

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 281

By: Paxton and **Weaver** of the  
Senate

and

Conley of the House

9                               COMMITTEE SUBSTITUTE

10                   An Act relating to counties and county officers;  
11                   amending 19 O.S. 2011, Section 180.43, as last  
12                   amended by Section 8 of Enrolled Senate Bill No. 1041  
13                   of the 1st Session of the 57th Oklahoma Legislature,  
14                   which relates to county sheriff contracts;  
15                   redirecting certain contract funds to a revolving  
16                   fund with the county treasurer; modifying certain  
17                   permitted expenditures from funds; and providing an  
18                   effective date.

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

20                   SECTION 1.           AMENDATORY           19 O.S. 2011, Section 180.43, as  
21                   last amended by Section 8 of Enrolled Senate Bill No. 1041 of the  
22                   1st Session of the 57th Oklahoma Legislature, is amended to read as  
23                   follows:

24                   Section 180.43   A.   Each county sheriff may contract with any  
public or private entity engaged in the business of transportation  
of prisoners, the Department of Justice of the United States of

1 America, the Department of Corrections, or any municipality of this  
2 state for the feeding, care, housing, and upkeep of federal, state,  
3 or municipal prisoners, or alien detainees incarcerated in the  
4 county jail. Any funds received pursuant to said contract shall be  
5 the funds of the county where the federal, state, or municipal  
6 prisoners, or alien detainees are incarcerated and shall be  
7 deposited in ~~the Sheriff's Service Fee Account~~ a separate revolving  
8 fund with the county treasurer. All purchases made pursuant to the  
9 provisions of this subsection shall be made pursuant to the  
10 purchasing procedures specified in Sections 1500 through 1507 of  
11 this title, including the use of blanket purchase orders as provided  
12 for in Section 310.8 of Title 62 of the Oklahoma Statutes. The  
13 sheriff shall be permitted to expend ~~the funds for capital~~  
14 ~~expenditures. The sheriff shall be permitted to expend~~ any surplus  
15 in the ~~Sheriff's Service Fee Account~~ revolving fund for  
16 administering expenses for salaries, training, equipment ~~or~~, travel  
17 or for capital expenditures.

18 The claim for said expenses shall be filed with and allowed by  
19 the board of county commissioners as other claims. The sheriff  
20 shall receive no compensation for said services. The sheriff shall  
21 file an annual report with the board of county commissioners not  
22 later than January 15 of each year. The State Auditor and Inspector  
23 shall conduct an audit of the report as on other public records of  
24 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.

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

21 SECTION 2. This act shall become effective November 1, 2019.  
22

23 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
24 dated 04/15/2019 - DO PASS, As Amended and Coauthored.