1 ENGROSSED SENATE AMENDMENTS
              TO
2 ENGROSSED HOUSE
   BILL NO. 3277   By: Humphrey, Hardin (David),
3   and West (Kevin) of the
                                              House

4
                                                   and
5
                                              Taylor of the Senate
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8   [prisons and reformatories - authorizing immediate

9   transfer of inmates upon request - effective date]

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12 AMENDMENT NO. 1.   Page 3 , lines 6-7, deleting after the word
                        "within" and before the word "after", the language
13   "seventy-two (72) hours", and inserting the
                        language "five (5) days"
14 AMENDMENT NO. 2.   Page 3 , line 21, striking after the word "within"
                        and before the word "following", the language
15   "seventy-two (72) hours", and inserting the
                        language "five (5) days"
16 AMENDMENT NO. 3.   Page 4 , lines 3-4, striking after the word
                        "within" and before the word "of", the language
17   "seventy-two (72) hours", and inserting the
                        language "five (5) days"
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1   Passed the Senate the 19th day of April, 2022.

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                                     Presiding Officer of the Senate
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5   Passed the House of Representatives the ____ day of _____,

6   2022.

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8   _____

                                     Presiding Officer of the House
9   of Representatives

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ENGROSSED HOUSE
BILL NO. 3277   By: Humphrey, Hardin (David),
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     [prisons and reformatories - authorizing immediate

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

     SECTION 1.   AMENDATORY   57 O.S. 2021, Section 37, is

amended to read as follows:

     Section 37. A. If all correctional facilities reach maximum

capacity and the Department of Corrections is required to contract

for bed space to house state inmates:

     1. The Pardon and Parole Board shall consider all nonviolent

offenders for parole who are within six (6) months of their

scheduled release from a penal facility; and

     2. Prior to contracting with a private prison operator to

provide housing for state inmates, the Department shall send

notification to all county jails in this state that bed space is

required to house the overflow population of state inmates. Upon

receiving notification, the sheriff or jail trust administrator of a

county jail is authorized to enter into agreements with the

Department to provide housing for the inmates. Reimbursement for

the cost of housing the inmates shall be a negotiated per diem rate

for each inmate as contracted but shall in no event be less than the

per diem rate provided for in Section 38 of this title.

B. No inmate may be received by a penal facility from a county

jail without first scheduling a transfer with the Department.

Within five (5) business days after the court orders the judgment

and sentence, the court clerk shall transmit to the Department by

facsimile, electronic mail, or actual delivery a certified copy of

the judgment and sentence.

C. The receipt of the certified copy of the judgment and

sentence shall be certification that the sentencing court has

entered a judgment and sentence and all other necessary commitment

documents. The Department of Corrections is authorized to determine

the appropriate method of delivery from each county based on

electronic or other capabilities, and establish a method for issuing

receipts certifying that the Department has received the judgment

and sentence document. The Department shall establish a dedicated

electronic address location for receipt of all electronically

submitted judgment and sentence documents. The electronic address

location shall provide written receipt verification of each received

judgment and sentence document. Once an appropriate judgment and

sentence document is received by the Department of Corrections, the

Department shall contact the sheriff or jail trust administrator

when bed space is available to schedule the transfer and reception

of the inmate into the Department or the sheriff or jail trust

administrator may request an immediate transfer in which the

Department shall schedule delivery of the inmate within seventy-two

(72) hours after said request.

D. If the Department receives a judgment and sentence document

from a county that includes inaccurate information from the

sentencing court the Department shall notify the county within a

timely manner.

E. When a county jail has reached its capacity of inmates as

provided in the standards set forth in Section 192 of Title 74 of

the Oklahoma Statutes, then the county sheriff or jail trust

administrator shall notify the Director of the Oklahoma Department

of Corrections, or the Director's designated representative, by

facsimile, electronic mail, or actual delivery, that the county jail

has reached or exceeded its capacity to hold inmates. The

notification shall include copies of any judgment and sentences not

previously delivered as required by subsection B of this section.

Then within seventy-two (72) hours following such notification, the

county sheriff or jail trust administrator shall transport the

designated excess inmate or inmates to a penal facility designated

by the Department. The sheriff or jail trust administrator shall

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

F. The Department will be responsible for the cost of housing the inmate in the county jail including costs of medical care provided from the date the judgment and sentence was ordered by the court until the date of transfer of the inmate from the county jail. The Department shall implement a policy for determination of scheduled dates on which an inmate or multiple inmates are to be transferred from county jails. The policy shall allow for no less than three alternative dates from which the sheriff or jail trust administrator of a county jail may select and shall provide for weather-related occurrences or other emergencies that may prevent or delay transfers on the scheduled date. The policy shall be available for review upon request by any sheriff or jail trust administrator of a county jail. The cost of housing shall be the per diem rate specified in Section 38 of this title. In the event the inmate has one or more criminal charges pending in the same Oklahoma jurisdiction and the county jail refuses to transfer the inmate to the Department because of the pending charges, the Department shall not be responsible for the housing costs of the

1   inmate while the inmate remains in the county jail with pending

2   charges. Once the inmate no longer has pending charges in the

3   jurisdiction, the Department shall be responsible for the housing

4   costs of the inmate for the period beginning on the date the

5   judgment and sentence or final order was ordered by the Court. In

6   the event the inmate has other criminal charges pending in another

7   Oklahoma jurisdiction, the Department shall be responsible for the

8   housing costs while the inmate remains in the county jail awaiting

9   transfer to another jurisdiction or until the date the inmate is

10   scheduled to be transferred to the Department, whichever is earlier.

11   Once the inmate is transferred to another jurisdiction, the

12   Department is not responsible for the housing cost of the inmate

13   until such time that another judgment and sentence is received by

14   the Department from another Oklahoma jurisdiction.

15   The sheriff or jail trust administrator may submit invoices for

16   the cost of housing the inmate on a monthly basis. Final payment

17   for housing an offender will be made only after the official

18   judgment and sentence is received by the Department of Corrections.

19   SECTION 2. This act shall become effective November 1, 2022.

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Passed the House of Representatives the 8th day of March, 2022.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2022.

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Presiding Officer of the Senate