

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3212

By: Hickman

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5  
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2011, Section 37, which relates to  
9 maximum capacity of correctional facilities;  
10 increasing certain time limitation; and providing an  
11 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)~~ twelve (12) months of their scheduled release from a  
20 penal 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 the inmate into the Department.

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

1 within seventy-two (72) hours of notification that the county jail  
2 is at capacity, unless other arrangements can be made with the  
3 sheriff.

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

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

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

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SECTION 2. This act shall become effective November 1, 2014.

54-2-9424            GRS            01/03/14