

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 **AS AMENDED**

4 SENATE BILL NO. 1737

5 By: Crain of the Senate

6 and

7 Biggs of the House

8 **[city and county jails - inspections and standards -**
9 **effective date]**

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

- 18 1. Uniform admission and release procedures;
- 19 2. Uniform, safe, and sensible security measures;
- 20 3. Proper, fit, and sanitary conditions;
- 21 4. Inmates to be fed a wholesome and adequate diet;
- 22 5. Inmates to have adequate clothing and a ~~living area of no~~
23 ~~less than forty (40) square feet of floor space per inmate plus~~
24 ~~twenty (20) square feet of floor space in such living area per each~~

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

1 for temporary tent jails, which standards shall be designed to
2 specifically address and take into consideration the temporary
3 status of the inmate housing needs of the county;

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

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

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

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

22 10. No person to be confined without twenty-four-hour
23 supervision; and
24

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

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

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

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

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
9 prisoners.

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

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

16 2. Provides an intercommunication system that terminates in a
17 location that is staffed twenty-four (24) hours a day and is capable
18 of providing an emergency response,
19 shall be required to have more than one jailer or one jailer and at
20 least one other basic CLEET-certified person on the same premises as
21 the jail facility to provide for the security, custody, and
22 supervision of prisoners.

23 Within ninety (90) days after June 9, 1994, the State Board of
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 2. This act shall become effective November 1, 2014.

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
15 February 20, 2014 - DO PASS AS AMENDED
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