

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3757 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Reading Clerk

Amendment submitted by: David Hardin

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3757

By: Hardin

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to jail standards; amending 74 O.S. 2021, Section 192, as amended by Section 2, Chapter 35, O.S.L. 2023 (74 O.S. Supp. 2023, Section 192), which relates to the inspection of city and county jails; creating the Oklahoma Jail Standards Act; authorizing the State Department of Health to promulgate rules to implement jail standards; directing all detention and lockup facilities to comply with standards; clarifying jail inspection requirement; deleting certain jail standards and procedures; making jail standards subject to certain exceptions and limitations; defining terms; providing list of standards when facilities develop policies and procedures; specifying standards for detention facilities; directing facility administrators to develop and implement certain written policies and procedures for detention facilities and lockup facilities; directing detention facilities to have certain written policies and procedures subject to certain act and promulgate rules; requiring notification to the State Department of Health of certain incidents; providing guidelines and procedures for the movement, security, and supervision of inmates; directing facility administrators to develop and implement written policies and procedures for classifying and segregating inmates; directing facility administrators to develop and implement written policies and procedures for emergency medical and health care services; providing for the utilization of certain medical personnel; authorizing the

1 deduction of monies for medical payments; specifying
2 standards for the incarceration or holding of
3 juveniles; amending 57 O.S. 2021, Section 37, which
4 relates to maximum capacity of correctional
5 facilities; modifying statutory references; amending
6 57 O.S. 2021, Sections 47, 52, 53, 55 and 57, as
7 amended by Section 1, Chapter 35, O.S.L. 2023 (57
8 O.S. Supp. 2023, Section 57), which relate to the
9 operation of county jails by county sheriffs;
10 modifying statutory references; amending 63 O.S.
11 2021, Section 472, which relates to conditions of
12 municipal jails; modifying statutory reference;
13 amending 69 O.S. 2021, Section 617, which relates to
14 the food and medical attention for inmates working
15 upon public roads; modifying statutory reference;
16 amending 74 O.S. 2021, Section 193, which relates to
17 inspections of jail premises by the State Department
18 of Health; modifying statutory reference; providing
19 for codification; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 74 O.S. 2021, Section 192, as
22 amended by Section 2, Chapter 35, O.S.L. 2023 (74 O.S. Supp. 2023,
23 Section 192), is amended to read as follows:

24 Section 192. A. The provisions of this section and Sections 2
through 9 of this act shall be known and may be cited as the
"Oklahoma Jail Standards Act". The State Department of Health is
hereby authorized to promulgate rules to implement the provisions of
the Oklahoma Jail Standards Act.

B. Except as provided in this section, all detention facilities
and lockup facilities shall operate in compliance with the provision
of the Oklahoma Jail Standards Act.

1 C. The State Department of Health shall inspect at least once
2 each year all ~~city and county jails~~ detention facilities to ensure
3 compliance with the standards ~~promulgated pursuant to the provisions~~
4 ~~of this section~~ set forth in the Oklahoma Jail Standards Act. The
5 ~~standards shall provide provision for:~~

6 1. ~~Uniform admission and release procedures;~~

7 2. ~~Uniform, safe, and sensible security measures;~~

8 3. ~~Proper, fit, and sanitary conditions;~~

9 4. ~~Inmates to be fed a wholesome and adequate diet;~~

10 5. ~~Inmates to have adequate clothing and a usable bed. Such~~
11 ~~facility shall have showers with hot and cold running water,~~
12 ~~toilets, and water basins provided in the ratio of not less than one~~
13 ~~to every twenty prisoners. Counties may build barrack-style jails,~~
14 ~~single or double cell, to meet the security needs of the county for~~
15 ~~minimum security prisoners. These jails shall meet all the minimum~~
16 ~~requirements set forth in this section or any other provision of~~
17 ~~law. Except as otherwise provided in this section, all facilities~~
18 ~~under this section shall have showers with hot and cold running~~
19 ~~water, toilets and water basins provided in the ratio of not less~~
20 ~~than one to every twenty prisoners. Counties may also build tent~~
21 ~~jails, which shall be temporary in nature, to meet the security~~
22 ~~needs of the county for minimum security prisoners. The temporary~~
23 ~~tent jails shall not be required to meet the minimum requirements~~
24 ~~set forth in this section or any other provision of law. The State~~

