

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 684, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Jolley

Jolley-BH-FS-Req#1595
2/18/2016 5:00 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 684

6 By: Jolley of the Senate

7 and

8 Hickman of the House

9 FLOOR SUBSTITUTE

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

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

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

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

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

1 2. Prior to contracting with a private prison operator to
2 provide housing for state inmates, the Department shall send
3 notification to all county jails in this state which have previously
4 requested in writing to be notified that bed space is required to
5 house the overflow population of state inmates. Upon receiving
6 notification, the sheriff of a county jail is authorized to enter
7 into agreements with the Department to provide housing for the
8 inmates. A county interested in bidding to provide contract beds
9 with the Department of Corrections must comply with the Department's
10 standards and requirements required of a private contractor.

11 B. No inmate may be received by a penal facility from a county
12 jail without first scheduling a transfer with the Department. ~~The~~
13 ~~sheriff or~~ Within three (3) business days after the court filed the
14 judgment and sentence, the court clerk, district attorney or
15 district judge shall transmit by facsimile, electronic mail, or
16 actual delivery a certified copy of the judgment and sentence
17 certifying that the inmate is sentenced to the Department of
18 Corrections. A notice of judgment and sentence shall include the
19 style of the case, including the name of the defendant, case number,
20 county of conviction, and the name of the sentencing judge. It
21 shall also include identifying information of the defendant to
22 include name, alias, date of birth, and last four numbers of the
23 social security number. For each count that resulted in a sentence
24 of imprisonment, the sentencing information shall identify the

1 offense and the citation for the offense. The necessary information
2 shall include the case number(s) and jurisdiction of any former
3 convictions used to enhance the sentence and the sentence and
4 punishment ordered for each count and whether the sentence for each
5 count is to run concurrently or consecutively to any other counts or
6 other cases and whether the defendant is to receive credit for time
7 served. Plea paperwork, Summary of Facts and Sentence on Plea or
8 Sentencing After Jury Trial Summary of Facts may be used as
9 sentencing documents. The receipt of the certified copy of the
10 judgment and sentence shall be certification that the sentencing
11 court has entered a judgment and sentence and all other necessary
12 commitment documents. The Department of Corrections is authorized
13 to determine the appropriate method of delivery from each county
14 based on electronic or other capabilities. Once the judgment and
15 sentence is received by the Department of Corrections, the
16 Department shall contact the sheriff when bed space is available to
17 schedule the transfer and reception of the inmate into the
18 Department.

19 C. When a county jail has reached its capacity of inmates as
20 defined in Section 192 of Title 74 of the Oklahoma Statutes, then
21 the county sheriff shall notify the Director of the Oklahoma
22 Department of Corrections, or the Director's designated
23 representative, by facsimile, electronic mail, or actual delivery,
24 that the county jail has reached or exceeded its capacity to hold

1 inmates. The notification shall include copies of any judgment and
2 sentences not previously delivered as required by subsection B of
3 this section. Then within seventy-two (72) hours following such
4 notification, the county sheriff shall transport the designated
5 excess inmate or inmates to a penal facility designated by the
6 Department. The sheriff shall notify the Department of the
7 transport of the inmate prior to the reception of the inmate. The
8 Department shall schedule the reception date and receive the inmate
9 within seventy-two (72) hours of notification that the county jail
10 is at capacity, unless other arrangements can be made with the
11 sheriff.

12 D. ~~Once the judgment and sentence is transmitted to the~~
13 ~~Department of Corrections, the~~ The Department will be responsible
14 for the cost of housing the inmate in the county jail from the date
15 the judgment and sentence ~~was~~ were ordered by the court until the
16 ~~date of transfer of the inmate~~ is scheduled to be transferred to the
17 Department from the county jail. If the judgment and sentence
18 documents are not received by the Department within three (3)
19 business days, the Department of Corrections will not be responsible
20 for the cost of housing the inmate in the county jail from the date
21 of sentencing until the date the Department receives the necessary
22 documentation. Should the inmate not be transferred on the date
23 scheduled by the Department, the Department shall not be responsible
24 for any costs incurred beyond the date scheduled by the Department.

1 The cost of housing shall be the per diem rate specified in Section
2 38 of this title. In the event the inmate has one or more criminal
3 charges pending in the same Oklahoma jurisdiction and the county
4 jail determines it will not transfer the inmate to the Department
5 because of the pending charges, the Department shall not be
6 responsible for the housing costs of the inmate while the inmate
7 remains in the county jail with pending charges. Once the inmate no
8 longer has pending charges in the jurisdiction, the Department shall
9 be responsible for the housing costs of the inmate for the period
10 beginning on the date the Department received the judgment and
11 sentence or final order issued in the pending case and ending on the
12 date the inmate is scheduled to be transferred to the Department.

13 In the event the inmate has other criminal charges pending in
14 another Oklahoma jurisdiction, the Department shall be responsible
15 for the housing costs while the inmate remains in the county jail
16 awaiting transfer to another jurisdiction or until the date the
17 inmate is scheduled to be transferred to the Department, whichever
18 is earlier. Once the inmate is transferred to another jurisdiction,
19 the Department is not responsible for the housing cost of the inmate
20 until such time that another judgment and sentence is received by
21 the Department from another Oklahoma jurisdiction. The sheriff
22 shall be reimbursed by the Department for the cost of housing the
23 inmate in one of two ways:
24

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

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

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

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

10 ~~Section 38. Until January 1, 2007, the Department of~~
11 ~~Corrections shall reimburse any county, which is required to retain~~
12 ~~an inmate pursuant to paragraph 2 of Section 37 of this title, in an~~
13 ~~amount not to exceed Twenty four Dollars (\$24.00) per day for each~~
14 ~~inmate during such period of retention. The proceeds of this~~
15 ~~reimbursement shall be used to defray expenses of equipping and~~
16 ~~maintaining the jail and payment of personnel. The Department of~~
17 ~~Corrections shall reimburse the county for the emergency medical~~
18 ~~care for physical injury or illness of the inmate retained under~~
19 ~~this act if the injury or illness is directly related to the~~
20 ~~incarceration and the county is required by law to provide such care~~
21 ~~for inmates in the jail. The Department shall not pay fees for~~
22 ~~medical care in excess of the rates established for Medicaid~~
23 ~~providers. The state shall not be liable for medical charges in~~
24 ~~excess of the Medicaid scheduled rate. The Director may accept any~~

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

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

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21 55-1-1595 BH 2/18/2016 5:00:31 PM
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