

1 ENGROSSED HOUSE
2 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
9 costs - effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

22 2. Prior to contracting with a private prison operator to
23 provide housing for state inmates, the Department shall send
24 notification to all county jails in this state that bed space is

1 required to house the overflow population of state inmates. Upon
2 receiving notification, the sheriff of a county jail is authorized
3 to enter into agreements with the Department to provide housing for
4 said inmates. Reimbursement for the cost of housing the inmates
5 shall be a negotiated per diem rate for each inmate as contracted
6 but shall in no event be less than the per diem rate provided for in
7 Section 38 of this title.

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

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

16 2. A notice of judgment and sentence signed by the sentencing
17 judge or the court clerk. The notice shall include the name of the
18 defendant, the crime for which the defendant was convicted and the
19 sentence imposed. The notice of judgment and sentence shall be
20 substantially in the form provided for in subsection F of this
21 section.

22 C. In the event the court clerk transmits to the Department a
23 notice of judgment and sentence in lieu of a certified copy of the
24 judgment and sentence, the court clerk shall subsequently transmit a

1 certified copy of the judgment and sentence within sixty (60) days
2 after the court orders the judgment and sentence. The terms and
3 conditions of the judgment and sentence shall supersede and govern
4 any inconsistent provision contained within the notice of judgment
5 and sentence. The receipt of the certified copy of the judgment and
6 sentence shall be certification that the sentencing court has
7 entered a judgment and sentence and all other necessary commitment
8 documents. The Department of Corrections is authorized to determine
9 the appropriate method of delivery from each county based on
10 electronic or other capabilities. Once the judgment and sentence is
11 received by the Department of Corrections, the Department shall
12 contact the sheriff when bed space is available to schedule the
13 transfer and reception of the inmate into the Department. The
14 Department shall assume custody of an inmate from a county prior to
15 receiving the certified copy of the judgment and sentence upon
16 receipt by the Department of a notice of judgment and sentence.

17 ~~C.~~ D. When a county jail has reached its capacity of inmates as
18 defined in Section 192 of Title 74 of the Oklahoma Statutes, then
19 the county sheriff shall notify the Director of the Oklahoma
20 Department of Corrections, or the Director's designated
21 representative, by facsimile, electronic mail, or actual delivery,
22 that the county jail has reached or exceeded its capacity to hold
23 inmates. The notification shall include copies of any judgment and
24 sentences not previously delivered as required by subsection B of

1 this section. Then within seventy-two (72) hours following such
2 notification, the county sheriff shall transport the designated
3 excess inmate or inmates to a penal facility designated by the
4 Department. The sheriff shall notify the Department of the
5 transport of the inmate prior to the reception of the inmate. The
6 Department shall schedule the reception date and receive the inmate
7 within seventy-two (72) hours of notification that the county jail
8 is at capacity, unless other arrangements can be made with the
9 sheriff.

10 ~~D. Once the judgment and sentence is transmitted to the~~
11 ~~Department of Corrections, the~~ E. The Department will be
12 responsible for the cost of housing the inmate in the county jail
13 from the date the judgment and sentence was ordered by the court
14 until the date ~~of transfer of~~ the inmate is scheduled to be
15 transferred to the Department from the county jail. The Department
16 shall implement a policy for determination of scheduled dates on
17 which inmates are to be transferred from county jails. The policy
18 shall allow for no less than three alternative dates for the sheriff
19 of a county jail to select from and shall provide for weather-
20 related occurrences or other emergencies that may prevent or delay
21 transfers on the scheduled date. The policy shall be available for
22 review upon request by any sheriff of a county jail. Should the
23 inmate not be transferred on the date scheduled, the Department
24 shall not be responsible for any costs incurred beyond the date

1 scheduled. The cost of housing shall be the per diem rate specified
2 in Section 38 of this title. In the event the inmate has one or
3 more criminal charges pending in the same Oklahoma jurisdiction and
4 the county jail refuses to transfer the inmate to the Department
5 because of said 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 said jurisdiction, the Department
9 shall be responsible for the housing costs of the inmate for the
10 period beginning on the date the judgment and sentence or final
11 order was ordered in said pending case and ending on the date the
12 inmate is scheduled to be transferred to the Department. In the
13 event the inmate has other criminal charges pending in another
14 Oklahoma jurisdiction, the Department shall be responsible for the
15 housing costs while the inmate remains in the county jail awaiting
16 transfer to another jurisdiction or until the date the inmate is
17 scheduled to be transferred to the Department, whichever is earlier.
18 Once the inmate is transferred to another jurisdiction, the
19 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 F. Form for Notice of Judgment and Sentencing.

6 In the District Court of _____ County

7 The State of Oklahoma

8 State of Oklahoma,)

9 plaintiff)

10 v.) Case No. _____

11 _____,)

12 Defendant.)

13 S.S.#)

14 D.O.B.)

15 NOTICE OF JUDGMENT AND SENTENCE

16 On this _____ day of _____, _____, to the best knowledge
17 and belief of the undersigned, the conviction and sentence of the
18 above-captioned defendant was announced and ordered as follows:

19 Count 1: O.S.

20 Count 1 Sentence: _____

21 Count 2: O.S.

22 Count 2 Sentence: _____

23 Count 3: O.S.

24 Count 3 Sentence: _____

Count 4: O.S.

Count 4 Sentence:

Additional:

Judge of the District Court

-or-

[Seal] Clerk of the District Court

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~~

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

20 SECTION 3. This act shall become effective November 1, 2015.
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1 Passed the House of Representatives the 11th day of March, 2015.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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8 Presiding Officer of the Senate