

1 **SENATE FLOOR VERSION**

2 February 3, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 304

By: Jech

6  
7 An Act relating to the Department of Corrections;  
8 amending 57 O.S. 2011, Section 37, as last amended by  
9 Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp.  
10 2020, Section 37), which relates to correctional  
11 facilities; clarifying language; modifying certain  
12 required documentation; modifying assumption of  
13 custody; and providing an effective date.

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

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

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

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

24 2. Prior to contracting with a private prison operator to  
provide housing for state inmates, the Department shall send

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
February 3, 2021 - DO PASS AS AMENDED