

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1568

By: Bergstrom

4  
5  
6 AS INTRODUCED

7 An Act relating to corrections; amending 57 O.S.  
8 2011, Section 37, as last amended by Section 1,  
9 Chapter 247, O.S.L. 2019 (57 O.S. Supp. 2019, Section  
10 37), which relates to facilities reaching maximum  
11 capacity; requiring certain penalty payment; and  
12 providing an effective date.

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 247, O.S.L. 2019 (57 O.S. Supp. 2019,  
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  
25 notification to all county jails in this state that bed space is

1 required to house the overflow population of state inmates. Upon  
2 receiving notification, the sheriff of a county jail is authorized  
3 to enter into agreements with the Department to provide housing for  
4 the inmates. Reimbursement for the cost of housing the inmates  
5 shall be a negotiated per diem rate for each inmate as contracted  
6 but shall in no event be less than the per diem rate provided for in  
7 Section 38 of this title.

8 3. If a county jail has two or more documented attempts at  
9 securing overflow population from the Department, at the per diem  
10 rate provided for in Section 38 of this title, and the Department  
11 fails to provide proper notification as provided for in this section  
12 or the Department fails to schedule housing of requested offenders  
13 to the county, the Department shall be required to pay the per diem  
14 rate pursuant to Section 38 of this title to the county for the  
15 requested number of offenders in addition to the private prison  
16 operator currently housing the offenders until such time as the  
17 requested offenders are transported for housing in the county.

18 B. No inmate may be received by a penal facility from a county  
19 jail without first scheduling a transfer with the Department.  
20 Within five (5) business days after the court orders the judgment  
21 and sentence, the court clerk shall transmit to the Department by  
22 facsimile, electronic mail, or actual delivery a certified copy of:

23 1. The judgment and sentence certifying that the inmate is  
24 sentenced to the Department of Corrections;

1           2. A notice of judgment and sentence signed by the sentencing  
2 judge or court clerk. The notice shall include the name of the  
3 defendant, date of birth, case number, county of conviction, name of  
4 the sentencing judge, the crime for which the defendant was  
5 convicted, the sentence imposed, if multiple sentences whether the  
6 sentences run concurrently or consecutively, and whether the  
7 defendant is to receive credit for any time served. The notice of  
8 judgment and sentence shall be substantially in the form provided  
9 for in subsection F of this section; or

10           3. Plea paperwork, Summary of Facts and Sentence on Plea or  
11 Sentencing After Jury Trial Summary of Facts may be used as  
12 sentencing documents.

13           C. The receipt of the certified copy of the judgment and  
14 sentence shall be certification that the sentencing court has  
15 entered a judgment and sentence and all other necessary commitment  
16 documents. The Department of Corrections is authorized to determine  
17 the appropriate method of delivery from each county based on  
18 electronic or other capabilities, and establish a method for issuing  
19 receipts certifying that the Department has received the judgment  
20 and sentence document. The Department shall establish a dedicated  
21 electronic address location for receipt of all electronically  
22 submitted judgment and sentence documents. The electronic address  
23 location shall provide written receipt verification of each received  
24 judgment and sentence document. Once an appropriate judgment and

1 sentence document, as listed in subsection B of this section, is  
2 received by the Department of Corrections, the Department shall  
3 contact the sheriff when bed space is available to schedule the  
4 transfer and reception of the inmate into the Department. The  
5 Department shall assume custody of an inmate from a county prior to  
6 receiving the certified copy of the judgment and sentence upon  
7 receipt by the Department of any of the appropriate judgment and  
8 sentence documents as listed in subsection B of this section.

9 D. If the Department receives a judgment and sentence document  
10 from a county that includes inaccurate information from the  
11 sentencing court the Department shall notify the county within a  
12 timely manner.

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

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

6 F. The Department will be responsible for the cost of housing  
7 the inmate in the county jail including costs of medical care  
8 provided from the date the judgment and sentence was ordered by the  
9 court until the date of transfer of the inmate from the county jail.  
10 The Department shall implement a policy for determination of  
11 scheduled dates on which an inmate or multiple inmates are to be  
12 transferred from county jails. The policy shall allow for no less  
13 than three alternative dates from which the sheriff of a county jail  
14 may select and shall provide for weather-related occurrences or  
15 other emergencies that may prevent or delay transfers on the  
16 scheduled date. The policy shall be available for review upon  
17 request by any sheriff of a county jail. The cost of housing shall  
18 be the per diem rate specified in Section 38 of this title. In the  
19 event the inmate has one or more criminal charges pending in the  
20 same Oklahoma jurisdiction and the county jail refuses to transfer  
21 the inmate to the Department because of the pending charges, the  
22 Department shall not be responsible for the housing costs of the  
23 inmate while the inmate remains in the county jail with pending  
24 charges. Once the inmate no longer has pending charges in the

1 jurisdiction, the Department shall be responsible for the housing  
2 costs of the inmate for the period beginning on the date the  
3 judgment and sentence or final order was ordered by the Court. In  
4 the event the inmate has other criminal charges pending in another  
5 Oklahoma jurisdiction, the Department shall be responsible for the  
6 housing costs while the inmate remains in the county jail awaiting  
7 transfer to another jurisdiction or until the date the inmate is  
8 scheduled to be transferred to the Department, whichever is earlier.  
9 Once the inmate is transferred to another jurisdiction, the  
10 Department is not responsible for the housing cost of the inmate  
11 until such time that another judgment and sentence is received by  
12 the Department from another Oklahoma jurisdiction.

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

17 G. Form for Notice of Judgment and Sentencing.

18 In the District Court of \_\_\_\_\_ County  
19 The State of Oklahoma  
20 State of Oklahoma, )  
21 \_\_\_\_\_ )  
22 Plaintiff )  
23 )  
24 vs. ) Case No. \_\_\_\_\_  
25

1 \_\_\_\_\_, ) The Honorable Judge \_\_\_\_\_

2 Defendant )

3 D.O.B. \_\_\_\_\_ )

4 NOTICE OF JUDGMENT AND SENTENCE

5 On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to the best  
6 knowledge and belief of the undersigned, the conviction(s) and  
7 sentence(s) of the above-captioned defendant was/were announced and  
8 ordered as follow:

9 Count 1: \_\_\_\_\_ O.S. \_\_\_\_\_

10 Count 1 Sentence: \_\_\_\_\_

11 Count 2: \_\_\_\_\_ O.S. \_\_\_\_\_

12 Count 2 Sentence: \_\_\_\_\_

13 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

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

15 Count 3: \_\_\_\_\_ O.S. \_\_\_\_\_

16 Count 3 Sentence: \_\_\_\_\_

17 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

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

19 Count 4: \_\_\_\_\_ O.S. \_\_\_\_\_

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

21 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

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

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

24 \_\_\_\_\_

Judge of the District Court

or

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Clerk of the District Court

SECTION 2. This act shall become effective November 1, 2020.

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