

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 2278

By: O'Donnell

AS INTRODUCED

An Act relating to county jail commissaries; amending 7 O.S. 2011, Section 73, as amended by Section 1, Chapter 91, O.S.L. 2016 (7 O.S. Supp. 2016, Section 73), which relates to operation of vending facilities on state or county property; exempting county jail commissaries from requirement to have licensed blind operators operate vending facilities; amending 19 O.S. 2011, Section 180.43, which relates to upkeep of prisoners; eliminating applicability of certain vending facility operating requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 7 O.S. 2011, Section 73, as amended by Section 1, Chapter 91, O.S.L. 2016 (7 O.S. Supp. 2016, Section 73), is amended to read as follows:

Section 73. A. It shall be the duty of the board of county commissioners of each county and the governing boards of all state institutions, state agencies and state or county public trust authorities, with regard to the premises of county or state property under their respective jurisdictions or the premises of property leased by them in whole or in part, to give priority to vending

1 facilities operated by licensed blind operators and established by  
2 the State Department of Rehabilitation Services. Governing boards  
3 shall observe such priority by entering into an agreement with the  
4 Department. Operators shall be licensed by the Department.

5 B. Governing boards shall make available free of any charge,  
6 fee, assessment or commission on sales adequate space with  
7 sufficient electrical, plumbing, heating and ventilation outlets for  
8 the operation of a vending facility on satisfactory sites.

9 Governing boards shall provide free of any charge, fee, assessment  
10 or commission on sales the use of utilities needed to operate a  
11 vending facility.

12 C. The provisions of this section shall not apply to the  
13 operation of fairgrounds, exposition centers, trade/consumer show  
14 facilities, pari-mutuel horse racing facilities as licensed by the  
15 Oklahoma Horse Racing Commission, parks, golf courses, hospitals  
16 operated by county trust authorities, commissaries for the benefit  
17 of persons lawfully confined in the county jail under the custody of  
18 the county sheriff or the State Capitol Building and grounds;  
19 provided, that vending machines within the State Capitol Building  
20 shall be subject to the provisions of subsections A and B of this  
21 section.

22 SECTION 2. AMENDATORY 19 O.S. 2011, Section 180.43, is  
23 amended to read as follows:  
24

1       Section 180.43   A.   Each county sheriff may contract with the  
2   Department of Justice of the United States of America, the  
3   Department of Corrections, or any municipality of this state for the  
4   feeding, care, housing, and upkeep of federal, state, or municipal  
5   prisoners, or alien detainees incarcerated in the county jail. Any  
6   funds received pursuant to said contract shall be the funds of the  
7   county where the federal, state, or municipal prisoners, or alien  
8   detainees are incarcerated and shall be deposited in a separate  
9   revolving fund with the county treasurer. All purchases made  
10   pursuant to the provisions of this subsection shall be made pursuant  
11   to the purchasing procedures specified in Sections 1500 through 1505  
12   of this title, including the use of blanket purchase orders as  
13   provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.  
14   The sheriff shall be permitted to expend any surplus in the  
15   revolving fund for administering expenses for salaries, training,  
16   equipment, or travel, or for capital expenditures.

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

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

1 (\$100.00) or by imprisonment in the county jail for not more than  
2 thirty (30) days, or by both said fine and imprisonment, and in  
3 addition thereto shall be discharged from county employment.

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

18 D. Each county sheriff may operate, or contract the operation  
19 of, a commissary for the benefit of persons lawfully confined in the  
20 county jail under the custody of the county sheriff. Any funds  
21 received pursuant to said operations shall be the funds of the  
22 county where the persons are incarcerated and shall be deposited in  
23 the Sheriff's Commissary Account. The sheriff shall be permitted to  
24 expend the funds to improve or provide jail services. The sheriff

1 shall be permitted to expend any surplus in the Sheriff's Commissary  
2 Account for administering expenses for training equipment, travel or  
3 for capital expenditures. The claims for expenses shall be filed  
4 with and allowed by the board of county commissioners in the same  
5 manner as other claims. The sheriff shall receive no compensation  
6 for the operation of said commissary. The sheriff shall file an  
7 annual report on any said commissary under his or her operation no  
8 later than January 15 of each year. The State Auditor and Inspector  
9 shall conduct an audit of the report in the same manner as other  
10 public records of the county. ~~Nothing in this subsection shall~~  
11 ~~circumvent the provisions of Section 73 of Title 7 of the Oklahoma~~  
12 ~~Statutes.~~

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.

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

56-1-6123            AMM            01/08/17