

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2922

By: Trebilcock

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5  
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2001, Section 37, as last amended by  
9 Section 7, Chapter 366, O.S.L. 2008 (57 O.S. Supp.  
10 2009, Section 37), which relates to capacity of  
11 correctional facilities; clarifying inmate capacity  
12 notification process; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2001, Section 37, as last  
16 amended by Section 7, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2009,  
17 Section 37), is amended to read as follows:

18 Section 37. A. If all correctional facilities reach maximum  
19 capacity and the Department of Corrections is required to contract  
20 for bed space to house state inmates, then the Pardon and Parole  
21 Board shall consider all nonviolent offenders for parole who are  
22 within six (6) months of their scheduled release from a penal  
23 facility.  
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1 B. No inmate may be received by a penal facility from a county  
2 jail without first scheduling a transfer with the Department. The  
3 sheriff or court clerk shall transmit by facsimile, electronic mail,  
4 or actual delivery a certified copy of the judgment and sentence  
5 certifying that the inmate is sentenced to the Department of  
6 Corrections. The receipt of the certified copy of the judgment and  
7 sentence shall be certification that the sentencing court has  
8 entered a judgment and sentence and all other necessary commitment  
9 documents. The Department of Corrections is authorized to determine  
10 the appropriate method of delivery from each county based on  
11 electronic or other capabilities. Once the judgment and sentence is  
12 received by the Department of Corrections, the Department shall  
13 contact the sheriff when bed space is available to schedule the  
14 transfer and reception of the inmate into the Department.

15 C. When a county jail has reached its capacity of inmates as  
16 defined in Section 192 of Title 74 of the Oklahoma Statutes and as  
17 prescribed by the standards of the State Department of Health, then  
18 the county sheriff shall notify the Director of the Oklahoma  
19 Department of Corrections, or the Director's designated  
20 representative, by facsimile, electronic mail, or actual delivery,  
21 that the county jail has reached or exceeded its capacity to hold  
22 inmates. The notification shall include copies of any judgment and  
23 sentences not previously delivered as required by subsection B of  
24 this section. Then within seventy-two (72) hours following such

1 notification, the county sheriff shall transport the designated  
2 excess inmate or inmates to a penal facility designated by the  
3 Department. The sheriff shall notify the Department of the  
4 transport of the inmate prior to the reception of the inmate. The  
5 Department shall schedule the reception date and receive the inmate  
6 within seventy-two (72) hours of notification that the county jail  
7 is at capacity, unless other arrangements can be made with the  
8 sheriff.

9 D. Once the judgment and sentence is transmitted to the  
10 Department of Corrections, the Department will be responsible for  
11 the cost of housing the inmate in the county jail from the date the  
12 sentence was ordered by the court until the date of transfer of the  
13 inmate from the county jail. The cost of housing shall be the per  
14 diem rate specified in Section 38 of this title. In the event the  
15 inmate has other criminal charges pending in another Oklahoma  
16 jurisdiction the Department shall be responsible for the housing  
17 costs while the inmate remains in the county jail awaiting transfer  
18 to another jurisdiction. Once the inmate is transferred to another  
19 jurisdiction, the Department is not responsible for the housing cost  
20 of the inmate until such time that another judgment and sentence is  
21 received from another Oklahoma jurisdiction. The sheriff shall be  
22 reimbursed by the Department for the cost of housing the inmate in  
23 one of two ways:

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1        1. The sheriff may submit invoices for the cost of housing the  
2 inmate on a monthly basis; or

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

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

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7        52-2-8498        GRS        12/30/09

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