

1 ENGROSSED SENATE
2 BILL NO. 304

By: Jech of the Senate

3 and

4 Gann of the House
5

6 An Act relating to the Department of Corrections;
7 amending 57 O.S. 2011, Section 37, as last amended by
8 Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp.
9 2020, Section 37), which relates to correctional
10 facilities; clarifying language; modifying certain
11 required documentation; modifying assumption of
12 custody; and 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. 2020,
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
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 or jail trust administrator of a
3 county jail is authorized to enter into agreements with the
4 Department to provide housing for the inmates. Reimbursement for
5 the cost of housing the inmates shall be a negotiated per diem rate
6 for each inmate as contracted but shall in no event be less than the
7 per diem rate provided for in Section 38 of this title.

8 B. No inmate may be received by a penal facility from a county
9 jail without first scheduling a transfer with the Department.

10 Within five (5) business days after the court orders the judgment
11 and sentence, the court clerk shall transmit to the Department by
12 facsimile, electronic mail, or actual delivery a certified copy of:

13 ~~1. The the judgment and sentence certifying that the inmate is~~
14 ~~sentenced to the Department of Corrections;~~

15 ~~2. A notice of judgment and sentence signed by the sentencing~~
16 ~~judge or court clerk. The notice shall include the name of the~~
17 ~~defendant, date of birth, case number, county of conviction, name of~~
18 ~~the sentencing judge, the crime for which the defendant was~~
19 ~~convicted, the sentence imposed, if multiple sentences whether the~~
20 ~~sentences run concurrently or consecutively, and whether the~~
21 ~~defendant is to receive credit for any time served. The notice of~~
22 ~~judgment and sentence shall be substantially in the form provided~~
23 ~~for in subsection F of this section; or~~

1 ~~3. Plea paperwork, Summary of Facts and Sentence on Plea or~~
2 ~~Sentencing After Jury Trial Summary of Facts may be used as~~
3 ~~sentencing documents.~~

4 C. The receipt of the certified copy of the judgment and
5 sentence shall be certification that the sentencing court has
6 entered a judgment and sentence and all other necessary commitment
7 documents. The Department of Corrections is authorized to determine
8 the appropriate method of delivery from each county based on
9 electronic or other capabilities, and establish a method for issuing
10 receipts certifying that the Department has received the judgment
11 and sentence document. The Department shall establish a dedicated
12 electronic address location for receipt of all electronically
13 submitted judgment and sentence documents. The electronic address
14 location shall provide written receipt verification of each received
15 judgment and sentence document. Once an appropriate judgment and
16 sentence document, ~~as listed in subsection B of this section,~~ is
17 received by the Department of Corrections, the Department shall
18 contact the sheriff or jail trust administrator when bed space is
19 available to schedule the transfer and reception of the inmate into
20 the Department. ~~The Department shall assume custody of an inmate~~
21 ~~from a county prior to receiving the certified copy of the judgment~~
22 ~~and sentence upon receipt by the Department of any of the~~
23 ~~appropriate judgment and sentence documents as listed in subsection~~
24 ~~B of this section.~~

1 D. If the Department receives a judgment and sentence document
2 from a county that includes inaccurate information from the
3 sentencing court the Department shall notify the county within a
4 timely manner.

5 E. When a county jail has reached its capacity of inmates as
6 provided in the standards set forth in Section 192 of Title 74 of
7 the Oklahoma Statutes, then the county sheriff or jail trust
8 administrator shall notify the Director of the Oklahoma Department
9 of Corrections, or the Director's designated representative, by
10 facsimile, electronic mail, or actual delivery, that the county jail
11 has reached or exceeded its capacity to hold inmates. The
12 notification shall include copies of any judgment and sentences not
13 previously delivered as required by subsection B of this section.
14 Then within seventy-two (72) hours following such notification, the
15 county sheriff or jail trust administrator shall transport the
16 designated excess inmate or inmates to a penal facility designated
17 by the Department. The sheriff or jail trust administrator shall
18 notify the Department of the transport of the inmate prior to the
19 reception of the inmate. The Department shall schedule the
20 reception date and receive the inmate within seventy-two (72) hours
21 of notification that the county jail is at capacity, unless other
22 arrangements can be made with the sheriff or jail trust
23 administrator.

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

1 Oklahoma jurisdiction, the Department shall be responsible for the
2 housing costs while the inmate remains in the county jail awaiting
3 transfer to another jurisdiction or until the date the inmate is
4 scheduled to be transferred to the Department, whichever is earlier.
5 Once the inmate is transferred to another jurisdiction, the
6 Department is not responsible for the housing cost of the inmate
7 until such time that another judgment and sentence is received by
8 the Department from another Oklahoma jurisdiction.

9 The sheriff or jail trust administrator may submit invoices for
10 the cost of housing the inmate on a monthly basis. Final payment
11 for housing an offender will be made only after the official
12 judgment and sentence is received by the Department of Corrections.

13 ~~G. Form for Notice of Judgment and Sentencing.~~

14 ~~In the District Court of _____ County~~

15 ~~The State of Oklahoma~~

16 ~~State of Oklahoma,)~~

17 ~~_____)~~

18 ~~Plaintiff _____)~~

19 ~~_____)~~

20 ~~vs. _____) Case No. _____~~

21 ~~_____,) The Honorable Judge _____~~

22 ~~Defendant _____)~~

23 ~~D.O.B. _____)~~

24 ~~NOTICE OF JUDGMENT AND SENTENCE~~

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

Count 1: _____ O.S. _____

Count 1 Sentence: _____

Count 2: _____ O.S.

Count 2 Sentence: _____

~~Running Concurrently or Running Consecutively~~

~~With Count~~

Count 3: _____ O.S. _____

Count 3 Sentence: _____

~~Running Concurrently or Running Consecutively~~

~~With Count~~

Count 4: _____ O.S.

Count 4 Sentence: _____

~~Running Concurrently or Running Consecutively~~

~~With Count~~

Credit for time served: _____

~~Judge of the District Court~~

—or

~~Clerk of the District Court~~

SECTION 2. This act shall become effective November 1, 2021.
Passed the Senate the 3rd day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2021.

Presiding Officer of the House
of Representatives