

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1737

By: Crain of the Senate

and

Biggs of the House

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10 COMMITTEE SUBSTITUTE

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

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

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

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

- 23 1. Uniform admission and release procedures;
24 2. Uniform, safe, and sensible security measures;

1 3. Proper, fit, and sanitary conditions;

2 4. Inmates to be fed a wholesome and adequate diet;

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

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

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

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

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

21 9. Adequate medical care, provided such medical care shall be
22 limited to illnesses or injuries incurred during the time beginning
23 with the arrest and throughout the time of incarceration. This
24 shall not prevent an inmate from applying for assistance and

1 receiving assistance, provided the inmate meets or exceeds
2 established requirements;

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

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

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

17 B. Any county, city, or town may operate a holding facility for
18 the incarceration of persons under arrest who are to be charged with
19 a crime, which holding facility shall not be required to meet the
20 standards established in this section for jails, as long as no
21 person is held therein for a period longer than twelve (12) hours
22 and as long as an employee of the county, city, or town is available
23 to render aid to or to release any person so confined in the event
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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,
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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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21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/02/2014 -
22 DO PASS, As Amended.

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