

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1076

By: Anderson

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5
6 AS INTRODUCED

7 An Act relating to prisons; amending 57 O.S. 2011,
8 Section 37, as amended by Section 1, Chapter 307,
9 O.S.L. 2015 (57 O.S. Supp. 2015, Section 37), which
relates to facilities reaching ninety-five percent of
maximum capacity; modifying certain requirements; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as
14 amended by Section 1, Chapter 307, O.S.L. 2015 (57 O.S. Supp. 2015,
15 Section 37), is amended to read as follows:

16 Section 37. A. When the population of the prison system
17 exceeds ninety-five percent (95%) of capacity as certified by the
18 State Board of Corrections, the Department of Corrections shall only
19 be allowed to arrange a transfer out of the county jail for state
20 inmates who have been found guilty of crimes requiring eighty-five
21 percent (85%) of the sentence served, as specified in Section 13.1
22 of Title 21 of the Oklahoma Statutes. All other offenders must
23 remain in the sentencing county jail until such time as the
24

1 population of the Department decreases to be at or below the ninety-
2 five (95%) capacity level.

3 B. If all correctional facilities reach maximum capacity and
4 the Department of Corrections is required to contract for bed space
5 to house state inmates:

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

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

19 ~~B.~~ C. No inmate may be received by a penal facility from a
20 county jail without first scheduling a transfer with the Department.
21 Within three (3) business days after the court orders the judgment
22 and sentence, the county shall transmit to the Department by
23 facsimile, electronic mail, or actual delivery a certified copy of:
24

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

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

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

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

1 Department shall assume custody of an inmate from a county prior to
2 receiving the certified copy of the judgment and sentence upon
3 receipt by the Department of any of the appropriate judgment and
4 sentence documents as listed in subsection B of this section.

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

22 ~~E.~~ F. The Department will be responsible for the cost of
23 housing the inmate in the county jail including costs of medical
24 care provided from the date the judgment and sentence was ordered by

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

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

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

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

23 ~~F.~~ G. Form for Notice of Judgment and Sentencing.

24 In the District Court of _____ County

The State of Oklahoma

State of Oklahoma,)

_____)

Plaintiff)

vs.) Case No. _____

_____,) The Honorable Judge _____

Defendant)

D.O.B. _____)

NOTICE OF JUDGMENT AND SENTENCE

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

Count 1: _____ O.S. _____

Count 1 Sentence: _____

Count 2: _____ O.S. _____

Count 2 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

Count 3: _____ O.S. _____

Count 3 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

1 Count 4: _____ O.S. _____

2 Count 4 Sentence: _____

3 Running Concurrently _____ or Running Consecutively _____

4 With Count _____

5 Credit for time served: _____

6 _____
7 Judge of the District Court

8 or

9 _____
10 Clerk of the District Court

11 SECTION 2. This act shall become effective November 1, 2016.

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