

THE HOUSE OF REPRESENTATIVES
Monday, March 29, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2041

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2041 - By: SYKES
of the Senate and JOHNSON of the House.

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

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

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

4 Section 533. A. Except as provided in this section and Section 979a of Title 22 of
5 the Oklahoma Statutes, for emergency medical treatment for an injury or condition that
6 threatens life or threatens the loss or use of a limb, any peace officer or jail or prison
7 contractor who, in violation of a duty imposed upon the officer or contractor by law or by
8 contract to receive into custody any person as a prisoner, willfully neglects or refuses so
9 to receive such person into custody is guilty of a misdemeanor.

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

7 C. Any person coming into contact with a peace officer prior to being actually
8 received into custody at a jail facility or holding facility, including, but not limited to,
9 during the time of any arrest, detention, transportation, investigation of any incident,
10 accident or crime, who needs emergency medical treatment for an injury or condition
11 that threatens life or threatens the loss or use of a limb, shall be taken directly to a
12 medical facility or hospital for such emergency medical care notwithstanding any duty
13 imposed pursuant to this section or any other provision of law to first take such person
14 into custody or to fingerprint such person. The responsibility for payment of such
15 emergency medical costs shall be the sole responsibility of the person coming into the
16 officer's contact and shall not be the responsibility of any jail, law enforcement agency,
17 jail or prison contractor, sheriff, peace officer, municipality or county, except when the
18 condition is a direct result of injury caused by such officer acting outside the scope of
19 lawful authority.

20 D. Any person who intentionally injures himself or herself after being actually
21 received into custody at a jail or holding facility, whether an arrestee or not, shall pay for
22 the costs associated with any emergency medical care that such injury requires. The

1 responsibility for payment for emergency medical costs as a result of such injury shall be
2 the sole responsibility of the person and shall not be the responsibility of any jail, law
3 enforcement agency, jail or prison contractor, sheriff, peace officer, municipality or
4 county.

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

6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03-25-10 - DO
7 PASS, As Amended.