

1 **SENATE FLOOR VERSION**

2 April 9, 2014

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2804

6 By: Biggs and Jackson of the
7 House

8 and

9 Justice of the Senate

10 [prisons and reformatories - jail reimbursement
11 rates - limits - effective date]

12 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

13 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, is
14 amended to read as follows:

15 Section 37. A. If all correctional facilities reach maximum
16 capacity and the Department of Corrections is required to contract
17 for bed space to house state inmates, then the Pardon and Parole
18 Board shall consider all nonviolent offenders for parole who are
19 within six (6) months of their scheduled release from a penal
20 facility.

21 B. No inmate may be received by a penal facility from a county
22 jail without first scheduling a transfer with the Department. The
23 sheriff or court clerk shall transmit by facsimile, electronic mail,
24 or actual delivery a certified copy of the judgment and sentence

1 certifying that the inmate is sentenced to the Department of
2 Corrections. The receipt of the certified copy of the judgment and
3 sentence shall be certification that the sentencing court has
4 entered a judgment and sentence and all other necessary commitment
5 documents. The Department of Corrections is authorized to determine
6 the appropriate method of delivery from each county based on
7 electronic or other capabilities. Once the judgment and sentence is
8 received by the Department of Corrections, the Department shall
9 ~~contact the sheriff when bed space is available to schedule the~~
10 ~~transfer and reception of~~ receive the inmate ~~into the Department~~
11 within forty-five (45) days after receipt of the judgment and
12 sentence, unless other arrangements to continue housing the inmate
13 can be made with the sheriff.

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

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

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

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

24

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

3 SECTION 2. AMENDATORY 57 O.S. 2011, Section 38, is
4 amended to read as follows:

5 Section 38. ~~Until January 1, 2007, the Department of~~
6 ~~Corrections shall reimburse any county, which is required to retain~~
7 ~~an inmate pursuant to paragraph 2 of Section 37 of this title, in an~~
8 ~~amount not to exceed Twenty-four Dollars (\$24.00) per day for each~~
9 ~~inmate during such period of retention. The proceeds of this~~
10 ~~reimbursement shall be used to defray expenses of equipping and~~
11 ~~maintaining the jail and payment of personnel. The Department of~~
12 ~~Corrections shall reimburse the county for the emergency medical~~
13 ~~care for physical injury or illness of the inmate retained under~~
14 ~~this act if the injury or illness is directly related to the~~
15 ~~incarceration and the county is required by law to provide such care~~
16 ~~for inmates in the jail. The Department shall not pay fees for~~
17 ~~medical care in excess of the rates established for Medicaid~~
18 ~~providers. The state shall not be liable for medical charges in~~
19 ~~excess of the Medicaid scheduled rate. The Director may accept any~~
20 ~~inmate required to have extended medical care upon application of~~
21 ~~the county.~~ Effective January 1, 2007, the Department of
22 Corrections shall reimburse any county, which is required to retain
23 an inmate pursuant to ~~paragraph 2 of~~ Section 37 of this title, in an
24 amount of not to exceed less than Twenty-seven Dollars (\$27.00) per

1 day for each inmate during such period of retention. However,
2 counties that do not have an existing contract to retain inmates
3 sentenced to the Department and the amount to retain each inmate
4 exceeds the current reimbursement rate of Twenty-seven Dollars
5 (\$27.00) per day, the Department shall pay to the county a
6 negotiated daily rate for each inmate. If the Department and county
7 are unable to agree upon a negotiated daily rate within the first
8 forty-five (45) days of the fiscal year, the presiding district
9 judge in the county shall determine and establish by court order a
10 daily rate of reimbursement for each inmate. The court-ordered
11 daily rate of reimbursement shall thereafter be reviewed on an
12 annual basis by the presiding district judge. The Department shall
13 distribute the proceeds of ~~this~~ the reimbursement on a monthly basis
14 upon receipt and approval of a billing statement from the county.
15 Proceeds shall be used to ~~defray expenses~~ provide for the expense of
16 equipping and maintaining the jail and payment of personnel. The
17 Department of Corrections shall reimburse the county for the
18 emergency medical care for physical injury or illness of the inmate
19 retained under this act if the injury or illness is directly related
20 to the incarceration and the county is required by law to provide
21 such care for inmates in the jail. The Department shall not pay
22 fees for medical care in excess of the rates established for
23 Medicaid providers. The state shall not be liable for medical
24 charges in excess of the Medicaid scheduled rate. The Director may

1 accept any inmate required to have extended medical care upon
2 application of the county.

3 SECTION 3. This act shall become effective January 1, 2015.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 April 9, 2014 - DO PASS AS AMENDED
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