

1 **SENATE FLOOR VERSION**

2 April 12, 2017

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 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

9 and

10 David of the Senate

11
12
13 COMMITTEE SUBSTITUTE

14 [prisons and reformatories - county jail
15 reimbursement rate - reimbursement requirements and
16 transfer procedures - effective date]
17

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

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

22 Section 37. A. If all correctional facilities reach maximum
23 capacity and the Department of Corrections is required to contract
24 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
7 received by the Department within five (5) business days, the
8 Department will be responsible for the cost of housing the inmate in
9 the county jail starting from the date the first notice was sent.

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

1 is at capacity, unless other arrangements can be made with the
2 sheriff.

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

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

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

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

6 In the District Court of _____ County

7 The State of Oklahoma

8 State of Oklahoma,)

9 _____)

10 Plaintiff)

11)

12 vs.) Case No. _____

13 _____,) The Honorable Judge _____

14 Defendant)

15 D.O.B. _____)

16 NOTICE OF JUDGMENT AND SENTENCE

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

21 Count 1: _____ O.S. _____

22 Count 1 Sentence: _____

23 Count 2: _____ O.S. _____

24 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-
seven Dollars (\$27.00) per day for each inmate during such period of
retention, unless the actual daily cost as determined by the

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

1 charges in excess of the Medicaid scheduled rate. The Director may
2 accept any inmate required to have extended medical care upon
3 application of the county.

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 April 12, 2017 - DO PASS AS AMENDED
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