

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 1483, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator David

David-BH-FS-Req#1787
4/25/2017 4:53 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE 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

FLOOR SUBSTITUTE

[prisons and reformatories - county jail
reimbursement rate - reimbursement requirements and
transfer procedures - effective date]

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:

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:

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

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

14 B. No inmate may be received by a penal facility from a county
15 jail without first scheduling a transfer with the Department.
16 Within ~~three (3)~~ five (5) business days after the court orders the
17 judgment and sentence, the county shall transmit to the Department
18 by facsimile, electronic mail, or actual delivery a certified copy
19 of:

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

22 2. A notice of judgment and sentence signed by the sentencing
23 judge or court clerk. The notice shall include the name of the
24 defendant, date of birth, case number, county of conviction, name of

1 the sentencing judge, the ~~crime(s)~~ crime for which the defendant was
2 convicted, the ~~sentence(s)~~ sentence imposed, if multiple sentences
3 whether the sentences run concurrently or consecutively, and whether
4 the defendant is to receive credit for any time served. The notice
5 of judgment and sentence shall be substantially in the form provided
6 for in subsection F of this section; or

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

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

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

3 D. If the Department receives a judgment and sentence document
4 from a county that includes inaccurate information from the
5 sentencing court the Department shall notify the county within a
6 timely manner. If a corrected judgment and sentence document is not
7 received by the Department within five (5) business days from the
8 date of notification, the Department will not be responsible for the
9 cost of housing the inmate in the county jail until such time that
10 an accurate judgment and sentence documents is received by the
11 Department.

12 E. When a county jail has reached its capacity of inmates as
13 provided in the standards set forth in Section 192 of Title 74 of
14 the Oklahoma Statutes, then the county sheriff shall notify the
15 Director of the Oklahoma Department of Corrections, or the
16 Director's designated representative, by facsimile, electronic mail,
17 or actual delivery, that the county jail has reached or exceeded its
18 capacity to hold inmates. The notification shall include copies of
19 any judgment and sentences not previously delivered as required by
20 subsection B of this section. Then within seventy-two (72) hours
21 following such notification, the county sheriff shall transport the
22 designated excess inmate or inmates to a penal facility designated
23 by the Department. The sheriff shall notify the Department of the
24 transport of the inmate prior to the reception of the inmate. The

1 Department shall schedule the reception date and receive the inmate
2 within seventy-two (72) hours of notification that the county jail
3 is at capacity, unless other arrangements can be made with the
4 sheriff.

5 ~~E.~~ F. The Department will be responsible for the cost of
6 housing the inmate in the county jail including costs of medical
7 care provided from the date the judgment and sentence was ordered by
8 the court until the date of transfer of the inmate ~~is scheduled to~~
9 ~~be transferred to the Department~~ from the county jail. The
10 Department shall implement a policy for determination of scheduled
11 dates on which an inmate or multiple inmates are to be transferred
12 from county jails. The policy shall allow for no less than three
13 alternative dates from which the sheriff of a county jail may select
14 and shall provide for weather-related occurrences or other
15 emergencies that may prevent or delay transfers on the scheduled
16 date. The policy shall be available for review upon request by any
17 sheriff of a county jail. If an appropriate judgment and sentence
18 document, as listed in subsection B of this section, is not received
19 by the Department within ~~three (3)~~ five (5) business days, the
20 Department will not be responsible for the cost of housing the
21 inmate in the county jail until the date the Department receives the
22 necessary documentation. Should the inmate not be transferred on
23 the date scheduled by the Department, the Department shall not be
24 responsible for any costs incurred beyond the date scheduled by the

1 Department. The cost of housing shall be the per diem rate
2 specified in Section 38 of this title. In the event the inmate has
3 one or more criminal charges pending in the same Oklahoma
4 jurisdiction and the county jail refuses to transfer the inmate to
5 the Department because of the pending charges, the Department shall
6 not be responsible for the housing costs of the inmate while the
7 inmate remains in the county jail with pending charges. Once the
8 inmate no longer has pending charges in the jurisdiction, the
9 Department shall be responsible for the housing costs of the inmate
10 for the period beginning on the date the judgment and sentence or
11 final order was ~~ordered in the pending case and ending on the date~~
12 ~~the inmate is scheduled to be transferred to~~ received by the
13 Department. In the event the inmate has other criminal charges
14 pending in another Oklahoma jurisdiction, the Department shall be
15 responsible for the housing costs while the inmate remains in the
16 county jail awaiting transfer to another jurisdiction or until the
17 date the inmate is scheduled to be transferred to the Department,
18 whichever is earlier. Once the inmate is transferred to another
19 jurisdiction, the Department is not responsible for the housing cost
20 of the inmate until such time that another judgment and sentence is
21 received by the Department from another Oklahoma jurisdiction. ~~The~~
22 ~~sheriff shall be reimbursed by the Department for the cost of~~
23 ~~housing the inmate in one of two ways:~~

1 ~~1.~~ The sheriff may submit invoices for the cost of housing the
2 inmate on a monthly basis, ~~or~~

3 ~~2. The sheriff may submit one invoice for the total amount due~~
4 ~~for the inmate after the Department has received the inmate.~~ Final
5 payment for housing an offender will be made only after the official
6 judgment and sentence is received by the Department of Corrections.

7 ~~F.~~ G. Form for Notice of Judgment and Sentencing.

8 In the District Court of _____ County

9 The State of Oklahoma

10 State of Oklahoma,)

11 _____)

12 Plaintiff)

13)

14 vs.) Case No. _____

15 _____,) The Honorable Judge _____

16 Defendant)

17 D.O.B. _____)

18 NOTICE OF JUDGMENT AND SENTENCE

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

23 Count 1: _____ O.S. _____

24 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 Twenty-

1 seven Dollars (\$27.00) per day for each inmate during such period of
2 retention, unless the actual daily cost as determined by the
3 Department of Corrections Daily Rate as defined in this section,
4 exceeds Twenty-seven Dollars (\$27.00). If the actual daily cost as
5 determined by the Department of Corrections Daily Rate exceeds
6 Twenty-seven Dollars (\$27.00), the county shall notify the
7 Department of Corrections of the actual daily cost no later than
8 September 30. If the county's actual daily cost is accepted by the
9 Department that shall be the reimbursement rate for the county
10 beginning the next fiscal year. If the Department rejects the
11 county's actual daily cost application, then the actual daily cost
12 reimbursement shall be determined by the State Auditor and shall be
13 imposed beginning the next fiscal year. ~~The proceeds of this~~
14 Department shall distribute the reimbursement ~~shall be used on a~~
15 monthly basis upon receipt and approval of a billing statement from
16 the county. The county shall use the reimbursement to defray
17 expenses of equipping and maintaining the jail and payment of
18 personnel. The provisions in this act shall be implemented by the
19 Department to allow sufficient time for application to FY-2019. The
20 Department of Corrections shall reimburse the county for the
21 emergency medical care for physical injury or illness of the inmate
22 retained under this act if the injury or illness is directly related
23 to the incarceration and the county is required by law to provide
24 such care for inmates in the jail. The Department shall not pay

1 fees for medical care in excess of the rates established for
2 Medicaid providers. The state shall not be liable for medical
3 charges in excess of the Medicaid scheduled rate. The Director may
4 accept any inmate required to have extended medical care upon
5 application of the county.

6 SECTION 3. This act shall become effective November 1, 2017.

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8 56-1-1787 BH 4/25/2017 4:53:13 PM

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