

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. HB1630, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Barrington

Barrington-BH-FS-Req#1729
2/18/2016 4:56 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1630

By: Billy and Cannaday of the
House

and

Barrington of the Senate

FLOOR SUBSTITUTE

[prisons and reformatories - clarifying transfer
procedures and responsibilities relating to 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

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

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

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

17 2. A notice of judgment and sentence signed by the sentencing
18 judge or court clerk. The notice shall include the name of the
19 defendant, date of birth, case number, county of conviction, name of
20 the sentencing judge, the crime(s) for which the defendant was
21 convicted, the sentence(s) imposed, if multiple sentences whether
22 the sentences run concurrently or consecutively, and whether the
23 defendant is to receive credit for any time served. The notice of
24

1 judgment and sentence shall be substantially in the form provided
2 for in subsection F of this section; or

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

6 C. The receipt of the certified copy of the judgment and
7 sentence shall be certification that the sentencing court has
8 entered a judgment and sentence and all other necessary commitment
9 documents. The Department of Corrections is authorized to determine
10 the appropriate method of delivery from each county based on
11 electronic or other capabilities. Once ~~the~~ an appropriate judgment
12 and sentence document, as listed in subsection B of this section, is
13 received by the Department of Corrections, the Department shall
14 contact the sheriff when bed space is available to schedule the
15 transfer and reception of the inmate into the Department. The
16 Department shall assume custody of an inmate from a county prior to
17 receiving the certified copy of the judgment and sentence upon
18 receipt by the Department of any of the appropriate judgment and
19 sentence documents as listed in subsection B of this section.

20 ~~C.~~ D. When a county jail has reached its capacity of inmates as
21 ~~defined~~ provided in the standards set forth in Section 192 of Title
22 74 of the Oklahoma Statutes, then the county sheriff shall notify
23 the Director of the Oklahoma Department of Corrections, or the
24 Director's designated representative, by facsimile, electronic mail,

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

13 ~~D. E. Once the judgment and sentence is transmitted to the~~
14 ~~Department of Corrections, the~~ The Department will be responsible
15 for the cost of housing the inmate in the county jail including
16 costs of medical care provided from the date the judgment and
17 sentence was ordered by the court until the date of transfer of the
18 inmate is scheduled to be transferred to the Department from the
19 county jail. The Department shall implement a policy for
20 determination of scheduled dates on which an inmate or multiple
21 inmates are to be transferred from county jails. The policy shall
22 allow for no less than three alternative dates from which the
23 sheriff of a county jail may select and shall provide for weather-
24 related occurrences or other emergencies that may prevent or delay

1 transfers on the scheduled date. The policy shall be available for
2 review upon request by any sheriff of a county jail. If an
3 appropriate judgment and sentence document, as listed in subsection
4 B of this section, is not received by the Department within three
5 (3) business days, the Department will not be responsible for the
6 cost of housing the inmate in the county jail until the date the
7 Department receives the necessary documentation. Should the inmate
8 not be transferred on the date scheduled by the Department, the
9 Department shall not be responsible for any costs incurred beyond
10 the date scheduled by the Department. The cost of housing shall be
11 the per diem rate specified in Section 38 of this title. In the
12 event the inmate has one or more criminal charges pending in the
13 same Oklahoma jurisdiction and the county jail refuses to transfer
14 the inmate to the Department because of the pending charges, the
15 Department shall not be responsible for the housing costs of the
16 inmate while the inmate remains in the county jail with pending
17 charges. Once the inmate no longer has pending charges in the
18 jurisdiction, the Department shall be responsible for the housing
19 costs of the inmate for the period beginning on the date the
20 judgment and sentence or final order was ordered in the pending case
21 and ending on the date the inmate is scheduled to be transferred to
22 the Department. In the event the inmate has other criminal charges
23 pending in another Oklahoma jurisdiction, the Department shall be
24 responsible for the housing costs while the inmate remains in the

1 county jail awaiting transfer to another jurisdiction or until the
2 date the inmate is scheduled to be transferred to the Department,
3 whichever is earlier. Once the inmate is transferred to another
4 jurisdiction, the Department is not responsible for the housing cost
5 of the inmate until such time that another judgment and sentence is
6 received by the Department from another Oklahoma jurisdiction. The
7 sheriff shall be reimbursed by the Department for the cost of
8 housing the inmate in one of two ways:

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

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

15 F. Form for Notice of Judgment and Sentencing.

16 In the District Court of _____ County

17 The State of Oklahoma

18 State of Oklahoma,)

19 Plaintiff)

20)

21 vs.) Case No. _____

22 ,) The Honorable Judge _____

23 Defendant.)

24 D.O.B.)

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or

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 county⁷ which is required to retain an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this title⁷ in an amount not to exceed Twenty-seven Dollars (\$27.00) per

1 day for each inmate during such period of retention. The proceeds
2 of this reimbursement shall be used to defray expenses of equipping
3 and maintaining the jail and payment of personnel. The Department
4 of Corrections shall reimburse the county for the emergency medical
5 care for physical injury or illness of the inmate retained under
6 this act if the injury or illness is directly related to the
7 incarceration and the county is required by law to provide such care
8 for inmates in the jail. The Department shall not pay fees for
9 medical care in excess of the rates established for Medicaid
10 providers. The state shall not be liable for medical charges in
11 excess of the Medicaid scheduled rate. The Director may accept any
12 inmate required to have extended medical care upon application of
13 the county.

14 SECTION 3. This act shall become effective November 1, 2015.
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16 55-1-1729 BH 2/18/2016 4:56:08 PM
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