

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1442

By: Sykes

6 AS INTRODUCED

7 An Act relating to county jails; amending 57 O.S.  
8 2011, Section 37, as last amended by Section 1,  
Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2017, Section  
9 37), which relates to facilities reaching maximum  
10 capacity; removing certain timeframe requirements;  
modifying procedures; and providing an effective  
11 date.

12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as last  
15 amended by Section 1, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2017,  
16 Section 37), is amended to read as follows:

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

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

23 2. Prior to contracting with a private prison operator to  
24 provide housing for state inmates, the Department shall send

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

9 B. No inmate may be received by a penal facility from a county  
10 jail without first scheduling a transfer with the Department.  
11 ~~Within five (5) business days after the court orders the judgment~~  
12 ~~and sentence, the county~~ The sheriff or court clerk shall transmit  
13 to the Department by facsimile, electronic mail, or actual delivery  
14 a certified copy of:

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

17 2. A notice of judgment and sentence signed by the sentencing  
18 judge or court clerk. The notice shall include the name of the  
19 defendant, date of birth, case number, county of conviction, name of  
20 the sentencing judge, the crime for which the defendant was  
21 convicted, the sentence imposed, if multiple sentences whether the  
22 sentences run concurrently or consecutively, and whether the  
23 defendant is to receive credit for any time served. The notice of  
24

1 judgment and sentence shall be substantially in the form provided  
2 for in subsection F of this section; or

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

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

22 D. If the Department receives a judgment and sentence document  
23 from a county that includes inaccurate information from the  
24 sentencing court the Department shall notify the county within a

1 | timely manner. ~~If a corrected judgment and sentence document is not~~  
2 | ~~received by the Department within five (5) business days from the~~  
3 | ~~date of notification, the Department will not be responsible for the~~  
4 | ~~cost of housing the inmate in the county jail until such time that~~  
5 | ~~an accurate judgment and sentence documents is received by the~~  
6 | ~~Department.~~

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

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

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

16 The sheriff may submit invoices for the cost of housing the  
17 inmate on a monthly basis. Final payment for housing an offender  
18 will be made only after the official judgment and sentence is  
19 received by the Department of Corrections.

20 G. Form for Notice of Judgment and Sentencing.

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

22 The State of Oklahoma

23 State of Oklahoma, )

24 \_\_\_\_\_ )

1       Plaintiff               )  
 2                                )  
 3   vs.                        )     Case No. \_\_\_\_\_  
 4   \_\_\_\_\_, )     The Honorable Judge \_\_\_\_\_  
 5       Defendant            )  
 6   D.O.B. \_\_\_\_\_ )  
 7   NOTICE OF JUDGMENT AND SENTENCE  
 8       On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to the best  
 9   knowledge and belief of the undersigned, the conviction(s) and  
 10   sentence(s) of the above-captioned defendant was/were announced and  
 11   ordered as follow:  
 12       Count 1: \_\_\_\_\_ O.S. \_\_\_\_\_  
 13       Count 1 Sentence: \_\_\_\_\_  
 14       Count 2: \_\_\_\_\_ O.S. \_\_\_\_\_  
 15       Count 2 Sentence: \_\_\_\_\_  
 16           Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_  
 17           With Count \_\_\_\_\_  
 18       Count 3: \_\_\_\_\_ O.S. \_\_\_\_\_  
 19       Count 3 Sentence: \_\_\_\_\_  
 20           Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_  
 21           With Count \_\_\_\_\_  
 22       Count 4: \_\_\_\_\_ O.S. \_\_\_\_\_  
 23       Count 4 Sentence: \_\_\_\_\_  
 24           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.

56-2-3002          BH          1/18/2018 4:52:50 PM