

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 2041

By: Sykes of the Senate

and

6 Johnson of the House

7
8 COMMITTEE SUBSTITUTE

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10 An Act relating to crimes and punishments; amending
11 21 O.S. 2001, Section 533, as last amended by Section
12 1, Chapter 470, O.S.L. 2005 (21 O.S. Supp. 2009,
13 Section 533), which relates to refusing to receive
14 prisoners; requiring payment of emergency medical
15 care costs by persons under certain circumstances;
16 assigning responsibility of emergency medical costs
17 to certain persons; and providing an effective date.

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

19 SECTION 1. AMENDATORY 21 O.S. 2001, Section 533, as last
20 amended by Section 1, Chapter 470, O.S.L. 2005 (21 O.S. Supp. 2009,
21 Section 533), is amended to read as follows:

22 Section 533. A. Except as provided in this section and Section
23 979a of Title 22 of the Oklahoma Statutes, for emergency medical
24 treatment for an injury or condition that threatens life or
threatens the loss or use of a limb, any peace officer or jail or
prison contractor who, in violation of a duty imposed upon the

1 officer or contractor by law or by contract to receive into custody
2 any person as a prisoner, willfully neglects or refuses so to
3 receive such person into custody is guilty of a misdemeanor.

4 B. Except as provided in this section and Section 979a of Title
5 22 of the Oklahoma Statutes, for emergency medical treatment for an
6 injury or condition that threatens life or threatens the loss or use
7 of a limb, any peace officer or jail or prison contractor who, in
8 violation of a duty imposed upon the officer or contractor by law or
9 by contract to fingerprint any person received into custody as a
10 prisoner, willfully neglects or refuses so to fingerprint such
11 person is guilty of a misdemeanor.

12 C. Any person coming into contact with a peace officer prior to
13 being actually received into custody at a jail facility or holding
14 facility, including, but not limited to, during the time of any
15 arrest, detention, transportation, investigation of any incident,
16 accident or crime, who needs emergency medical treatment for an
17 injury or condition that threatens life or threatens the loss or use
18 of a limb, shall be taken directly to a medical facility or hospital
19 for such emergency medical care notwithstanding any duty imposed
20 pursuant to this section or any other provision of law to first take
21 such person into custody or to fingerprint such person. The
22 responsibility for payment of such emergency medical costs shall be
23 the sole responsibility of the person coming into the officer's
24 contact and shall not be the responsibility of any jail, law

1 enforcement agency, jail or prison contractor, sheriff, peace
2 officer, municipality or county, except when the condition is a
3 direct result of injury caused by such officer acting outside the
4 scope of lawful authority.

5 D. Any person who intentionally injures himself or herself
6 after being actually received into custody at a jail or holding
7 facility, whether an arrestee or not, shall pay for the costs
8 associated with any emergency medical care that such injury
9 requires. The responsibility for payment for emergency medical
10 costs as a result of such injury shall be the sole responsibility of
11 the person and shall not be the responsibility of any jail, law
12 enforcement agency, jail or prison contractor, sheriff, peace
13 officer, municipality or county.

14 SECTION 2. This act shall become effective November 1, 2010.

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