

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3103

By: Jackson

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2011, Sections 37 and 38, which
9 relate to the capacity of correctional facilities and
10 jail reimbursement rates; providing time limitation
11 for transferring inmates into the Department of
12 Corrections; providing an exception; increasing daily
13 jail reimbursement rate; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, is
17 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
sheriff or court clerk shall transmit by facsimile, electronic mail,

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

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

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

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

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

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~~ 2015, the Department of
6 Corrections shall reimburse any county, which is required to retain
7 an inmate pursuant to paragraph 2 of subsection D of Section 37 of
8 this title, in an amount not to exceed ~~Twenty-four Dollars (\$24.00)~~
9 Twenty-seven Dollars (\$27.00) per day for each inmate during such
10 period of retention. The proceeds of this reimbursement shall be
11 used to defray expenses of equipping and maintaining the jail and
12 payment of personnel. The Department of Corrections shall reimburse
13 the county for the emergency medical care for physical injury or
14 illness of the inmate retained under this act if the injury or
15 illness is directly related to the incarceration and the county is
16 required by law to provide such care for inmates in the jail. The
17 Department shall not pay fees for medical care in excess of the
18 rates established for Medicaid providers. The state shall not be
19 liable for medical charges in excess of the Medicaid scheduled rate.
20 The Director may accept any inmate required to have extended medical
21 care upon application of the county. Effective January 1, ~~2007~~
22 2015, the Department of Corrections shall reimburse any county,
23 which is required to retain an inmate pursuant to paragraph 2 of
24 subsection D of Section 37 of this title, in an amount not to exceed

1 ~~Twenty-seven Dollars (\$27.00)~~ Forty-five Dollars (\$45.00) per day
2 for each inmate during such period of retention. The proceeds of
3 this reimbursement shall be used to defray expenses of equipping and
4 maintaining the jail and payment of personnel. The Department of
5 Corrections shall reimburse the county for the emergency medical
6 care for physical injury or illness of the inmate retained under
7 this act if the injury or illness is directly related to the
8 incarceration and the county is required by law to provide such care
9 for inmates in the jail. The Department shall not pay fees for
10 medical care in excess of the rates established for Medicaid
11 providers. The state shall not be liable for medical charges in
12 excess of the Medicaid scheduled rate. The Director may accept any
13 inmate required to have extended medical care upon application of
14 the county.

15 SECTION 3. This act shall become effective November 1, 2014.

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17 54-2-8528 GRS 01/03/14

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