

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1983

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to counties and county officers;  
8 amending 19 O.S. 2001, Section 516, as amended by  
9 Section 1, Chapter 71, O.S.L. 2006 (19 O.S. Supp.  
10 2007, Section 516), which relates to the duty and  
11 powers as a peace officer; specifying that the  
12 sheriff be the chief law enforcement officer of the  
13 county; authorizing certain persons to recover  
14 certain fees for certain persons; setting fee;  
15 requiring receipt; authorizing certain deduction in  
16 certain circumstances; providing for deposit of fee  
17 into certain accounts; authorizing reimbursement of  
18 fee in certain circumstances; setting time limit for  
19 reimbursement; providing for appeal; and providing an  
20 effective date.

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

22 SECTION 1. AMENDATORY 19 O.S. 2001, Section 516, as  
23 amended by Section 1, Chapter 71, O.S.L. 2006 (19 O.S. Supp. 2007,  
24 Section 516), is amended to read as follows:

25 Section 516. A. It shall be the duty of the sheriff, who is  
26 the chief law enforcement officer of the county, undersheriffs and  
27 deputies to keep and preserve the peace of their respective  
28 counties, and to quiet and suppress all affrays, riots and unlawful

1 assemblies and insurrections, for which purpose and for the service  
2 of process in civil and criminal cases, and in apprehending or  
3 securing any person for felony or breach of the peace, they and  
4 every constable may call to their aid such person or persons of  
5 their county as they may deem necessary.

6 B. The sheriff, in addition to the duties pursuant to  
7 subsection A of this section, shall coordinate and administer  
8 courthouse security.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 531.1 of Title 19, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. Every sheriff, private proprietor and jail trust authority  
13 responsible for operating a jail for the purpose of housing  
14 prisoners, in their respective jurisdiction, shall be authorized to  
15 recover a fee of up to Twenty Dollars (\$20.00) for each prisoner  
16 that is incarcerated in their facility. The fee may be recovered  
17 from only those prisoners that have been arrested on a municipal,  
18 state or federal charge in which the arresting officer has  
19 established probable cause or by authority of a valid arrest  
20 warrant.

21 B. The fee, of up to Twenty Dollars (\$20.00), shall be an  
22 administrative processing and incarceration fee and imposed up on  
23 the arrestee for the purpose of offsetting the cost for processing  
24 the arrestee into the jail facility. This fee will be in addition

1 to any other fees the arrestee may be subject to under authorization  
2 of Oklahoma Statutes.

3 C. The fee, up to Twenty Dollars (\$20.00), may be deducted  
4 directly from the prisoners account upon admittance into the jail  
5 facility. If the jail facility does not have computerized prisoner  
6 accounting then the fee, up to Twenty Dollars (\$20.00), may be taken  
7 from the prisoner's property. The prisoner should immediately, upon  
8 deduction of the processing and incarceration fee from the  
9 prisoner's account or property, be issued a receipt by the proper  
10 authority.

11 D. In the event that the prisoner does not pay the  
12 administrative processing and incarceration fee prior to release,  
13 and there are not sufficient funds in the inmate's account, a  
14 negative balance will reflect the amount owed and this amount may be  
15 deducted when deposits are made to the prisoner's account, either  
16 during the inmate's incarceration or upon a subsequent arrest and  
17 incarceration.

18 E. The fee, up to Twenty Dollars (\$20.00), shall be deposited  
19 directly into the sheriff's fee account if the county sheriff is the  
20 operator of the jail facility. If the jail is operated by a private  
21 proprietor or jail trust authority then the fee shall be deposited  
22 into the general operations account.

23 F. If a prisoner has paid any part of the administrative  
24 processing and incarceration fee, and the case that served as the

1 basis for the incarceration process is subsequently dismissed, in  
2 its entirety, with prejudice by the court with no stipulation of  
3 probable cause, the prisoner may receive a refund of the fee. The  
4 prisoner shall submit a written request to the facilities accounting  
5 department requesting a refund of fees. It is the sole  
6 responsibility of the prisoner to provide the documentation  
7 supporting the refund request including a copy of any applicable  
8 court documents showing the prisoner was acquitted or the charges  
9 were dismissed. Any former prisoner that was billed in error may  
10 receive a full refund of the fees.

11 F. If the operator of any facility fails or refuses to issue a  
12 refund of the administrative processing and incarceration fee within  
13 fifteen (15) days of receiving a written request, the prisoner has  
14 the right to appeal the denial by submitting a written request for a  
15 hearing with the governing body that appropriates the budget for the  
16 operator of the jail facility.

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

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