1 ~~Board of Health shall promulgate minimum standards for temporary~~
2 ~~tent jails, which standards shall be designed to specifically~~
3 ~~address and take into consideration the temporary status of the~~
4 ~~inmate housing needs of the county. As used in this paragraph,~~
5 ~~"barrack-style" means a single designated space within a city or~~
6 ~~county jail facility for the purpose of housing three or more~~
7 ~~inmates;~~

8 ~~6. Inmates to be properly advised of rules of the facility in~~
9 ~~which they are detained;~~

10 ~~7. Staff members to receive training in order to assist them in~~
11 ~~performing their assigned tasks, such training to be provided~~
12 ~~through a program approved by the State Department of Health. All~~
13 ~~employees who work in direct contact with inmates after the first~~
14 ~~year of employment shall receive, at a minimum, four (4) hours'~~
15 ~~review of material as required by the State Department of Health and~~
16 ~~at a maximum, eight (8) hours of detention officer training per year~~
17 ~~after the first year of employment;~~

18 ~~8. Proper steps to be taken to ensure the safety and~~
19 ~~segregation of women, the infirm, and minors;~~

20 ~~9. Adequate medical care, provided such medical care shall be~~
21 ~~limited to illnesses or injuries incurred during the time beginning~~
22 ~~with the arrest and throughout the time of incarceration. This~~
23 ~~shall not prevent an inmate from applying for assistance and~~
24

1 ~~receiving assistance, provided the inmate meets or exceeds~~
2 ~~established requirements;~~

3 ~~10. No person to be confined without twenty-four hour~~
4 ~~supervision; and~~

5 ~~11. At least one designated exit in the facility that will~~
6 ~~permit prompt evacuation of inmates and staff in an emergency. A~~
7 ~~facility in existence on November 1, 1985, shall not be required to~~
8 ~~construct additional exits if it has one exit which is deemed~~
9 ~~adequate by the State Fire Marshal~~ Inspections shall be limited to
10 the specific requirements set forth in the Oklahoma Jail Standards
11 Act or rules promulgated pursuant thereto.

12 D. In the event such inspection shall reveal to the ~~State~~
13 ~~Department of Health~~ the commission of a crime or crimes incidental
14 to the operations of a ~~city or county jail~~ detention facility, it
15 shall be the duty of the Department to initiate a complaint with the
16 appropriate district attorney, and to cooperate in the prosecution
17 of the alleged offender in the event an information is filed
18 pursuant to such complaint.

19 ~~B.~~ E. The provisions of the Oklahoma Jail Standards Act shall
20 be subject to the following exceptions and limitations:

21 1. Any county, city, or town may operate a holding facility for
22 the incarceration of persons under arrest who are to be charged with
23 a crime, which holding facility shall not be required to meet the
24 standards established in ~~this section for jails~~ the Oklahoma Jail

1 Standards Act, as long as no person is held therein for a period
2 longer than twelve (12) hours and as long as an employee of the
3 county, city, or town is available to render aid to or to release
4 any person so confined in the event aid or release is required
5 because of a health or life-endangering emergency-i

6 ~~C.~~ 2. Notwithstanding any other provision of law or rule, any
7 county or municipality that operates a ~~jail~~ detention facility which
8 houses forty or fewer prisoners at all times which:

9 ~~1. Provides~~

10 a. provides twenty-four-hour supervision of prisoner
11 activity that is conducted either by direct
12 observation or electronically by ~~closed-circuit~~
13 ~~television;~~ video surveillance, and

