

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 HOUSE BILL 3294

 By: Humphrey

7 AS INTRODUCED

8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2021, Section 38, which relates to
10 county jail reimbursement rates; deleting daily
11 reimbursement rate and related guidelines; directing
12 the Department of Corrections to reimburse counties
13 in accordance with certain matrix; directing counties
14 to submit additional costs to the Department;
15 authorizing the Department and counties to enter into
16 per diem reimbursement agreements; deleting certain
17 implementation provision; and providing an effective
18 date.

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

17 SECTION 1. AMENDATORY 57 O.S. 2021, Section 38, is
18 amended to read as follows:

19 Section 38. A. The Department of Corrections shall reimburse
20 any county which is required to retain an inmate pursuant to
21 subsection E of Section 37 of this title in ~~an amount not to exceed~~
22 ~~Twenty-seven Dollars (\$27.00) per day for each inmate during such~~
23 ~~period of retention, unless the actual daily cost as determined by~~
24 ~~the Department of Corrections Daily Rate as defined in this section,~~

1 ~~exceeds Twenty-seven Dollars (\$27.00). If the actual daily cost as~~
2 ~~determined by the Department of Corrections Daily Rate exceeds~~
3 ~~Twenty-seven Dollars (\$27.00), the county shall notify the~~
4 ~~Department of Corrections of the actual daily cost no later than~~
5 ~~September 30. If the county's actual daily cost is accepted by the~~
6 ~~Department that shall be the reimbursement rate for the county~~
7 ~~beginning the next fiscal year. If the Department rejects the~~
8 ~~county's actual daily cost application, then the actual daily cost~~
9 ~~reimbursement shall be determined by the State Auditor and shall be~~
10 ~~imposed beginning the next fiscal year~~ accordance with the minimum
11 reimbursement matrix. If the county incurs additional costs by
12 providing required services, as determined by the Department, the
13 county shall submit the additional costs to the Department for
14 consideration and reimbursement, if approved. The Department and
15 any county may enter into a per diem rate reimbursement agreement if
16 the Department and county determine that the minimum reimbursement
17 matrix does not properly apply.

18 B. The Department shall distribute the reimbursement on a
19 monthly basis upon receipt and approval of a billing statement from
20 the county. The county shall use the reimbursement to defray
21 expenses of equipping and maintaining the jail and payment of
22 personnel. ~~The provisions in this act shall be implemented by the~~
23 ~~Department to allow sufficient time for application to FY-2019. The~~
24 Department of Corrections shall reimburse the county for the

1 emergency medical care for physical injury or illness of the inmate
2 retained under this act if the injury or illness is directly related
3 to the incarceration and the county is required by law to provide
4 such care for inmates in the jail. The Department shall not pay
5 fees for medical care in excess of the rates established for
6 Medicaid providers. The state shall not be liable for medical
7 charges in excess of the Medicaid scheduled rate. The Director may
8 accept any inmate required to have extended medical care upon
9 application of the county.

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

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12 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
13 dated 03/03/2022 - DO PASS.
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