

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1461

By: Echols

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 2011, Sections 192, as amended by Section 1, Chapter 322, O.S.L. 2014, 193 and 194 (74 O.S. Supp. 2017, Section 192), which relate to city and county jail inspections; deleting references to the American Correctional Association Standards and Jail Inspection Division of the State Department of Health; replacing all references to jailers with detention officer; authorizing inspectors to share jail inspections with other offices when deemed appropriate; authorizing the Commissioner of Health to file complaint when seeking assistance in obtaining compliance; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 192, as amended by Section 1, Chapter 322, O.S.L. 2014 (74 O.S. Supp. 2017, Section 192), is amended to read as follows:

Section 192. A. The State Department of Health shall inspect at least once each year all city and county jails to ensure compliance with the standards promulgated pursuant to the provisions of this section. The standards shall provide provision for:

1 1. Uniform admission and release procedures;

2 2. Uniform, safe, and sensible security measures;

3 3. Proper, fit, and sanitary conditions;

4 4. Inmates to be fed a wholesome and adequate diet;

5 5. Inmates to have adequate clothing and a useable bed ~~as~~

6 ~~determined by the American Correctional Association Standards.~~ Such

7 facility shall have showers with hot and cold running water,

8 toilets, and water basins provided in the ratio of not less than one

9 to every twenty prisoners. Counties may build barracks-style jails,

10 single or double cell, to meet the security needs of the county for

11 minimum security prisoners. These jails shall meet all the minimum

12 requirements set forth in this section or any other provision of

13 law. Except as otherwise provided in this section, all facilities

14 under this section shall have showers with hot and cold running

15 water, toilets and water basins provided in the ratio of not less

16 than one to every twenty prisoners. Counties may also build tent

17 jails, which shall be temporary in nature, to meet the security

18 needs of the county for minimum security prisoners. The temporary

19 tent jails shall not be required to meet the minimum requirements

20 set forth in this section or any other provision of law. The State

21 Board of Health shall promulgate minimum standards for temporary

22 tent jails, which standards shall be designed to specifically

23 address and take into consideration the temporary status of the

24 inmate housing needs of the county;

1 6. Inmates to be properly advised of rules of the facility in
2 which they are detained;

3 7. Staff members to receive training in order to assist them in
4 performing their assigned tasks, such training to be provided
5 through a program approved by the Jail Inspection Division of the
6 State Department of Health. All employees who work in direct
7 contact with inmates after the first year of employment shall
8 receive, at a minimum, four (4) hours' review of material as
9 required by the ~~Jail Inspection Division~~ State Department of Health
10 and at a maximum, eight (8) hours of ~~jailer~~ detention officer
11 training per year after the first year of employment;

12 8. Proper steps to be taken to ensure the safety and
13 segregation of women, the infirm, and minors;

14 9. Adequate medical care, provided such medical care shall be
15 limited to illnesses or injuries incurred during the time beginning
16 with the arrest and throughout the time of incarceration. This
17 shall not prevent an inmate from applying for assistance and
18 receiving assistance, provided the inmate meets or exceeds
19 established requirements;

20 10. No person to be confined without twenty-four-hour
21 supervision; and

22 11. At least one designated exit in the facility that will
23 permit prompt evacuation of inmates and staff in an emergency. A
24 facility in existence on November 1, 1985, shall not be required to

1 construct additional exits if it has one exit which is deemed
2 adequate by the State Fire Marshal.

3 In the event such inspection shall reveal to the State
4 Department of Health the commission of a crime or crimes incidental
5 to the operations of a city or county jail facility, it shall be the
6 duty of the Department to initiate a complaint with the appropriate
7 district attorney, and to cooperate in the prosecution of the
8 alleged offender in the event an information is filed pursuant to
9 such complaint.

10 B. Any county, city, or town may operate a holding facility for
11 the incarceration of persons under arrest who are to be charged with
12 a crime, which holding facility shall not be required to meet the
13 standards established in this section for jails, as long as no
14 person is held therein for a period longer than twelve (12) hours
15 and as long as an employee of the county, city, or town is available
16 to render aid to or to release any person so confined in the event
17 aid or release is required because of a health or life-endangering
18 emergency.