14 ~~2. Provides~~

15 b. provides an intercommunication system that terminates
16 in a location that is staffed twenty-four (24) hours a
17 day and is capable of providing an emergency response,
18 shall not be required to have more than one detention officer or
19 dispatcher on-site to provide for the security, custody, and
20 supervision of prisoners. Staff shall be available to perform
21 sensitive functions and procedures as necessary to accommodate
22 inmate gender;

1 ~~D.~~ 3. Any county or municipality that operates a ~~jail~~ detention
2 facility which houses more than forty and less than seventy-five
3 prisoners at all times which:

4 ~~1. Provides~~

5 a. provides twenty-four-hour supervision of prisoner
6 activity that is conducted either by direct
7 observation or electronically by ~~closed-circuit~~
8 ~~television,~~ video surveillance, and

9 ~~2. Provides~~

10 b. provides an intercommunication system that terminates
11 in a location that is staffed twenty-four (24) hours a
12 day and is capable of providing an emergency response,
13 shall be required to have more than one detention officer or one
14 detention officer and at least one other basic CLEET-certified
15 person on the same premises as the ~~jail~~ detention facility to
16 provide for the security, custody, and supervision of prisoners.
17 Staff shall be available to perform sensitive functions and
18 procedures as necessary to accommodate inmate gender;

19 ~~Within ninety (90) days after June 9, 1994, the State Board of~~
20 ~~Health shall promulgate new rules governing square footage~~
21 ~~requirements, double-celling of prisoners and the ratio of showers,~~
22 ~~toilets, and water basins to prisoners. The rules so promulgated~~
23 ~~shall be governed by the guidelines enumerated in this section, and~~
24 ~~shall be designed to carry out the intent and purpose of the~~

1 ~~guidelines. Each city or county jail facility in this state shall~~
2 ~~be in compliance with the rules so promulgated on or before January~~
3 ~~1, 1995.~~

4 E. 4. A county or municipality that operates a detention
5 facility may request a waiver from any provision of the Oklahoma
6 Jail Standards Act or any rules promulgated pursuant thereto upon a
7 showing that application of such provision would impose undue
8 hardship upon the county or municipality or upon the inmates held at
9 such facility. Such a request shall be filed with the Department
10 and shall include grounds therefor including, but not limited to, a
11 lack or insufficiency of infrastructure for the detention facility,
12 a man-made or natural disaster, or a lack of funding or workforce
13 resources necessary to comply with the standards. The Department
14 may grant the waiver request in whole or in part and may, as a
15 condition of granting the waiver, require the county or municipality
16 to submit a plan and timetable for compliance with the standards. A
17 decision of the Department may be appealed to the district court as
18 provided for in the Administrative Procedures Act;

19 5. The detention facility administrator may declare a temporary
20 emergency in the event of a man-made or natural disaster including,
21 but not limited to, fire, flood, weather-related emergency, or other
22 destruction of or damage to detention facility property. The
23 declaration shall include a plan for the housing and care of inmates
24 of the detention facility for the duration of the emergency and

1 specification of the provisions of the Oklahoma Jail Standards Act
2 that are no longer practicable due to the emergency. The
3 declaration shall be filed with the Department; and

4 6. Any detention facility constructed or substantially
5 remodeled prior to or on or after the effective date of this act
6 shall be required to be in compliance with the requirements and
7 standards in effect at the time of such construction or remodeling.
8 Plans for the construction of a new detention facility or the
9 substantial remodeling of an existing detention facility shall be
10 submitted to the Department for review and approval.

