

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1630

			Of the printed Bill
Page	<u>1</u>	Section	<u>1</u>
		Lines	<u>20</u>
			Of the Engrossed Bill

By removing Section 1 from the bill in its entirety and inserting in lieu thereof, a new Section 1 to read as follows:

(see attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Lisa Billy

Adopted: _____

Reading Clerk

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

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

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

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

3 2. A notice of judgment and sentence signed by the sentencing
4 judge or the court clerk. The notice shall include the name of the
5 defendant, the crime for which the defendant was convicted and the
6 sentence imposed. The notice of judgment and sentence shall be
7 substantially in the form provided for in subsection F of this
8 section.

9 C. In the event the court clerk transmits to the Department a
10 notice of judgment and sentence in lieu of a certified copy of the
11 judgment and sentence, the court clerk shall subsequently transmit a
12 certified copy of the judgment and sentence within sixty (60) days
13 after the court orders the judgment and sentence. The terms and
14 conditions of the judgment and sentence shall supersede and govern
15 any inconsistent provision contained within the notice of judgment
16 and sentence. The receipt of the certified copy of the judgment and
17 sentence shall be certification that the sentencing court has
18 entered a judgment and sentence and all other necessary commitment
19 documents. The Department of Corrections is authorized to determine
20 the appropriate method of delivery from each county based on
21 electronic or other capabilities. Once the judgment and sentence 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 a notice of judgment and sentence.

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

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

1 until the date ~~of transfer of~~ the inmate is scheduled to be
2 transferred to the Department from the county jail. The Department
3 shall implement a policy for determination of scheduled dates on
4 which inmates are to be transferred from county jails. The policy
5 shall allow for no less than three alternative dates for the sheriff
6 of a county jail to select from 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. Should the
10 inmate not be transferred on the date scheduled, the Department
11 shall not be responsible for any costs incurred beyond the date
12 scheduled. The cost of housing shall be the per diem rate specified
13 in Section 38 of this title. In the event the inmate has one or
14 more criminal charges pending in the same Oklahoma jurisdiction and
15 the county jail refuses to transfer the inmate to the Department
16 because of said pending charges, the Department shall not be
17 responsible for the housing costs of the inmate while the inmate
18 remains in the county jail with pending charges. Once the inmate no
19 longer has pending charges in said jurisdiction, the Department
20 shall be responsible for the housing costs of the inmate for the
21 period beginning on the date the judgment and sentence or final
22 order was ordered in said pending case and ending on the date the
23 inmate is scheduled to be transferred to the Department. In the
24 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.

F. Form for Notice of Judgment and Sentencing.

In the District Court of _____ County

The State of Oklahoma

State of Oklahoma,)

plaintiff)

v.) Case No. _____

_____ ,)

Defendant.)

S.S.# _____)

D.O.B. _____)

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Count 1:	O.S.
Count 1 Sentence:	
Count 2:	O.S.
Count 2 Sentence:	
Count 3:	O.S.
Count 3 Sentence:	
Count 4:	O.S.
Count 4 Sentence:	
Additional:	

-or-

Clerk of the District Court"

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