

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1737 By: Crain of the Senate
3 and
4 Biggs of the House
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7 [city and county jails - inspections and standards -
8 effective date]
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10 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
11 entire bill and insert

12 "An Act relating to city and county jails; amending
13 74 O.S. 2011, Section 192, which relates to
14 inspections and standards of city and county jails;
15 modifying certain standard; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 74 O.S. 2011, Section 192, is
19 amended to read as follows:

20 Section 192. A. The State Department of Health shall inspect
21 at least once each year all city and county jails to ensure
22 compliance with the standards promulgated pursuant to the provisions
23 of this section. The standards shall provide provision for:

24 1. Uniform admission and release procedures;

1 2. Uniform, safe, and sensible security measures;
2 3. Proper, fit, and sanitary conditions;
3 4. Inmates to be fed a wholesome and adequate diet;
4 5. Inmates to have adequate clothing and a living area of no
5 ~~less than forty (40) square feet of floor space per inmate plus~~
6 ~~twenty (20) square feet of floor space in such living area per each~~
7 ~~additional inmate in existing facilities, and no less than sixty~~
8 ~~(60) square feet of floor space per cell for two prisoners in~~
9 ~~facilities constructed after November 1, 1985. Nothing in this~~
10 ~~section shall be construed to prohibit double-celling of prisoners,~~
11 ~~provided there exists no less than forty (40) square feet per~~
12 ~~initial inmate plus twenty (20) square feet for each additional~~
13 ~~prisoner. In every barracks-style housing area the square footage~~
14 ~~shall meet the minimum requirements provided in this section useable~~
15 ~~bed as determined by the American Correctional Association~~
16 Standards. Such facility shall have showers with hot and cold
17 running water, toilets, and water basins provided in the ratio of
18 not less than one to every twenty prisoners. Counties may build
19 barracks-style jails, single or double cell, to meet the security
20 needs of the county for minimum security prisoners. These jails
21 shall meet all the minimum requirements set forth in this section or
22 any other provision of law. Except as otherwise provided in this
23 section, all facilities under this section shall have showers with
24 hot and cold running water, toilets and water basins provided in the

1 ratio of not less than one to every twenty prisoners. Counties may
2 also build tent jails, which shall be temporary in nature, to meet
3 the security needs of the county for minimum security prisoners.
4 The temporary tent jails shall not be required to meet the minimum
5 requirements set forth in this section or any other provision of
6 law. The State Board of Health shall promulgate minimum standards
7 for temporary tent jails, which standards shall be designed to
8 specifically address and take into consideration the temporary
9 status of the inmate housing needs of the county;

10 6. Inmates to be properly advised of rules of the facility in
11 which they are detained;

12 7. Staff members to receive training in order to assist them in
13 performing their assigned tasks, such training to be provided by the
14 Jail Inspection Division of the State Department of Health. All
15 employees who work in direct contact with inmates after the first
16 year of employment shall receive, at a minimum, four (4) hours'
17 review of material as required by the Jail Inspection Division and
18 at a maximum, eight (8) hours of jailer training per year after the
19 first year of employment;

20 8. Proper steps to be taken to ensure the safety and
21 segregation of women, the infirm, and minors;

22 9. Adequate medical care, provided such medical care shall be
23 limited to illnesses or injuries incurred during the time beginning
24 with the arrest and throughout the time of incarceration. This

1 shall not prevent an inmate from applying for assistance and
2 receiving assistance, provided the inmate meets or exceeds
3 established requirements;

4 10. No person to be confined without twenty-four-hour
5 supervision; and

6 11. At least one designated exit in the facility that will
7 permit prompt evacuation of inmates and staff in an emergency. A
8 facility in existence on November 1, 1985, shall not be required to
9 construct additional exits if it has one exit which is deemed
10 adequate by the State Fire Marshal.

