

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. 279

By: Pugh of the Senate

and

Martinez and Mulready of
the House

11 COMMITTEE SUBSTITUTE

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

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

21 SECTION 1. AMENDATORY 19 O.S. 2011, Section 180.43, as
22 amended by Section 2, Chapter 263, O.S.L. 2017 (19 O.S. Supp. 2017,
23 Section 180.43), is amended to read as follows:
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1 Section 180.43 A. Each county sheriff may contract with any
2 public or private entity engaged in the business of transportation
3 of prisoners, the Department of Justice of the United States of
4 America, the Department of Corrections, or any municipality of this
5 state for the feeding, care, housing, and upkeep of federal, state,
6 or municipal prisoners, or alien detainees incarcerated in the
7 county jail. Any funds received pursuant to said contract shall be
8 the funds of the county where the federal, state, or municipal
9 prisoners, or alien detainees are incarcerated and shall be
10 deposited in a separate revolving fund with the county treasurer.
11 All purchases made pursuant to the provisions of this subsection
12 shall be made pursuant to the purchasing procedures specified in
13 Sections 1500 through 1507 of this title, including the use of
14 blanket purchase orders as provided for in Section 310.8 of Title 62
15 of the Oklahoma Statutes. The sheriff shall be permitted to expend
16 any surplus in the revolving fund for administering expenses for
17 salaries, training, equipment, or travel, or for capital
18 expenditures.

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

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

1 this subsection, upon conviction, shall be guilty of a misdemeanor
2 and shall be punished by a fine of not more than One Hundred Dollars
3 (\$100.00) or by imprisonment in the county jail for not more than
4 thirty (30) days, or by both said fine and imprisonment, and in
5 addition thereto shall be discharged from county employment.

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

20 D. Each county sheriff may operate, or contract the operation
21 of, a commissary for the benefit of persons lawfully confined in the
22 county jail under the custody of the county sheriff. Any funds
23 received pursuant to said operations shall be the funds of the
24 county where the persons are incarcerated and shall be deposited in

1 the Sheriff's Commissary Account. The sheriff shall be permitted to
2 expend the funds to improve or provide jail services. The sheriff
3 shall be permitted to expend any surplus in the Sheriff's Commissary
4 Account for administering expenses for training equipment, travel or
5 for capital expenditures. The claims for expenses shall be filed
6 with and allowed by the board of county commissioners in the same
7 manner as other claims. The sheriff shall receive no compensation
8 for the operation of said commissary. The sheriff shall file an
9 annual report on any said commissary under his or her operation no
10 later than January 15 of each year. The State Auditor and Inspector
11 shall conduct an audit of the report in the same manner as other
12 public records of the county.

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

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
5 dated 03/01/2018 - DO PASS, As Amended and Coauthored.
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