

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3277

By: Humphrey

AS INTRODUCED

An Act relating to prisons and reformatories;
amending 57 O.S. 2021, Section 37, which relates to
maximum capacity of facilities; authorizing immediate
transfer of inmates upon request; and providing an
effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 37, is
amended to read as follows:

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

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

2. Prior to contracting with a private prison operator to
provide housing for state inmates, the Department shall send
notification to all county jails in this state that bed space is
required to house the overflow population of state inmates. Upon

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

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

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

13 C. The receipt of the certified copy of the judgment and
14 sentence shall be certification that the sentencing court has
15 entered a judgment and sentence and all other necessary commitment
16 documents. The Department of Corrections is authorized to determine
17 the appropriate method of delivery from each county based on
18 electronic or other capabilities, and establish a method for issuing
19 receipts certifying that the Department has received the judgment
20 and sentence document. The Department shall establish a dedicated
21 electronic address location for receipt of all electronically
22 submitted judgment and sentence documents. The electronic address
23 location shall provide written receipt verification of each received
24 judgment and sentence document. Once an appropriate judgment and

1 sentence document is received by the Department of Corrections, the
2 Department shall contact the sheriff or jail trust administrator
3 when bed space is available to schedule the transfer and reception
4 of the inmate into the Department or the sheriff or jail trust
5 administrator may request an immediate transfer in which the
6 Department shall schedule delivery of the inmate within seventy-two
7 (72) hours after said request.

8 D. If the Department receives a judgment and sentence document
9 from a county that includes inaccurate information from the
10 sentencing court the Department shall notify the county within a
11 timely manner.

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

1 notify the Department of the transport of the inmate prior to the
2 reception of the inmate. The Department shall schedule the
3 reception date and receive the inmate within seventy-two (72) hours
4 of notification that the county jail is at capacity, unless other
5 arrangements can be made with the sheriff or jail trust
6 administrator.

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

1 inmate while the inmate remains in the county jail with pending
2 charges. Once the inmate no longer has pending charges in the
3 jurisdiction, the Department shall be responsible for the housing
4 costs of the inmate for the period beginning on the date the
5 judgment and sentence or final order was ordered by the Court. In
6 the event the inmate has other criminal charges pending in another
7 Oklahoma jurisdiction, the Department shall be responsible for the
8 housing costs while the inmate remains in the county jail awaiting
9 transfer to another jurisdiction or until the date the inmate is
10 scheduled to be transferred to the Department, whichever is earlier.
11 Once the inmate is transferred to another jurisdiction, the
12 Department is not responsible for the housing cost of the inmate
13 until such time that another judgment and sentence is received by
14 the Department from another Oklahoma jurisdiction.

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

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