

1 ENGROSSED SENATE
2 BILL NO. 281

By: Paxton of the Senate

3 and

4 Conley of the House
5

6 An Act relating to counties and county officers;
7 amending 19 O.S. 2011, Section 180.43, as last
8 amended by Section 1, Chapter 19, O.S.L. 2018 (19
9 O.S. Supp. 2018, Section 180.43), which relates to
salaries and compensation; clarifying expenditure of
certain funds; and providing an effective date.

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

12 SECTION 1. AMENDATORY 19 O.S. 2011, Section 180.43, as
13 last amended by Section 1, Chapter 19, O.S.L. 2018 (19 O.S. Supp.
14 2018, Section 180.43), is amended to read as follows:

15 Section 180.43. A. Each county sheriff may contract with any
16 public or private entity engaged in the business of transportation
17 of prisoners, the Department of Justice of the United States of
18 America, the Department of Corrections, or any municipality of this
19 state for the feeding, care, housing, and upkeep of federal, state,
20 or municipal prisoners, or alien detainees incarcerated in the
21 county jail. Any funds received pursuant to said contract shall be
22 the funds of the county where the federal, state, or municipal
23 prisoners, or alien detainees are incarcerated and shall be
24 deposited in a separate revolving fund with the county treasurer.

1 All purchases made pursuant to the provisions of this subsection
2 shall be made pursuant to the purchasing procedures specified in
3 Sections 1500 through 1507 of this title, including the use of
4 blanket purchase orders as provided for in Section 310.8 of Title 62
5 of the Oklahoma Statutes. The sheriff shall be permitted to expend
6 any ~~surplus~~ funds in the revolving fund for administering expenses
7 for salaries, training, equipment, or travel, or for capital
8 expenditures.

9 The claim for said expenses shall be filed with and allowed by
10 the board of county commissioners as other claims. The sheriff
11 shall receive no compensation for said services. The sheriff shall
12 file an annual report with the board of county commissioners not
13 later than January 15 of each year. The State Auditor and Inspector
14 shall conduct an audit of the report as on other public records of
15 the county.

16 B. In lieu of the travel reimbursement or monthly travel
17 allowance provided for by law, the board of county commissioners may
18 purchase and provide for the operation, maintenance, insurance,
19 equipping, and repair of an automobile for each county commissioner
20 to be used in performing the duties of his office. In lieu of the
21 travel reimbursement or monthly travel allowance provided for by
22 law, the board of county commissioners, with the concurrence of the
23 county sheriff, may purchase and provide for the operation,
24 maintenance, insurance, equipping, and repair of automobiles for the

1 use of the sheriff in performing the duties of his office. Any
2 automobile purchased pursuant to the authority granted in this
3 section shall be purchased by competitive bids. The use of any said
4 automobile for private or personal purposes is hereby prohibited.
5 In any county having a population of at least three hundred fifty
6 thousand (350,000), where it is determined by the sheriff to be more
7 economical and advantageous to the county, the sheriff may establish
8 a monthly automobile allowance of not more than Four Hundred Dollars
9 (\$400.00) per month in lieu of the mileage per mile for in-county
10 driving as authorized in this section. Any travel reimbursement
11 other than in-county driving as provided for in this section shall
12 be for actual and necessary expenses as provided for in the State
13 Travel Reimbursement Act. Any person violating the provisions of
14 this subsection, upon conviction, shall be guilty of a misdemeanor
15 and shall be punished by a fine of not more than One Hundred Dollars
16 (\$100.00) or by imprisonment in the county jail for not more than
17 thirty (30) days, or by both said fine and imprisonment, and in
18 addition thereto shall be discharged from county employment.

19 C. The State of Oklahoma hereby declares and states that the
20 increased number of persons impersonating law enforcement officers
21 by making routine traffic stops while using unmarked cars is a
22 threat to the public health and safety of all of the citizens of the
23 State of Oklahoma; therefore it shall be unlawful for any county
24 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle

1 which is not clearly marked as a law enforcement vehicle for routine
2 traffic enforcement except as provided in Section 12-218 of Title 47
3 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47
4 of the Oklahoma Statutes, the peace officer operating the law
5 enforcement vehicle for routine traffic stops shall be dressed in
6 the official uniform including shoulder patches, badge, and any
7 other identifying insignias normally used by the employing law
8 enforcement agency.

9 D. Each county sheriff may operate, or contract the operation
10 of, a commissary for the benefit of persons lawfully confined in the
11 county jail under the custody of the county sheriff. Any funds
12 received pursuant to said operations shall be the funds of the
13 county where the persons are incarcerated and shall be deposited in
14 the Sheriff's Commissary Account. The sheriff shall be permitted to
15 expend the funds to improve or provide jail services. The sheriff
16 shall be permitted to expend any surplus in the Sheriff's Commissary
17 Account for administering expenses for training equipment, travel or
18 for capital expenditures. The claims for expenses shall be filed
19 with and allowed by the board of county commissioners in the same
20 manner as other claims. The sheriff shall receive no compensation
21 for the operation of said commissary. The sheriff shall file an
22 annual report on any said commissary under his or her operation no
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 in the same manner as other
2 public records of the county.

3 E. Each county sheriff may operate, or contract the operation
4 of, a telephone system for the benefit of persons lawfully confined
5 in the county jail under the custody of the county sheriff. Any
6 funds received pursuant to said operations shall be the funds of the
7 county where the persons are incarcerated and shall be deposited in
8 the Sheriff's Service Fee Account. Such funds may be expended
9 according to the guidelines previously established for expenditures
10 from the general fund. The claims for expenses shall be filed with
11 and allowed by the board of county commissioners in the same manner
12 as other claims.

13 SECTION 2. This act shall become effective November 1, 2019.

14 Passed the Senate the 11th day of March, 2019.

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16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2019.

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21 _____
22 Presiding Officer of the House
23 of Representatives
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