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STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3087 By: Hilbert of the House

By: Hilbert of the House

and

Leewright of the Senate

AS INTRODUCED

An Act relating to county jails; amending 21 O.S. 2021, Section 533, which relates to officer refusal to receive prisoners; modifying exceptions; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 533, is amended to read as follows:

Section 533. A. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb or where authorized personnel of the jail have deemed a person medically unfit to be received into custody, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to receive into custody any person as a prisoner,

1 willfully neglects or refuses so to receive such person into custody
2 is guilty of a misdemeanor.

3 B. Except as provided in this section and Section 979a of Title
4 22 of the Oklahoma Statutes, for emergency medical treatment for an
5 injury or condition that threatens life or threatens the loss or use
6 of a limb or where authorized personnel of the jail have deemed a
7 person medically unfit to be received into custody, any peace
8 officer or jail or prison contractor who, in violation of a duty
9 imposed upon the officer or contractor by law or by contract to
10 fingerprint any person received into custody as a prisoner,
11 willfully neglects or refuses so to fingerprint such person is
12 guilty of a misdemeanor.

13 C. Any person coming into contact with a peace officer prior to
14 being actually received into custody at a jail facility or holding
15 facility, including, but not limited to, during the time of any
16 arrest, detention, transportation, investigation of any incident,
17 accident or crime, who needs emergency medical treatment for an
18 injury or condition that threatens life or threatens the loss or use
19 of a limb, shall be taken directly to a medical facility or hospital
20 for such emergency medical care notwithstanding any duty imposed
21 pursuant to this section or any other provision of law to first take
22 such person into custody or to fingerprint such person. The
23 responsibility for payment of such emergency medical costs shall be
24 the sole responsibility of the person coming into the officer's

1 contact and shall not be the responsibility of any jail, law
2 enforcement agency, jail or prison contractor, sheriff, peace
3 officer, municipality or county, except when the condition is a
4 direct result of injury caused by such officer acting outside the
5 scope of lawful authority.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
9 dated 02/17/2022 - DO PASS, As Coauthored.
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