

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1437

By: Cox

4
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 2010, Section 37), which relates to capacity of
11 correctional facilities; giving sheriffs the sole
12 discretion to determine inmate transfers; and
13 providing an effective 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. 2010,
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.

24 B. No inmate may be received by a penal facility from a county
jail without first scheduling a transfer with the Department. The

1 sheriff or court clerk shall transmit by facsimile, electronic mail,
2 or actual delivery a certified copy of the judgment and sentence
3 certifying that the inmate is sentenced to the Department of
4 Corrections. The receipt of the certified copy of the judgment and
5 sentence shall be certification that the sentencing court has
6 entered a judgment and sentence and all other necessary commitment
7 documents. The Department of Corrections is authorized to determine
8 the appropriate method of delivery from each county based on
9 electronic or other capabilities. Once the judgment and sentence is
10 received by the Department of Corrections, the Department shall
11 contact the sheriff when bed space is available to schedule the
12 transfer and reception of the inmate into the Department. The
13 sheriff shall have the sole discretion to determine the order and
14 manner in which an inmate shall be transferred from the county jail
15 to the custody of the Department of Corrections.

16 C. When a county jail has reached its capacity of inmates as
17 defined in Section 192 of Title 74 of the Oklahoma Statutes, 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:

24

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, 2011.

6

7 53-1-5431 GRS 01/14/11

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24