

1 ENGROSSED HOUSE  
2 BILL NO. 1483

By: Osborn (Leslie), Biggs,  
McCall, Bennett (John),  
Cockroft, Coody, Casey,  
Kerbs, Frix, Enns, West  
(Josh), Pfeiffer, Cannaday,  
Tadlock, Sanders, Meredith,  
Caldwell, Jordan, Baker,  
Roberts (Dustin) and  
Humphrey of the House

and

David of the Senate

11 An Act relating to prisons and reformatories;  
12 amending 57 O.S. 2011, Sections 37 and 38, as amended  
13 by Sections 1 and 2, Chapter 307, O.S.L. 2015 (57  
14 O.S. Supp. 2016, Sections 37 and 38), which relate to  
15 county jail reimbursement rate; modifying  
16 reimbursement requirements and transfer procedures;  
17 establishing notification procedure when  
18 incarceration costs exceed minimum reimbursement  
19 rate; directing State Auditor to determine daily  
20 incarceration costs under certain circumstances;  
21 directing the Department of Corrections to distribute  
22 monthly reimbursements; setting implementation date;  
23 and providing an effective date.  
24

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as  
amended by Section 1, Chapter 307, O.S.L. 2015 (57 O.S. Supp. 2016,  
Section 37), is amended to read as follows:

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

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

7       2. Prior to contracting with a private prison operator to  
8 provide housing for state inmates, the Department shall send  
9 notification to all county jails in this state that bed space is  
10 required to house the overflow population of state inmates. Upon  
11 receiving notification, the sheriff of a county jail is authorized  
12 to enter into agreements with the Department to provide housing for  
13 the inmates. Reimbursement for the cost of housing the inmates  
14 shall be a negotiated per diem rate for each inmate as contracted  
15 but shall in no event be less than the per diem rate provided for in  
16 Section 38 of this title.

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

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

1        2. A notice of judgment and sentence signed by the sentencing  
2 judge or court clerk. The notice shall include the name of the  
3 defendant, date of birth, case number, county of conviction, name of  
4 the sentencing judge, the ~~crime(s)~~ crime for which the defendant was  
5 convicted, the ~~sentence(s)~~ sentence imposed, if multiple sentences  
6 whether the sentences run concurrently or consecutively, and whether  
7 the defendant is to receive credit for any time served. The notice  
8 of judgment and sentence shall be substantially in the form provided  
9 for in subsection F of this section; or

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

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

1 receipt by the Department of any of the appropriate judgment and  
2 sentence documents as listed in subsection B of this section.

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

20 E. ~~The~~ Once the judgment and sentence is transmitted to the  
21 Department, the Department will be responsible for the cost of  
22 housing the inmate in the county jail including costs of medical  
23 care provided from the date the judgment and sentence was ordered by  
24 the court until the date of transfer of the inmate ~~is scheduled to~~

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

1 inmate no longer has pending charges in the jurisdiction, the  
2 Department shall be responsible for the housing costs of the inmate  
3 for the period beginning on the date the judgment and sentence or  
4 final order was ~~ordered in the pending case and ending on the date~~  
5 ~~the inmate is scheduled to be transferred to~~ received by the  
6 Department. In the event the inmate has other criminal charges  
7 pending in another Oklahoma jurisdiction, the Department shall be  
8 responsible for the housing costs while the inmate remains in the  
9 county jail awaiting transfer to another jurisdiction ~~or until the~~  
10 ~~date the inmate is scheduled to be transferred to the Department,~~  
11 ~~whichever is earlier.~~ Once the inmate is transferred to another  
12 jurisdiction, the Department is not responsible for the housing cost  
13 of the inmate until such time that another judgment and sentence is  
14 received by the Department from another Oklahoma jurisdiction. The  
15 sheriff shall be reimbursed by the Department for the cost of  
16 housing the inmate in one of two ways:

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

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

23 F. Form for Notice of Judgment and Sentencing.

24 In the District Court of \_\_\_\_\_ County

The State of Oklahoma

State of Oklahoma, )

\_\_\_\_\_) )

Plaintiff )

)

vs. ) Case No. \_\_\_\_\_

\_\_\_\_\_, ) The Honorable Judge \_\_\_\_\_

Defendant )

D.O.B. \_\_\_\_\_ )

NOTICE OF JUDGMENT AND SENTENCE

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to the best knowledge and belief of the undersigned, the conviction(s) and sentence(s) of the above-captioned defendant was/were announced and ordered as follow:

Count 1: \_\_\_\_\_ O.S. \_\_\_\_\_

Count 1 Sentence: \_\_\_\_\_

Count 2: \_\_\_\_\_ O.S. \_\_\_\_\_

Count 2 Sentence: \_\_\_\_\_

Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

With Count \_\_\_\_\_

Count 3: \_\_\_\_\_ O.S. \_\_\_\_\_

Count 3 Sentence: \_\_\_\_\_

Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

With Count \_\_\_\_\_

Count 4: \_\_\_\_\_ O.S. \_\_\_\_\_

Count 4 Sentence: \_\_\_\_\_

Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

With Count \_\_\_\_\_

Credit for time served: \_\_\_\_\_

\_\_\_\_\_  
Judge of the District Court

or

\_\_\_\_\_  
Clerk of the District Court

SECTION 2. AMENDATORY 57 O.S. 2011, Section 38, as amended by Section 2, Chapter 307, O.S.L. 2015 (57 O.S. Supp. 2016, Section 38), is amended to read as follows:

Section 38. The Department of Corrections shall reimburse any county which is required to retain an inmate pursuant to subsection ~~D~~ E of Section 37 of this title in an amount ~~not to exceed~~ of not less than Twenty-seven Dollars (\$27.00) per day for each inmate during such period of retention, unless the actual daily cost as determined by the Department of Corrections Daily Rate as defined in this section, exceeds Twenty-seven Dollars (\$27.00). If the actual daily cost as determined by the Department of Corrections Daily Rate exceeds Twenty-seven Dollars (\$27.00), the county shall notify the Department of Corrections of the actual daily cost no later than September 30. If the county's actual daily cost is accepted by the

1 Department, that shall be the reimbursement rate for the county  
2 beginning the next fiscal year. If the Department rejects the  
3 county's actual daily cost application, then the actual daily cost  
4 shall be determined by the State Auditor. The ~~proceeds of this~~  
5 Department shall distribute the reimbursement ~~shall be used on a~~  
6 monthly basis upon receipt and approval of a billing statement from  
7 the county. The county shall use the reimbursement to ~~defray~~  
8 ~~expenses~~ provide for the expense of equipping and maintaining the  
9 jail and payment of personnel. The provisions in this act shall be  
10 implemented by the Department to allow sufficient time for  
11 application to FY-2019. The Department of Corrections shall  
12 reimburse the county for the emergency medical care for physical  
13 injury or illness of the inmate retained under this act if the  
14 injury or illness is directly related to the incarceration and the  
15 county is required by law to provide such care for inmates in the  
16 jail. The Department shall not pay fees for medical care in excess  
17 of the rates established for Medicaid providers. The state shall  
18 not be liable for medical charges in excess of the Medicaid  
19 scheduled rate. The Director may accept any inmate required to have  
20 extended medical care upon application of the county.

21 SECTION 3. This act shall become effective November 1, 2017.  
22  
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24

1 Passed the House of Representatives the 22nd day of March, 2017.

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3  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.

6  
7  
8 Presiding Officer of the Senate