

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 304

By: Jech of the Senate

and

Gann of the House

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9       An Act relating to the Department of Corrections;  
10      amending 57 O.S. 2011, Section 37, as last amended by  
11      Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp.  
12      2020, Section 37), which relates to correctional  
13      facilities; clarifying language; modifying certain  
14      required documentation; modifying assumption of  
15      custody; and providing an effective date.

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

17       SECTION 1.       AMENDATORY       57 O.S. 2011, Section 37, as last  
18      amended by Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp. 2020,  
19      Section 37), is amended to read as follows:

20       Section 37.   A.   If all correctional facilities reach maximum  
21      capacity and the Department of Corrections is required to contract  
22      for bed space to house state inmates:

23       1.   The Pardon and Parole Board shall consider all nonviolent  
24      offenders for parole who are within six (6) months of their  
25      scheduled release from a penal facility; and

1        2. Prior to contracting with a private prison operator to  
2 provide housing for state inmates, the Department shall send  
3 notification to all county jails in this state that bed space is  
4 required to house the overflow population of state inmates. Upon  
5 receiving notification, the sheriff or jail trust administrator of a  
6 county jail is authorized to enter into agreements with the  
7 Department to provide housing for the inmates. Reimbursement for  
8 the cost of housing the inmates shall be a negotiated per diem rate  
9 for each inmate as contracted but shall in no event be less than the  
10 per diem rate provided for in Section 38 of this title.

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

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

18        ~~2. A notice of judgment and sentence signed by the sentencing~~  
19 ~~judge or court clerk. The notice shall include the name of the~~  
20 ~~defendant, date of birth, case number, county of conviction, name of~~  
21 ~~the sentencing judge, the crime for which the defendant was~~  
22 ~~convicted, the sentence imposed, if multiple sentences whether the~~  
23 ~~sentences run concurrently or consecutively, and whether the~~  
24 ~~defendant is to receive credit for any time served. The notice of~~

~~judgment and sentence shall be substantially in the form provided  
for in subsection F of this section; or~~

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

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, ~~as listed in subsection B of this section,~~ 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. ~~The Department shall assume custody of an inmate  
from a county prior to receiving the certified copy of the judgment  
and sentence upon receipt by the Department of any of the~~

1 ~~appropriate judgment and sentence documents as listed in subsection~~  
2 ~~B of this section.~~

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

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

1 arrangements can be made with the sheriff or jail trust  
2 administrator.

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

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

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

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

16 ~~In the District Court of \_\_\_\_\_ County~~

17 ~~The State of Oklahoma~~

18 ~~State of Oklahoma, )~~

19 ~~\_\_\_\_\_) )~~

20 ~~Plaintiff \_\_\_\_\_) )~~

21 ~~\_\_\_\_\_) )~~

22 ~~vs. \_\_\_\_\_) Case No. \_\_\_\_\_~~

23 ~~\_\_\_\_\_, ) The Honorable Judge \_\_\_\_\_~~

24 ~~Defendant \_\_\_\_\_) )~~

1 D.O.B. \_\_\_\_\_ }  
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3 ~~NOTICE OF JUDGMENT AND SENTENCE~~

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

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

8 Count 1 Sentence: \_\_\_\_\_

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

10 Count 2 Sentence: \_\_\_\_\_

11 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

12 With Count \_\_\_\_\_

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

14 Count 3 Sentence: \_\_\_\_\_

15 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

16 With Count \_\_\_\_\_

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

18 Count 4 Sentence: \_\_\_\_\_

19 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

20 With Count \_\_\_\_\_

21 Credit for time served: \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_ Judge of the District Court

24 \_\_\_\_\_ or

~~Clerk of the District Court~~

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/08/2021 - DO PASS.