

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1630

By: Billy of the House

and

Barrington of the Senate

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7 [prisons and reformatories - clarifying transfer
8 procedures and responsibilities relating to housing
costs - effective date]

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11 AUTHOR: Add the following Senate Coauthor: Boggs

12 AUTHOR: Add the following House Coauthor: Cannaday

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14 AMENDMENT NO. 1. Page 1, substitute the following for the title,
enacting clause and the entire body of the bill:

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16 "An Act relating to prisons and reformatories;
17 amending 57 O.S. 2011, Sections 37 and 38, which
relate to the capacity of correctional facilities and
18 jail reimbursement rates; providing notification
procedure for certain purpose; clarifying transfer
19 procedures and responsibilities relating to housing
costs; deleting obsolete language; updating statutory
reference; and providing an effective date.

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

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

1 Section 37. A. If all correctional facilities reach maximum
2 capacity and the Department of Corrections is required to contract
3 for bed space to house state inmates, ~~then the~~ :

4 1. The Pardon and Parole Board shall consider all nonviolent
5 offenders for parole who are within six (6) months of their
6 scheduled release from a penal facility; and

7 2. Prior to contracting with a private prison operator to
8 provide housing for state inmates, the Department shall send
9 notification to all county jails in this state that bed space is
10 required to house the overflow population of state inmates. Upon
11 receiving notification, the sheriff of a county jail is authorized
12 to enter into agreements with the Department to provide housing for
13 the inmates. Reimbursement for the cost of housing the inmates
14 shall be a negotiated per diem rate for each inmate as contracted
15 but shall in no event be less than the per diem rate provided for in
16 Section 38 of this title.

17 B. No inmate may be received by a penal facility from a county
18 jail without first scheduling a transfer with the Department. ~~The~~
19 ~~sheriff or court clerk~~ Within three (3) business days after the
20 court orders the judgment and sentence, the county shall transmit to
21 the Department by facsimile, electronic mail, or actual delivery a
22 certified copy of ~~the~~ :

23 1. The judgment and sentence certifying that the inmate is
24 sentenced to the Department of Corrections;

1 2. A notice of judgment and sentence signed by the sentencing
2 judge or court clerk. The notice shall include the name of the
3 defendant, date of birth, case number, county of conviction, name of
4 the sentencing judge, the crime(s) for which the defendant was
5 convicted, the sentence(s) imposed, if multiple sentences whether
6 the sentences run concurrently or consecutively, and whether the
7 defendant is to receive credit for any time served. The notice of
8 judgment and sentence shall be substantially in the form provided
9 for in subsection F of this section; or

10 3. Plea paperwork, Summary of Facts and Sentence on Plea or
11 Sentencing After Jury Trial Summary of Facts may be used as
12 sentencing documents.

13 C. The receipt of the certified copy of the judgment and
14 sentence shall be certification that the sentencing court has
15 entered a judgment and sentence and all other necessary commitment
16 documents. The Department of Corrections is authorized to determine
17 the appropriate method of delivery from each county based on
18 electronic or other capabilities. Once ~~the~~ an appropriate judgment
19 and sentence document, as listed in subsection B of this section, is
20 received by the Department of Corrections, the Department shall
21 contact the sheriff when bed space is available to schedule the
22 transfer and reception of the inmate into the Department. The
23 Department shall assume custody of an inmate from a county prior to
24 receiving the certified copy of the judgment and sentence upon

1 receipt by the Department of any of the appropriate judgment and
2 sentence documents as listed in subsection B of this section.

3 ~~C.~~ D. When a county jail has reached its capacity of inmates as
4 ~~defined~~ provided in the standards set forth in Section 192 of Title
5 74 of the Oklahoma Statutes, then the county sheriff shall notify
6 the Director of the Oklahoma Department of Corrections, or the
7 Director's designated representative, by facsimile, electronic mail,
8 or actual delivery, that the county jail has reached or exceeded its
9 capacity to hold inmates. The notification shall include copies of
10 any judgment and sentences not previously delivered as required by
11 subsection B of this section. Then within seventy-two (72) hours
12 following such notification, the county sheriff shall transport the
13 designated excess inmate or inmates to a penal facility designated
14 by the Department. The sheriff shall notify the Department of the
15 transport of the inmate prior to the reception of the inmate. The
16 Department shall schedule the reception date and receive the inmate
17 within seventy-two (72) hours of notification that the county jail
18 is at capacity, unless other arrangements can be made with the
19 sheriff.

