 D. The Department of Corrections shall pay the pharmacy  
11 provider for medications provided to inmates retained in county  
12 jails after a certified copy of a judgment and sentence has been  
13 entered pursuant to the provisions of Section 980 of Title 22 of the  
14 Oklahoma Statutes or pursuant to the provisions of Section 988.12 or  
15 991a-2 of Title 22 of the Oklahoma Statutes. If the pharmacy  
16 provider is a Medicaid provider, the pharmacy provider must bill the  
17 Department at Medicaid rates. The county jail shall be responsible  
18 for paying for any medications that are not listed on the Department  
19 of Corrections formulary, unless the county jail receives a written  
20 exception from the Department.

21 E. Dental and mental health care shall be provided through the  
22 designated host facility of the Department of Corrections for  
23 inmates retained in county jails after a certified copy of a  
24 judgment and sentence has been entered pursuant to the provisions of

1 Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the  
2 provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma  
3 Statutes. Each county jail is encouraged to work with local  
4 community mental health centers to provide necessary medications and  
5 emergency services that would be reimbursed pursuant to the  
6 provisions of this subsection.

7 F. The sheriff shall be responsible for transportation and  
8 security of inmates to all outside health care appointments  
9 including host facilities of the Department of Corrections.

10 G. Neither the Department of Corrections nor the sheriff shall  
11 be responsible for the cost of health care while an inmate is on  
12 escape status or for any injury incurred while on escape status.

13 H. The Department of Corrections shall not be responsible for  
14 payment of health care of inmates housed in the county jail under  
15 the following circumstances:

16 1. Prior to entry of a certified judgment and sentence pursuant  
17 to the provisions of Section 980 of Title 22 of the Oklahoma  
18 Statutes;

19 2. When an inmate is detained in the county jail pursuant to a  
20 writ of habeas corpus;

21 3. When an inmate is detained in the county jail for additional  
22 cases pending after a certified copy of the judgment and sentence  
23 has been entered;

24

1 4. When an inmate is detained in the county jail and his or her  
2 status is on hold for another jurisdiction; or

3 5. When an inmate is detained in the county jail and the inmate  
4 is sentenced to county jail time only.

5 SECTION 9. AMENDATORY 57 O.S. 2001, Section 549, as last  
6 amended by Section 8, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2007,  
7 Section 549), is amended to read as follows:

8 Section 549. A. The State Board of Corrections shall have the  
9 following powers and duties with respect to the operation of prison  
10 industries, the Construction Division, and administration of inmate  
11 trust funds:

12 1. The power to make leases or other contracts consistent with  
13 the operation of prison industries, and to set aside land or  
14 facilities for the use of such industry;

15 2. The power to establish conditions for expenditures by the  
16 Department of Corrections from the Industries Revolving Fund;

17 3. The power to negotiate wages and working conditions on  
18 behalf of prisoners working in prison industries or prisoners  
19 working in the Construction Division. Pay grades for the  
20 Construction Division "on-the-job training" inmate crews shall be as  
21 follows:

- 22 a. Pay Grade "A" - Inmate Worker,
- 23 b. Pay Grade "B" - Inmate Worker,
- 24 c. Pay Grade "C" - Apprentice, and

1           d.    Pay Grade "D" - Skilled Craft;

2           4.    The power to collect wages ~~and other receipted funds~~ on  
3 behalf of the inmate, to apportion inmate wages ~~and funds~~ in  
4 accordance with the law; and the duty to preserve those wages ~~and~~  
5 ~~funds~~ reserved for the inmate in an account for his or her benefit,  
6 and to establish procedures by which the inmate can draw funds from  
7 this account under the conditions and limitations and for the  
8 purposes allowed by law;

9           5.    The duty to establish the percentages of such wages ~~and~~  
10 ~~other receipted funds~~ which shall be available for apportionment to  
11 ~~inmate savings, to~~ the inmate for his or her personal use; to the  
12 lawful dependents of the inmate, if any; to the victim of the  
13 inmate's crime; for payment of creditors; for payment of costs and  
14 expenses for criminal actions against such inmate; and to the  
15 Department of Corrections for costs of incarceration.  Provided,  
16 that not less than twenty percent (20%) of such wages and funds  
17 shall be placed in an account, ~~and shall be~~ payable to the prisoner  
18 upon his or her discharge.  Funds from this account may be used by  
19 the inmate for fees or costs in filing a civil or criminal action as  
20 defined in Section 151 et seq. of Title 28 of the Oklahoma Statutes  
21 or for federal action as defined in Section 1911 et seq. of Title 28  
22 of the United States Code, ~~28 U.S.C., Section 1911 et seq.~~; and

23           6.    The Effective July 1, 2009, the duty to collect funds on  
24 behalf of the inmate from outside sources and to establish a

1 percentage of such funds for the inmate's savings account; provided,  
2 however, inmates serving a sentence of death or life without parole  
3 shall not be required to have a savings account, and such inmates  
4 may use funds received from outside sources under the conditions and  
5 limitations set by the Department and for purposes allowed by law  
6 for expenditure of inmate trust accounts. The Department shall  
7 withhold ten percent (10%) of all funds received on behalf of the  
8 inmate from outside sources and shall deposit such funds in a  
9 special interest-bearing account established by the State Treasurer  
10 for the benefit of participating inmates in the custody of the  
11 Department. The State Treasurer shall apportion interest accruing  
12 to the account to the Department for distribution to individual  
13 inmate savings accounts based on the account's average monthly  
14 balance, and each participating inmate shall receive his or her  
15 savings account balance with interest upon discharge; and

