

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 244, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Bergstrom

Bergstrom-BHG-FS-Req#2043  
3/5/2019 10:40 AM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 244

By: Bergstrom of the Senate

and

6 Taylor of the House

7  
8  
9 FLOOR SUBSTITUTE

10 [ county jails - facilities reaching maximum capacity  
11 - timeframe requirements - effective 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. 2018,  
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~~ court clerk shall transmit to the  
13 Department by facsimile, electronic mail, or actual delivery a  
14 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. The Department shall establish a dedicated  
14 electronic address location for receipt of all electronically  
15 submitted judgment and sentence documents. The electronic address  
16 location shall provide written receipt verification of each received  
17 judgment and sentence document. Once an appropriate judgment and  
18 sentence document, as listed in subsection B of this section, is  
19 received by the Department of Corrections, the Department shall  
20 contact the sheriff when bed space is available to schedule the  
21 transfer and reception of the inmate into the Department. The  
22 Department shall assume custody of an inmate from a county prior to  
23 receiving the certified copy of the judgment and sentence upon  
24

1 receipt by the Department of any of the appropriate judgment and  
2 sentence documents 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 not  
7 received by the Department within five (5) business days from the  
8 date of notification, the Department will not be responsible for the  
9 cost of housing the inmate in the county jail until such time that  
10 an accurate judgment and sentence documents is received by the  
11 Department.~~

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

1 Department shall schedule the reception date and receive the inmate  
2 within seventy-two (72) hours of notification that the county jail  
3 is at capacity, unless other arrangements can be made with the  
4 sheriff.

5 F. The Department will be responsible for the cost of housing  
6 the inmate in the county jail including costs of medical care  
7 provided from the date the judgment and sentence was ordered by the  
8 court until the date of transfer of the inmate from the county jail.  
9 The Department shall implement a policy for determination of  
10 scheduled dates on which an inmate or multiple inmates are to be  
11 transferred from county jails. The policy shall allow for no less  
12 than three alternative dates from which the sheriff of a county jail  
13 may select and shall provide for weather-related occurrences or  
14 other emergencies that may prevent or delay transfers on the  
15 scheduled date. The policy shall be available for review upon  
16 request by any sheriff of a county jail. ~~If an appropriate judgment~~  
17 ~~and sentence document, as listed in subsection B of this section, is~~  
18 ~~not received by the Department within 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 ~~received by the Department~~ ordered by the Court. In  
11 the event the inmate has other criminal charges pending in another  
12 Oklahoma jurisdiction, the Department shall be responsible for the  
13 housing costs while the inmate remains in the county jail awaiting  
14 transfer to another jurisdiction or until the date the inmate is  
15 scheduled to be transferred to the Department, whichever is earlier.  
16 Once the inmate is transferred to another jurisdiction, the  
17 Department is not responsible for the housing cost of the inmate  
18 until such time that another judgment and sentence is received by  
19 the Department from another Oklahoma jurisdiction.

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

24 G. Form for Notice of Judgment and Sentencing.

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

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Count 4 Sentence: \_\_\_\_\_

With Count \_\_\_\_\_

Credit for time served: \_\_\_\_\_

or

SECTION 2. This act shall become effective in accordance with provisions of Section 58 of Article V of the Oklahoma Constitution.

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