20 ~~D.~~ E. ~~Once the judgment and sentence is transmitted to the~~
21 ~~Department of Corrections, the~~ The Department will be responsible
22 for the cost of housing the inmate in the county jail including
23 costs of medical care provided from the date the judgment and
24 sentence was ordered by the court until the date ~~of transfer of the~~

1 inmate is scheduled to be transferred to the Department from the
2 county jail. The Department shall implement a policy for
3 determination of scheduled dates on which an inmate or multiple
4 inmates are to be transferred from county jails. The policy shall
5 allow for no less than three alternative dates from which the
6 sheriff of a county jail may select and shall provide for weather-
7 related occurrences or other emergencies that may prevent or delay
8 transfers on the scheduled date. The policy shall be available for
9 review upon request by any sheriff of a county jail. If an
10 appropriate judgment and sentence document, as listed in subsection
11 B of this section, is not received by the Department within three
12 (3) business days, the Department will not be responsible for the
13 cost of housing the inmate in the county jail until the date the
14 Department receives the necessary documentation. Should the inmate
15 not be transferred on the date scheduled by the Department, the
16 Department shall not be responsible for any costs incurred beyond
17 the date scheduled by the Department. The cost of housing shall be
18 the per diem rate specified in Section 38 of this title. In the
19 event the inmate has one or more criminal charges pending in the
20 same Oklahoma jurisdiction and the county jail refuses to transfer
21 the inmate to the Department because of the pending charges, the
22 Department shall not be responsible for the housing costs of the
23 inmate while the inmate remains in the county jail with pending
24 charges. Once the inmate no longer has pending charges in the

1 jurisdiction, the Department shall be responsible for the housing
2 costs of the inmate for the period beginning on the date the
3 judgment and sentence or final order was ordered in the pending case
4 and ending on the date the inmate is scheduled to be transferred to
5 the Department. In the event the inmate has other criminal charges
6 pending in another Oklahoma jurisdiction, the Department shall be
7 responsible for the housing costs while the inmate remains in the
8 county jail awaiting transfer to another jurisdiction or until the
9 date the inmate is scheduled to be transferred to the Department,
10 whichever is earlier. Once the inmate is transferred to another
11 jurisdiction, the Department is not responsible for the housing cost
12 of the inmate until such time that another judgment and sentence is
13 received by the Department from another Oklahoma jurisdiction. The
14 sheriff shall be reimbursed by the Department for the cost of
15 housing the inmate in one of two ways:

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

18 2. The sheriff may submit one invoice for the total amount due
19 for the inmate after the Department has received the inmate. Final
20 payment for housing an offender will be made only after the official
21 judgment and sentence is received by the Department of Corrections.

22 F. Form for Notice of Judgment and Sentencing.

23 In the District Court of _____ County

24 The State of Oklahoma

1 State of Oklahoma,)
2 Plaintiff)
3)
4 vs.) Case No. _____
5 ,) The Honorable Judge _____
6 Defendant.)
7 D.O.B.)

8 NOTICE OF JUDGMENT AND SENTENCE

9 On this _____ day of _____, _____, to the best
10 knowledge and belief of the undersigned, the conviction(s) and
11 sentence(s) of the above-captioned defendant was/were announced and
12 ordered as follow:

13 Count 1: _____ O.S. _____

14 Count 1 Sentence: _____

15 Count 2: _____ O.S. _____

16 Count 2 Sentence: _____

17 Running Concurrently _____ or Running Consecutively _____

18 With Count _____

19 Count 3: _____ O.S. _____

20 Count 3 Sentence: _____

21 Running Concurrently _____ or Running Consecutively _____

22 With Count _____

23 _____

24 Count 4: _____ O.S. _____

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

21 SECTION 3. This act shall become effective November 1, 2015."
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