

1 ENGROSSED SENATE  
2 BILL NO. 872

By: Sykes of the Senate

3 and

4 Johnson of the House

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6  
7 An Act relating to emergency medical costs; amending  
8 21 O.S. 2001, Section 533, as last amended by Section  
9 1, Chapter 470, O.S.L. 2005 (21 O.S. Supp. 2010,  
10 Section 533), which relates to refusing to receive  
11 prisoners; requiring certain person to pay costs for  
12 certain medical care; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 533, as last  
16 amended by Section 1, Chapter 470, O.S.L. 2005 (21 O.S. Supp. 2010,  
17 Section 533), is amended to read as follows:

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

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

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

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1 direct result of injury caused by such officer acting outside the  
2 scope of lawful authority.

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

12 SECTION 2. This act shall become effective November 1, 2011.

13 Passed the Senate the 15th day of March, 2011.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

18 2011.

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Presiding Officer of the House  
of Representatives

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