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February 28, 2019

SENATE BILL NO. 281

By: Paxton of the Senate

and

Conley of the House

An Act relating to counties and county officers; amending 19 O.S. 2011, Section 180.43, as last amended by Section 1, Chapter 19, O.S.L. 2018 (19 O.S. Supp. 2018, Section 180.43), which relates to salaries and compensation; clarifying certain reference; amending 19 O.S. 2011, Section 180.43, as last amended by Section 1, Chapter 83, O.S.L. 2018 (19 O.S. 2018, Section 180.43), which relates to salaries and compensation; clarifying certain reference; updating statutory language; and providing an effective date.

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

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

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 America, the Department of Corrections, or any municipality of this state for the feeding, care, housing, and upkeep of federal, state,

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

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

21 B. In lieu of the travel reimbursement or monthly travel  
22 allowance provided for by law, the board of county commissioners may  
23 purchase and provide for the operation, maintenance, insurance,  
24 equipping, and repair of an automobile for each county commissioner

1 to be used in performing the duties of his office. In lieu of the  
2 travel reimbursement or monthly travel allowance provided for by  
3 law, the board of county commissioners, with the concurrence of the  
4 county sheriff, may purchase and provide for the operation,  
5 maintenance, insurance, equipping, and repair of automobiles for the  
6 use of the sheriff in performing the duties of his office. Any  
7 automobile purchased pursuant to the authority granted in this  
8 section shall be purchased by competitive bids. The use of any ~~said~~  
9 automobile for private or personal purposes is hereby prohibited.  
10 In any county having a population of at least three hundred fifty  
11 thousand (350,000), where it is determined by the sheriff to be more  
12 economical and advantageous to the county, the sheriff may establish  
13 a monthly automobile allowance of not more than Four Hundred Dollars  
14 (\$400.00) per month in lieu of the mileage per mile for in-county  
15 driving as authorized in this section. Any travel reimbursement  
16 other than in-county driving as provided for in this section shall  
17 be for actual and necessary expenses as provided for in the State  
18 Travel Reimbursement Act. Any person violating the provisions of  
19 this subsection, upon conviction, shall be guilty of a misdemeanor  
20 and shall be punished by a fine of not more than One Hundred Dollars  
21 (\$100.00) or by imprisonment in the county jail for not more than  
22 thirty (30) days, or by both ~~said~~ the fine and imprisonment, and in  
23 addition thereto shall be discharged from county employment.  
24

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

15 D. Each county sheriff may operate, or contract the operation  
16 of, a commissary for the benefit of persons lawfully confined in the  
17 county jail under the custody of the county sheriff. Any funds  
18 received pursuant to ~~said~~ the operations shall be the funds of the  
19 county where the persons are incarcerated and shall be deposited in  
20 the Sheriff's Commissary Account. The sheriff shall be permitted to  
21 expend the funds to improve or provide jail services. The sheriff  
22 shall be permitted to expend any surplus in the Sheriff's Commissary  
23 Account for administering expenses for training equipment, travel or  
24 for capital expenditures. The claims for expenses shall be filed

1 with and allowed by the board of county commissioners in the same  
2 manner as other claims. The sheriff shall receive no compensation  
3 for the operation of ~~said~~ the commissary. The sheriff shall file an  
4 annual report on any ~~said~~ commissary under his or her operation no  
5 later than January 15 of each year. The State Auditor and Inspector  
6 shall conduct an audit of the report in the same manner as other  
7 public records of the county.

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

18 SECTION 2. AMENDATORY 19 O.S. 2011, Section 180.43, as  
19 last amended by Section 1, Chapter 83, O.S.L. 2018 (19 O.S. Supp.  
20 2018, Section 180.43), is amended to read as follows:

21 Section 180.43. A. Each county sheriff may contract with the  
22 Department of Justice of the United States of America, the  
23 Department of Corrections, or any municipality of this state for the  
24 feeding, care, housing, and upkeep of federal, state, or municipal

1 prisoners, or alien detainees incarcerated in the county jail. Any  
2 funds received pursuant to ~~said~~ the contract shall be the funds of  
3 the county where the federal, state, or municipal prisoners, or  
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5 Sheriff's Service Fee Account. All purchases made pursuant to the  
6 provisions of this subsection shall be made pursuant to the  
7 purchasing procedures specified in Sections 1500 through 1507 of  
8 this title, including the use of blanket purchase orders as provided  
9 for in Section 310.8 of Title 62 of the Oklahoma Statutes. The  
10 sheriff shall be permitted to expend the funds for capital  
11 expenditures. The sheriff shall be permitted to expend any ~~surplus~~  
12 funds in the Sheriff's Service Fee Account for administering  
13 expenses for salaries, training, equipment or travel.

14 The claim for ~~said~~ the expenses shall be filed with and allowed  
15 by the board of county commissioners as other claims. The sheriff  
16 shall receive no compensation for ~~said~~ the services. The sheriff  
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18 not later than January 15 of each year. The State Auditor and  
19 Inspector shall conduct an audit of the report as on other public  
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22 allowance provided for by law, the board of county commissioners may  
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9 automobile for private or personal purposes is hereby prohibited.  
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11 thousand (350,000), where it is determined by the sheriff to be more  
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14 (\$400.00) per month in lieu of the mileage per mile for in-county  
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19 this subsection, upon conviction, shall be guilty of a misdemeanor  
20 and shall be punished by a fine of not more than One Hundred Dollars  
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22 thirty (30) days, or by both ~~said~~ the fine and imprisonment, and in  
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12 the county where the persons are incarcerated and shall be deposited  
13 in the Sheriff's Service Fee Account. Such funds may be expended  
14 according to the guidelines previously established for expenditures  
15 from the general fund. The claims for expenses shall be filed with  
16 and allowed by the board of county commissioners in the same manner  
17 as other claims.

18 SECTION 3. This act shall become effective November 1, 2019.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
20 February 28, 2019 - DO PASS  
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