16 7. Except for funds held as provided in paragraph 6 of this  
17 subsection, the power to invest funds held by the Department of  
18 ~~Corrections~~ on behalf of each inmate in an interest-bearing account  
19 with the interest accruing and payable to the Crime Victims  
20 Compensation Fund, as provided in Section 142.17 of Title 21 of the  
21 Oklahoma Statutes. The interest from each inmate's savings account  
22 established pursuant to paragraph 5 of this subsection shall be  
23 payable to the Crime Victims Compensation Fund, at such intervals as  
24 may be determined by the Board, in addition to any other payments to

1 such fund required by the inmate's sentence or otherwise by law. An  
2 inmate shall not have the right, use or control of any interest  
3 derived from any funds placed in a mandatory savings account.

4 B. The Except for funds held as provided in paragraph 6 of  
5 subsection A of this section, the State Board of Corrections shall  
6 cause to be placed in an account income from the inmate's employment  
7 and any other income or benefits accruing to or payable to and for  
8 the benefit of ~~said~~ the inmate, including any workers' compensation  
9 or Social Security benefits.

10 1. From this account, the ~~State Board of Corrections~~ may charge  
11 for costs of incarceration any inmate working in private prison  
12 industries or any other inmate for costs of incarceration not to  
13 exceed fifty percent (50%) of any deposits made to ~~said~~ the account,  
14 unless ~~said~~ the deposits were from a workers' compensation benefit.

15 2. From this account, ~~the State Board of Corrections~~ may charge  
16 any inmate for costs of incarceration, an amount equivalent to one  
17 hundred percent (100%) of any deposits from a workers' compensation  
18 benefit to ~~said~~ the account.

19 3. ~~The Department of Corrections~~ shall pay into the Crime  
20 Victims Compensation Revolving Fund, Section 142.17 of Title 21 of  
21 the Oklahoma Statutes, an amount equal to five percent (5%) of the  
22 gross wages earned by inmates working in a private prison industries  
23 program, ~~said~~ such amount to be paid from the amount deducted for  
24 cost of incarceration.

1 4. Withdrawals and deposits shall be made according to rules  
2 and regulations established by the State Board of ~~Corrections~~.

3 C. The Department of ~~Corrections~~ may assess costs of  
4 incarceration against all inmates beginning on September 1, 1992.  
5 Such costs shall be a debt of the inmate owed to the Department of  
6 ~~Corrections~~ and may be collected as provided by law for collection  
7 of any other civil debt. In addition to the provisions of this  
8 section authorizing expenditure of inmate trust funds for costs of  
9 incarceration, any monies received for costs of incarceration shall  
10 be deposited in the Department of Corrections Revolving Fund.

11 SECTION 10. AMENDATORY 63 O.S. 2001, Section 1-523, is  
12 amended to read as follows:

13 Section 1-523. A. 1. Any and all institutions in this state,  
14 whether penal or eleemosynary, public or private, and free or for  
15 pay, shall make, and preserve for a period of at least one (1) year,  
16 a record showing the name, age, sex, race, nationality and place of  
17 residence of any infected inmate of such institution who may come to  
18 their knowledge.

19 2. The institution shall make available such record at all  
20 reasonable hours for inspection by the State Commissioner of Health  
21 or the local health officer.

22 3. Such institutions shall further furnish a physician and all  
23 proper medicines, instruments and apparatus for the proper treatment  
24 of such infected inmate.

1 B. Each institution and each Department of Corrections district  
2 office, and each county or municipal jail shall notify their  
3 correctional officers, probation and parole officers, and any  
4 jailor, or other employee or any employee of the Pardon and Parole  
5 Board, who has or will have direct contact with an inmate, when such  
6 inmate is infected with the human immunodeficiency virus (HIV) or  
7 has the Acquired Immune Deficiency Syndrome (AIDS) disease.

8 C. 1. If an officer or employee of the State of Oklahoma, or  
9 any other person comes into contact with the bodily fluids of an  
10 inmate in a state correctional facility, the Director of the  
11 Department of Corrections or designee, under such rules as the  
12 Director shall promulgate to carry out the provisions of this  
13 section, shall cause such inmate to be tested for such disease, if  
14 no prior record of the existence of such disease exists. If an  
15 officer or employee of a county jail, or any other person, comes  
16 into contact with the bodily fluids of an inmate in a county jail,  
17 the sheriff or designee, under policies the sheriff shall promulgate  
18 to carry out the provisions of this section, shall cause the inmate  
19 to be tested for such disease, if no prior record of the existence  
20 of such disease exists.

21 2. The Director or designee shall promptly communicate in  
22 writing the results of the test to the person so exposed and refer  
23 the employee to the Department of Correction's Employee Assistance  
24 Program for appropriate referrals for counseling, health care, and

1 support services for the person so exposed. If the exposure occurs  
2 within a county jail, the sheriff or designee shall promptly  
3 communicate in writing the results of the test to the person so  
4 exposed and refer the employee to the employee assistance program of  
5 the county for appropriate referrals for counseling, health care,  
6 and support services for the person so exposed.

7 3. As used in this section, the term "serious transmissible  
8 disease" means the Human Immunodeficiency Virus (HIV) and hepatitis.

9 SECTION 11. Section 7 of this act shall become effective July  
10 1, 2008.

11 SECTION 12. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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