

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 279

By: Mulready

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8 COMMITTEE SUBSTITUTE

9 An Act relating to counties and county officers;
10 amending 19 O.S. 2011, Section 180.43, as amended by
11 Section 2, Chapter 263, O.S.L. 2017 (19 O.S. Supp.
12 2017, Section 180.43), which relates to feeding,
13 care, housing, and upkeep of prisoners; authorizing
14 county sheriff to contract with certain entities for
15 feeding, care, housing, and upkeep of prisoners in
16 the county jail; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 19 O.S. 2011, Section 180.43, as
19 amended by Section 2, Chapter 263, O.S.L. 2017 (19 O.S. Supp. 2017,
20 Section 180.43), is amended to read as follows:

21 Section 180.43 A. Each county sheriff may contract with any
22 public or private entity engaged in the business of transportation
23 of prisoners, the Department of Justice of the United States of
24 America, the Department of Corrections, or any municipality of this
state for the feeding, care, housing, and upkeep of federal, state,

1 or municipal prisoners, or alien detainees incarcerated in the
2 county jail. Any funds received pursuant to said contract shall be
3 the funds of the county where the federal, state, or municipal
4 prisoners, or alien detainees are incarcerated and shall be
5 deposited in a separate revolving fund with the county treasurer.
6 All purchases made pursuant to the provisions of this subsection
7 shall be made pursuant to the purchasing procedures specified in
8 Sections 1500 through 1507 of this title, including the use of
9 blanket purchase orders as provided for in Section 310.8 of Title 62
10 of the Oklahoma Statutes. The sheriff shall be permitted to expend
11 any surplus in the revolving fund for administering expenses for
12 salaries, training, equipment, or travel, or for capital
13 expenditures.

14 The claim for said expenses shall be filed with and allowed by
15 the board of county commissioners as other claims. The sheriff
16 shall receive no compensation for said services. The sheriff shall
17 file an annual report with the board of county commissioners not
18 later than January 15 of each year. The State Auditor and Inspector
19 shall conduct an audit of the report as on other public records of
20 the county.

21 B. In lieu of the travel reimbursement or monthly travel
22 allowance provided for by law, the board of county commissioners may
23 purchase and provide for the operation, maintenance, insurance,
24 equipping, and repair of an automobile for each county commissioner

1 to be used in performing the duties of his office. In lieu of the
2 travel reimbursement or monthly travel allowance provided for by
3 law, the board of county commissioners, with the concurrence of the
4 county sheriff, may purchase and provide for the operation,
5 maintenance, insurance, equipping, and repair of automobiles for the
6 use of the sheriff in performing the duties of his office. Any
7 automobile purchased pursuant to the authority granted in this
8 section shall be purchased by competitive bids. The use of any said
9 automobile for private or personal purposes is hereby prohibited.
10 In any county having a population of at least three hundred fifty
11 thousand (350,000), where it is determined by the sheriff to be more
12 economical and advantageous to the county, the sheriff may establish
13 a monthly automobile allowance of not more than Four Hundred Dollars
14 (\$400.00) per month in lieu of the mileage per mile for in-county
15 driving as authorized in this section. Any travel reimbursement
16 other than in-county driving as provided for in this section shall
17 be for actual and necessary expenses as provided for in the State
18 Travel Reimbursement Act. Any person violating the provisions of
19 this subsection, upon conviction, shall be guilty of a misdemeanor
20 and shall be punished by a fine of not more than One Hundred Dollars
21 (\$100.00) or by imprisonment in the county jail for not more than
22 thirty (30) days, or by both said fine and imprisonment, and in
23 addition thereto shall be discharged from county employment.

1 C. The State of Oklahoma hereby declares and states that the
2 increased number of persons impersonating law enforcement officers
3 by making routine traffic stops while using unmarked cars is a
4 threat to the public health and safety of all of the citizens of the
5 State of Oklahoma; therefore it shall be unlawful for any county
6 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle
7 which is not clearly marked as a law enforcement vehicle for routine
8 traffic enforcement except as provided in Section 12-218 of Title 47
9 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47
10 of the Oklahoma Statutes, the peace officer operating the law
11 enforcement vehicle for routine traffic stops shall be dressed in
12 the official uniform including shoulder patches, badge, and any
13 other identifying insignias normally used by the employing law
14 enforcement agency.

15 D. Each county sheriff may operate, or contract the operation
16 of, a commissary for the benefit of persons lawfully confined in the
17 county jail under the custody of the county sheriff. Any funds
18 received pursuant to said operations shall be the funds of the
19 county where the persons are incarcerated and shall be deposited in
20 the Sheriff's Commissary Account. The sheriff shall be permitted to
21 expend the funds to improve or provide jail services. The sheriff
22 shall be permitted to expend any surplus in the Sheriff's Commissary
23 Account for administering expenses for training equipment, travel or
24 for capital expenditures. The claims for expenses shall be filed

1 with and allowed by the board of county commissioners in the same
2 manner as other claims. The sheriff shall receive no compensation
3 for the operation of said commissary. The sheriff shall file an
4 annual report on any said commissary under his or her operation no
5 later than January 15 of each year. The State Auditor and Inspector
6 shall conduct an audit of the report in the same manner as other
7 public records of the county.

8 E. Each county sheriff may operate, or contract the operation
9 of, a telephone system for the benefit of persons lawfully confined
10 in the county jail under the custody of the county sheriff. Any
11 funds received pursuant to said operations shall be the funds of the
12 county where the persons are incarcerated and shall be deposited in
13 the Sheriff's Service Fee Account. Such funds may be expended
14 according to the guidelines previously established for expenditures
15 from the general fund. The claims for expenses shall be filed with
16 and allowed by the board of county commissioners in the same manner
17 as other claims.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.
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