

3 Senate Bill No. 2041

4 SENATE BILL NO. 2041 - By: Sykes of the Senate and Johnson of the  
5 House.

6 An Act relating to crimes and punishments; amending 21 O.S.  
7 2001, Section 533, as last amended by Section 1, Chapter  
8 470, O.S.L. 2005 (21 O.S. Supp. 2009, Section 533), which  
9 relates to refusing to receive prisoners; requiring certain  
10 person to pay costs for certain medical care; and providing  
11 an effective date.

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

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

16 Section 533. A. Except as provided in this section and Section  
17 979a of Title 22 of the Oklahoma Statutes, for emergency medical  
18 treatment for an injury or condition that threatens life or  
19 threatens the loss or use of a limb, any peace officer or jail or  
20 prison contractor who, in violation of a duty imposed upon the  
21 officer or contractor by law or by contract to receive into custody  
22 any person as a prisoner, willfully neglects or refuses so to  
23 receive such person into custody is guilty of a misdemeanor.

24 B. Except as provided in this section and Section 979a of Title  
25 22 of the Oklahoma Statutes, for emergency medical treatment for an  
26 injury or condition that threatens life or threatens the loss or use

1 of a limb, any peace officer or jail or prison contractor who, in  
2 violation of a duty imposed upon the officer or contractor by law or  
3 by contract to fingerprint any person received into custody as a  
4 prisoner, willfully neglects or refuses so to fingerprint such  
5 person is guilty of a misdemeanor.

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

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

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

11        COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-9-10 - DO PASS,  
12        As Coauthored.