

1 ENGROSSED SENATE
2 BILL NO. 1442

By: David and Fields of the
Senate

3 and

4 Downing of the House

5
6
7 [county jails - facilities reaching maximum capacity
8 - timeframe requirements - procedures - effective
9 date]
10

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

12 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as last
13 amended by Section 1, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2017,
14 Section 37), is amended to read as follows:

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

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

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

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

7 B. No inmate may be received by a penal facility from a county
8 jail without first scheduling a transfer with the Department.

9 ~~Within five (5) business days after the court orders the judgment~~
10 ~~and sentence, the county~~ The sheriff or court clerk shall transmit
11 to the Department by facsimile, electronic mail, or actual delivery
12 a certified copy of:

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

15 2. A notice of judgment and sentence signed by the sentencing
16 judge or court clerk. The notice shall include the name of the
17 defendant, date of birth, case number, county of conviction, name of
18 the sentencing judge, the crime for which the defendant was
19 convicted, the sentence imposed, if multiple sentences whether the
20 sentences run concurrently or consecutively, and whether the
21 defendant is to receive credit for any time served. The notice of
22 judgment and sentence shall be substantially in the form provided
23 for in subsection F of this section; or
24

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

4 C. The receipt of the certified copy of the judgment and
5 sentence shall be certification that the sentencing court has
6 entered a judgment and sentence and all other necessary commitment
7 documents. The Department of Corrections is authorized to determine
8 the appropriate method of delivery from each county based on
9 electronic or other capabilities, and establish a method for issuing
10 receipts certifying that the Department has received the judgment
11 and sentence document. Once ~~an appropriate~~ the judgment and
12 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 D. If the Department receives a judgment and sentence document
21 from a county that includes inaccurate information from the
22 sentencing court the Department shall notify the county within a
23 timely manner. ~~If a corrected judgment and sentence document is not~~
24 ~~received by the Department within five (5) business days from the~~

~~date of notification, the Department will not be responsible for the cost of housing the inmate in the county jail until such time that an accurate judgment and sentence documents is received by the Department.~~

E. When a county jail has reached its capacity of inmates as provided in the standards set forth in Section 192 of Title 74 of the Oklahoma Statutes, then the county sheriff shall notify the Director of the Oklahoma Department of Corrections, or the Director's designated representative, by facsimile, electronic mail, or actual delivery, that the county jail has reached or exceeded its capacity to hold inmates. The notification shall include copies of any judgment and sentences not previously delivered as required by subsection B of this section. Then within seventy-two (72) hours following such notification, the county sheriff shall transport the designated excess inmate or inmates to a penal facility designated by the Department. The sheriff shall notify the Department of the transport of the inmate prior to the reception of the inmate. The Department shall schedule the reception date and receive the inmate within seventy-two (72) hours of notification that the county jail is at capacity, unless other arrangements can be made with the sheriff.

F. The Department will be responsible for the cost of housing the inmate in the county jail including costs of medical care provided from the date the judgment and sentence was ordered by the

1 court until the date of transfer of the inmate from the county jail.
2 The Department shall implement a policy for determination of
3 scheduled dates on which an inmate or multiple inmates are to be
4 transferred from county jails. The policy shall allow for no less
5 than three alternative dates from which the sheriff of a county jail
6 may select and shall provide for weather-related occurrences or
7 other emergencies that may prevent or delay transfers on the
8 scheduled date. The policy shall be available for review upon
9 request by any sheriff of a county jail. ~~If an appropriate judgment~~
10 ~~and sentence document, as listed in subsection B of this section, is~~
11 ~~not received by the Department within five (5) business days, the~~
12 ~~Department will not be responsible for the cost of housing the~~
13 ~~inmate in the county jail until the date the Department receives the~~
14 ~~necessary documentation. Should the inmate not be transferred on~~
15 ~~the date scheduled by the Department, the Department shall not be~~
16 ~~responsible for any costs incurred beyond the date scheduled by the~~
17 ~~Department.~~ The cost of housing shall be the per diem rate
18 specified in Section 38 of this title. ~~In the event the inmate has~~
19 ~~one or more criminal charges pending in the same Oklahoma~~
20 ~~jurisdiction and the county jail refuses to transfer the inmate to~~
21 ~~the Department because of the pending charges, the Department shall~~
22 ~~not be responsible for the housing costs of the inmate while the~~
23 ~~inmate remains in the county jail with pending charges. Once the~~
24 ~~inmate no longer has pending charges in the jurisdiction, the~~

1 ~~Department shall be responsible for the housing costs of the inmate~~
2 ~~for the period beginning on the date the judgment and sentence or~~
3 ~~final order was received by the Department.~~ In the event the inmate
4 has other criminal charges pending in another Oklahoma jurisdiction,
5 the Department shall be responsible for the housing costs while the
6 inmate remains in the county jail awaiting transfer to another
7 jurisdiction or until the date the inmate is scheduled to be
8 transferred to the Department, whichever is earlier. ~~Once the~~
9 ~~inmate is transferred to another jurisdiction, the Department is not~~
10 ~~responsible for the housing cost of the inmate until such time that~~
11 ~~another judgment and sentence is received by the Department from~~
12 ~~another Oklahoma jurisdiction.~~

13 The sheriff may submit invoices for the cost of housing the
14 inmate on a monthly basis. Final payment for housing an offender
15 will be made only after the official judgment and sentence is
16 received by the Department of Corrections.

17 G. Form for Notice of Judgment and Sentencing.

18 In the District Court of _____ County

19 The State of Oklahoma

20 State of Oklahoma,)

21 _____)

22 Plaintiff)

23)

24 vs.) Case No. _____

1 _____,) The Honorable Judge _____
2 Defendant)
3 D.O.B. _____)
4 NOTICE OF JUDGMENT AND SENTENCE
5 On this _____ day of _____, _____, to the best
6 knowledge and belief of the undersigned, the conviction(s) and
7 sentence(s) of the above-captioned defendant was/were announced and
8 ordered as follow:
9 Count 1: _____ O.S. _____
10 Count 1 Sentence: _____
11 Count 2: _____ O.S. _____
12 Count 2 Sentence: _____
13 Running Concurrently _____ or Running Consecutively _____
14 With Count _____
15 Count 3: _____ O.S. _____
16 Count 3 Sentence: _____
17 Running Concurrently _____ or Running Consecutively _____
18 With Count _____
19 Count 4: _____ O.S. _____
20 Count 4 Sentence: _____
21 Running Concurrently _____ or Running Consecutively _____
22 With Count _____
23 Credit for time served: _____
24 _____

1 Judge of the District Court

2 or

3 _____
4 Clerk of the District Court

5 SECTION 2. This act shall become effective November 1, 2018.

6 Passed the Senate the 15th day of March, 2018.

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8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2018.

12
13 _____
14 Presiding Officer of the House
15 of Representatives