11 In the event such inspection shall reveal to the State
12 Department of Health the commission of a crime or crimes incidental
13 to the operations of a city or county jail facility, it shall be the
14 duty of the Department to initiate a complaint with the appropriate
15 district attorney, and to cooperate in the prosecution of the
16 alleged offender in the event an information is filed pursuant to
17 such complaint.

18 B. Any county, city, or town may operate a holding facility for
19 the incarceration of persons under arrest who are to be charged with
20 a crime, which holding facility shall not be required to meet the
21 standards established in this section for jails, as long as no
22 person is held therein for a period longer than twelve (12) hours
23 and as long as an employee of the county, city, or town is available
24 to render aid to or to release any person so confined in the event

1 aid or release is required because of a health or life-endangering
2 emergency.

3 C. Notwithstanding any other provision of law or rule, any
4 county or municipality that operates a jail facility which houses
5 forty or fewer prisoners at all times which:

6 1. Provides twenty-four-hour supervision of prisoner activity
7 that is conducted either by direct observation or electronically by
8 closed-circuit television; and

9 2. Provides an intercommunication system that terminates in a
10 location that is staffed twenty-four (24) hours a day and is capable
11 of providing an emergency response,
12 shall not be required to have more than one jailer or dispatcher on-
13 site to provide for the security, custody, and supervision of
14 prisoners.

15 D. Any county or municipality that operates a jail facility
16 which houses more than forty and less than seventy-five prisoners at
17 all times which:

18 1. Provides twenty-four-hour supervision of prisoner activity
19 that is conducted either by direct observation or electronically by
20 closed-circuit television; and

21 2. Provides an intercommunication system that terminates in a
22 location that is staffed twenty-four (24) hours a day and is capable
23 of providing an emergency response,
24

1 shall be required to have more than one jailer or one jailer and at
2 least one other basic CLEET-certified person on the same premises as
3 the jail facility to provide for the security, custody, and
4 supervision of prisoners.

5 Within ninety (90) days after June 9, 1994, the State Board of
6 Health shall promulgate new rules governing square footage
7 requirements, double-celling of prisoners and the ratio of showers,
8 toilets, and water basins to prisoners. The rules so promulgated
9 shall be governed by the guidelines enumerated in this section, and
10 shall be designed to carry out the intent and purpose of the
11 guidelines. Each city or county jail facility in this state shall
12 be in compliance with the rules so promulgated on or before January
13 1, 1995.

14 E. The State Department of Health shall employ inspectors and
15 other personnel as necessary and specifically authorized by the
16 Legislature in order to carry out the provisions of this section and
17 may rent or purchase premises or equipment in order to assist
18 inspectors in the performance of their functions.

19 SECTION 2. This act shall become effective November 1, 2014."
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1 ENGROSSED SENATE
2 BILL NO. 1737

By: Crain of the Senate

3 and

4 Biggs of the House

5
6 [city and county jails - inspections and standards -
7 effective date]
8

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

10 SECTION 3. AMENDATORY 74 O.S. 2011, Section 192, is
11 amended to read as follows:

12 Section 192. A. The State Department of Health shall inspect
13 at least once each year all city and county jails to ensure
14 compliance with the standards promulgated pursuant to the provisions
15 of this section. The standards shall provide provision for:

- 16 1. Uniform admission and release procedures;
- 17 2. Uniform, safe, and sensible security measures;
- 18 3. Proper, fit, and sanitary conditions;
- 19 4. Inmates to be fed a wholesome and adequate diet;
- 20 5. Inmates to have adequate clothing and a ~~living area of no~~
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22 ~~twenty (20) square feet of floor space in such living area per each~~
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10 not less than one to every twenty prisoners. Counties may build
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12 needs of the county for minimum security prisoners. These jails
13 shall meet all the minimum requirements set forth in this section or
14 any other provision of law. Except as otherwise provided in this
15 section, all facilities under this section shall have showers with
16 hot and cold running water, toilets and water basins provided in the
17 ratio of not less than one to every twenty prisoners. Counties may
18 also build tent jails, which shall be temporary in nature, to meet
19 the security needs of the county for minimum security prisoners.
20 The temporary tent jails shall not be required to meet the minimum
21 requirements set forth in this section or any other provision of
22 law. The State Board of Health shall promulgate minimum standards
23 for temporary tent jails, which standards shall be designed to

