ENGROSSED SENATE
BILL NO. 684 By: Jolley of the Senate

and

Hickman of the House

[prisons and county jails - capacity of correctional facilities and jail reimbursement rates - time limitation for transmitting - authorizing transmission of certain notice - Department of Corrections - responsibilities - housing costs - effective date]

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

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

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

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

2. Prior to contracting with a private prison operator to provide housing for state inmates, the Department shall send notification to all county jails in this state which have previously requested in writing to be notified that bed space is required to house the overflow population of state inmates. Upon receiving

notification, the sheriff of a county jail is authorized to enter into agreements with the Department to provide housing for the inmates. A county interested in bidding to provide contract beds with the Department of Corrections must comply with the Department's standards and requirements required of a private contractor.

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~~ Within three (3) business days after the court filed the judgment and sentence, the court clerk, district attorney or district judge shall transmit by facsimile, electronic mail~~,~~ or actual delivery a certified copy of the judgment and sentence certifying that the inmate is sentenced to the Department of Corrections. A notice of judgment and sentence shall include the style of the case, including the name of the defendant, case number, county of conviction, and the name of the sentencing judge. It shall also include identifying information of the defendant to include name, alias, date of birth, and last four numbers of the social security number. For each count that resulted in a sentence of imprisonment, the sentencing information shall identify the offense and the citation for the offense. The necessary information shall include the case number(s) and jurisdiction of any former convictions used to enhance the sentence and the sentence and punishment ordered for each count and whether the sentence for each count is to run concurrently or consecutively to any other counts or

other cases and whether the defendant is to receive credit for time served. Plea paperwork, Summary of Facts and Sentence on Plea or Sentencing After Jury Trial Summary of Facts may be used as sentencing documents. The receipt of the certified copy of the judgment and sentence shall be certification that the sentencing court has entered a judgment and sentence and all other necessary commitment documents. The Department of Corrections is authorized to determine the appropriate method of delivery from each county based on electronic or other capabilities. Once the judgment and sentence is received by the Department of Corrections, the Department shall contact the sheriff when bed space is available to schedule the transfer and reception of the inmate into the Department.

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

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

D. ~~Once the judgment and sentence is transmitted to the Department of Corrections, the~~ The Department will be responsible for the cost of housing the inmate in the county jail from the date the judgment and sentence ~~was~~ were ordered by the court until the date ~~of transfer of~~ the inmate is scheduled to be transferred to the Department from the county jail. If the judgment and sentence documents are not received by the Department within three (3) business days, the Department of Corrections will not be responsible for the cost of housing the inmate in the county jail from the date of sentencing until the date the Department receives the necessary documentation. Should the inmate not be transferred on the date scheduled by the Department, the Department shall not be responsible for any costs incurred beyond the date scheduled by the Department. The cost of housing shall be the per diem rate specified in Section 38 of this title. In the event the inmate has one or more criminal charges pending in the same Oklahoma jurisdiction and the county jail determines it will not transfer the inmate to the Department because of the pending charges, the Department shall not be

responsible for the housing costs of the inmate while the inmate remains in the county jail with pending charges. Once the inmate no longer has pending charges in the jurisdiction, the Department shall be responsible for the housing costs of the inmate for the period beginning on the date the Department received the judgment and sentence or final order issued in the pending case and ending on the date the inmate is scheduled to be transferred to the Department. In the event the inmate has other criminal charges pending in another Oklahoma jurisdiction, the Department shall be responsible for the housing costs while the inmate remains in the county jail awaiting transfer to another jurisdiction or until the date the inmate is scheduled to be transferred to the Department, whichever is earlier. Once the inmate is transferred to another jurisdiction, the Department is not responsible for the housing cost of the inmate until such time that another judgment and sentence is received by the Department from another Oklahoma jurisdiction. The sheriff shall be reimbursed by the Department for the cost of housing the inmate in one of two ways:

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

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

Final payment for housing an offender will be made only after the official judgment and sentence are received by the Department of Corrections.

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

Section 38. ~~Until January 1, 2007, the Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed Twenty-four Dollars ($24.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county. Effective January 1, 2007, the~~ The Department of Corrections shall reimburse any county~~,~~ which is required to retain an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this

title, in an amount not to exceed Twenty-seven Dollars ($27.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county.

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

Passed the Senate the 12th day of March, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House
of Representatives