

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1442

By: David and Fields of the
Senate

and

Downing of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to county jails; amending 57 O.S.
13 2011, Section 37, as last amended by Section 1,
14 Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2017, Section
15 37), which relates to facilities reaching maximum
16 capacity; removing certain time-frame requirement;
17 directing the court or court clerk to transmit
18 certified copies of certain documents; deleting
19 exemptions from housing cost responsibilities of the
20 Department of Corrections; and providing an effective
21 date.

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

23 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as last
24 amended by Section 1, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2017,
 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 five (5) business days after the court orders the judgment~~
20 ~~and sentence, the county~~ The court or court clerk shall transmit to
21 the Department by facsimile, electronic mail, or actual delivery a
22 certified copy of:

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

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 for which the defendant was
5 convicted, the sentence imposed, if multiple sentences whether the
6 sentences run concurrently or consecutively, and whether the
7 defendant is to receive credit for any time served. The notice of
8 judgment and sentence shall be substantially in the form provided
9 for in subsection ~~F~~ G 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, and establish a method for issuing
19 receipts certifying that the Department has received the judgment
20 and sentence document. Once an appropriate judgment and sentence
21 document, as listed in subsection B of this section, is received by
22 the Department of Corrections, the Department shall contact the
23 sheriff when bed space is available to schedule the transfer and
24 reception of the inmate into the Department. The Department shall

1 assume custody of an inmate from a county prior to receiving the
2 certified copy of the judgment and sentence upon receipt by the
3 Department of any of the appropriate judgment and sentence documents
4 as listed in subsection B of this section.

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

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

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

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

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

22 The sheriff may submit invoices for the cost of housing the
23 inmate on a monthly basis. Final payment for housing an offender
24

1 will be made only after the official judgment and sentence is
2 received by the Department of Corrections.

3 G. Form for Notice of Judgment and Sentencing.

4 In the District Court of _____ County

5 The State of Oklahoma

6 State of Oklahoma,)

7 _____)

8 Plaintiff)

9)

10 vs.) Case No. _____

11 _____,) The Honorable Judge _____

12 Defendant)

13 D.O.B. _____)

14 NOTICE OF JUDGMENT AND SENTENCE

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

19 Count 1: _____ O.S. _____

20 Count 1 Sentence: _____

21 Count 2: _____ O.S. _____

22 Count 2 Sentence: _____

23 Running Concurrently _____ or Running Consecutively _____

24 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. This act shall become effective November 1, 2018.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/16/2018 - DO
PASS, As Amended.