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1 specifically address and take into consideration the temporary
2 status of the inmate housing needs of the county;

3 6. Inmates to be properly advised of rules of the facility in
4 which they are detained;

5 7. Staff members to receive training in order to assist them in
6 performing their assigned tasks, such training to be provided by the
7 Jail Inspection Division of the State Department of Health. All
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9 year of employment shall receive, at a minimum, four (4) hours'
10 review of material as required by the Jail Inspection Division and
11 at a maximum, eight (8) hours of jailer training per year after the
12 first year of employment;

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14 segregation of women, the infirm, and minors;

15 9. Adequate medical care, provided such medical care shall be
16 limited to illnesses or injuries incurred during the time beginning
17 with the arrest and throughout the time of incarceration. This
18 shall not prevent an inmate from applying for assistance and
19 receiving assistance, provided the inmate meets or exceeds
20 established requirements;

21 10. No person to be confined without twenty-four-hour
22 supervision; and

23 11. At least one designated exit in the facility that will
24 permit prompt evacuation of inmates and staff in an emergency. A

1 facility in existence on November 1, 1985, shall not be required to
2 construct additional exits if it has one exit which is deemed
3 adequate by the State Fire Marshal.

4 In the event such inspection shall reveal to the State
5 Department of Health the commission of a crime or crimes incidental
6 to the operations of a city or county jail facility, it shall be the
7 duty of the Department to initiate a complaint with the appropriate
8 district attorney, and to cooperate in the prosecution of the
9 alleged offender in the event an information is filed pursuant to
10 such complaint.

11 B. Any county, city, or town may operate a holding facility for
12 the incarceration of persons under arrest who are to be charged with
13 a crime, which holding facility shall not be required to meet the
14 standards established in this section for jails, as long as no
15 person is held therein for a period longer than twelve (12) hours
16 and as long as an employee of the county, city, or town is available
17 to render aid to or to release any person so confined in the event
18 aid or release is required because of a health or life-endangering
19 emergency.

20 C. Notwithstanding any other provision of law or rule, any
21 county or municipality that operates a jail facility which houses
22 forty or fewer prisoners at all times which:
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1 1. Provides twenty-four-hour supervision of prisoner activity
2 that is conducted either by direct observation or electronically by
3 closed-circuit television; and

4 2. Provides an intercommunication system that terminates in a
5 location that is staffed twenty-four (24) hours a day and is capable
6 of providing an emergency response,
7 shall not be required to have more than one jailer or dispatcher on-
8 site to provide for the security, custody, and supervision of
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11 which houses more than forty and less than seventy-five prisoners at
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14 that is conducted either by direct observation or electronically by
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22 supervision of prisoners.

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24 Health shall promulgate new rules governing square footage

1 requirements, double-celling of prisoners and the ratio of showers,
2 toilets, and water basins to prisoners. The rules so promulgated
3 shall be governed by the guidelines enumerated in this section, and
4 shall be designed to carry out the intent and purpose of the
5 guidelines. Each city or county jail facility in this state shall
6 be in compliance with the rules so promulgated on or before January
7 1, 1995.

8 E. The State Department of Health shall employ inspectors and
9 other personnel as necessary and specifically authorized by the
10 Legislature in order to carry out the provisions of this section and
11 may rent or purchase premises or equipment in order to assist
12 inspectors in the performance of their functions.

13 SECTION 4. This act shall become effective November 1, 2014.

14 Passed the Senate the 10th day of March, 2014.

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16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2014.

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21 _____
22 Presiding Officer of the House
23 of Representatives
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