19 C. Notwithstanding any other provision of law or rule, any
20 county or municipality that operates a jail facility which houses
21 forty or fewer prisoners at all times which:

22 1. Provides twenty-four-hour supervision of prisoner activity
23 that is conducted either by direct observation or electronically by
24 closed-circuit television; and

1 2. Provides an intercommunication system that terminates in a
2 location that is staffed twenty-four (24) hours a day and is capable
3 of providing an emergency response,
4 shall not be required to have more than one ~~jailer~~ detention officer
5 or dispatcher on-site to provide for the security, custody, and
6 supervision of prisoners.

7 D. Any county or municipality that operates a jail facility
8 which houses more than forty and less than seventy-five prisoners at
9 all times which:

10 1. Provides twenty-four-hour supervision of prisoner activity
11 that is conducted either by direct observation or electronically by
12 closed-circuit television; and

13 2. Provides an intercommunication system that terminates in a
14 location that is staffed twenty-four (24) hours a day and is capable
15 of providing an emergency response,
16 shall be required to have more than one ~~jailer~~ detention officer or
17 one ~~jailer~~ detention officer and at least one other basic CLEET-
18 certified person on the same premises as the jail facility to
19 provide for the security, custody, and supervision of prisoners.

20 Within ninety (90) days after June 9, 1994, the State Board of
21 Health shall promulgate new rules governing square footage
22 requirements, double-celling of prisoners and the ratio of showers,
23 toilets, and water basins to prisoners. The rules so promulgated
24 shall be governed by the guidelines enumerated in this section, and

1 shall be designed to carry out the intent and purpose of the
2 guidelines. Each city or county jail facility in this state shall
3 be in compliance with the rules so promulgated on or before January
4 1, 1995.

5 E. The State Department of Health shall employ inspectors and
6 other personnel as necessary and specifically authorized by the
7 Legislature in order to carry out the provisions of this section and
8 may rent or purchase premises or equipment in order to assist
9 inspectors in the performance of their functions.

10 SECTION 2. AMENDATORY 74 O.S. 2011, Section 193, is
11 amended to read as follows:

12 Section 193. A. Inspectors employed by the State Department of
13 Health shall be permitted to enter all jail premises and
14 administrative offices for the purpose of performing their assigned
15 duties.

16 B. The results of these inspections shall be presented in the
17 form of a written report to the ~~Commissioner of Health and to the~~
18 person immediately responsible for the administration of the
19 facility inspected and such other offices the Department deems
20 appropriate. The report shall contain:

21 1. A list of deficiencies in the condition or operation of the
22 facility and specific proposals for their solution; and
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1 2. A statement as to whether or not the facility inspected is
2 in substantial compliance with the jail standards established
3 pursuant to Section 192 of this title.

4 SECTION 3. AMENDATORY 74 O.S. 2011, Section 194, is
5 amended to read as follows:

6 Section 194. If the deficiencies listed in the report have not
7 been corrected, within sixty (60) days after delivery of the report,
8 the Commissioner of Health shall be authorized to file a complaint
9 with the Attorney General or the district attorney for the purpose
10 of assistance in obtaining compliance or to close the deficient
11 facility. Provided, that upon demonstration of a good-faith effort
12 by the governmental entity involved to correct said deficiencies and
13 achieve compliance with the established standards, the Commissioner
14 of Health shall extend the time for compliance a reasonable period
15 before filing the complaint requesting assistance in obtaining
16 compliance or the closing of the facility. An action to close such
17 facility shall be brought in the district court having jurisdiction
18 in the county in which the facility is located. Upon the issuance
19 of an order by the district court to close the facility, the
20 facility shall be closed and prisoners shall be removed to a
21 suitable facility at the expense of the governmental entity
22 responsible for the facility ordered closed. Provided, that upon
23 demonstration of a good-faith effort by the governmental entity
24 involved to correct said deficiencies and achieve compliance with

1 the established standards, the district court shall extend the time
2 for compliance a reasonable period before ordering the facility
3 closed.

4 SECTION 4. This act shall become effective November 1, 2018.

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