

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 281

By: Paxton

AS INTRODUCED

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, or municipal prisoners, or alien detainees incarcerated in the

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

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

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

1 travel reimbursement or monthly travel allowance provided for by
2 law, the board of county commissioners, with the concurrence of the
3 county sheriff, may purchase and provide for the operation,
4 maintenance, insurance, equipping, and repair of automobiles for the
5 use of the sheriff in performing the duties of his office. Any
6 automobile purchased pursuant to the authority granted in this
7 section shall be purchased by competitive bids. The use of any ~~said~~
8 the automobile for private or personal purposes is hereby
9 prohibited. In any county having a population of at least three
10 hundred fifty thousand (350,000), where it is determined by the
11 sheriff to be more economical and advantageous to the county, the
12 sheriff may establish a monthly automobile allowance of not more
13 than Four Hundred Dollars (\$400.00) per month in lieu of the mileage
14 per mile for in-county driving as authorized in this section. Any
15 travel reimbursement other than in-county driving as provided for in
16 this section shall be for actual and necessary expenses as provided
17 for in the State Travel Reimbursement Act. Any person violating the
18 provisions of this subsection, upon conviction, shall be guilty of a
19 misdemeanor and shall be punished by a fine of not more than One
20 Hundred Dollars (\$100.00) or by imprisonment in the county jail for
21 not more than thirty (30) days, or by both ~~said~~ the fine and
22 imprisonment, and in addition thereto shall be discharged from
23 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~~ the commissary under his or her operation
5 no later than January 15 of each year. The State Auditor and
6 Inspector shall conduct an audit of the report in the same manner as
7 other 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
25

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
4 alien detainees are incarcerated and shall be deposited in the
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
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 the automobile for private or personal purposes is hereby
10 prohibited. In any county having a population of at least three
11 hundred fifty thousand (350,000), where it is determined by the
12 sheriff to be more economical and advantageous to the county, the
13 sheriff may establish a monthly automobile allowance of not more
14 than Four Hundred Dollars (\$400.00) per month in lieu of the mileage
15 per mile for in-county driving as authorized in this section. Any
16 travel reimbursement other than in-county driving as provided for in
17 this section shall be for actual and necessary expenses as provided
18 for in the State Travel Reimbursement Act. Any person violating the
19 provisions of this subsection, upon conviction, shall be guilty of a
20 misdemeanor and shall be punished by a fine of not more than One
21 Hundred Dollars (\$100.00) or by imprisonment in the county jail for
22 not more than thirty (30) days, or by both ~~said~~ the fine and
23 imprisonment, and in addition thereto shall be discharged from
24 county employment.

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~~ the commissary under his or her operation
5 no later than January 15 of each year. The State Auditor and
6 Inspector shall conduct an audit of the report in the same manner as
7 other 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 3. This act shall become effective November 1, 2019.
19

20 57-1-1637 MG 1/14/2019 1:14:22 PM
21
22
23
24
25