11 F. The ~~State Department of Health~~ shall employ inspectors and
12 other personnel as necessary and specifically authorized by the
13 Legislature in order to carry out the provisions of ~~this section~~ the
14 Oklahoma Jail Standards Act and may rent or purchase premises or
15 equipment in order to assist inspectors in the performance of their
16 functions.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 192.1 of Title 74, unless there
19 is created a duplication in numbering, reads as follows:

20 As used in the Oklahoma Jail Standards Act:

21 1. "Available" means that the subject individual is either on
22 site or on the premises;

23 2. "Barrack-style" means a single designated space within a
24 detention facility for the purpose of housing three or more inmates;

1 3. "Bodily search" means any invasive examination by hand of an
2 inmate or clothing of the inmate. Bodily searches shall not include
3 "pat downs";

4 4. "Central control" means the central point within the
5 facility where security activities are monitored and controlled;

6 5. "Contraband" means anything not authorized to be in the
7 possession of an inmate;

8 6. "Dayroom" means a space for activities that is situated
9 immediately adjacent to the sleeping area of inmates and separated
10 from the sleeping area by a wall;

11 7. "Department" means the Oklahoma State Department of Health;

12 8. "Detention facility" means a facility that may hold a person
13 for an indefinite period of time including, but not limited to, a
14 city or county jail;

15 9. "Detention officer" means a person whose training, education
16 or experience specifically qualifies him or her to perform the
17 duties indicated in the job description and the Oklahoma Jail
18 Standards Act, or a person who holds a certification accorded
19 pursuant to the provisions of Section 3311 of Title 70 of the
20 Oklahoma Statutes. The individual performing the duties must be
21 trained in appropriate laws, codes, standards, policies, and
22 procedures;

1 10. "Direct supervision" means the detention officer is in
2 direct contact with inmates and is in a position to constantly
3 monitor behaviors and interact with inmates;

4 11. "Emergency care" means medical or surgical care necessary
5 to treat the sudden onset of a potentially life- or limb-threatening
6 condition or limb-threatening condition;

7 12. "Facility administrator" means a sheriff, police chief,
8 city manager, private contractor, or a designee thereof, charged
9 with maintaining and operating a lockup facility or detention
10 facility;

11 13. "Fixed sleeping surface" refers to a stationary or
12 installed bed or slab designed to support a mattress or some other
13 comparable padding on which an inmate can lie down off of the floor;

14 14. "Grievance" means a circumstance or action considered
15 unjust;

16 15. "Holding facility" means a facility that shall hold persons
17 under arrest who are charged with a crime for a period of no longer
18 than twelve (12) hours;

19 16. "Hot meal" means a measure of food served and eaten at one
20 sitting prepared and served at a palatable temperature range of one
21 hundred ten (110) to one hundred twenty (120) degrees Fahrenheit;

22 17. "Inmate" means any individual, whether in pretrial,
23 sentenced, or unsentenced status who is confined in a detention
24 facility;

1 18. "Juvenile" means a person who is subject solely to the
2 jurisdiction of a juvenile court or who is subject to the provisions
3 of Section 2-5-205 of Title 10A of the Oklahoma Statutes, or
4 relating to classification as a youthful offender, as defined in
5 Section 2-5-202 of Title 10A of the Oklahoma Statutes;

6 19. "Last locked/secure door" means the last secure barrier
7 between staff and the inmate;

8 20. "Life-endangering situation" includes, but is not limited
9 to, a suicide attempt, or obvious serious injury or illness, which
10 in the evaluation of the staff requires an immediate response;

11 21. "Life-threatening" means a situation in which life-saving
12 measures are taken;

13 22. "Living area" means those areas of a detention facility
14 utilized for the day-to-day housing and activities of inmates.
15 These areas do not include reception and release areas and special
16 use cells such as sobering, safety, and holding or staging cells
17 normally located in receiving areas;

18 23. "Lockup facility" means a facility that may hold a person
19 no longer than ten (10) days. Such a facility may be operated by a
20 municipality for the temporary detention of persons awaiting
21 arraignment. Persons who require detention for a period longer than
22 ten (10) days shall be transferred to a detention facility;

23 24. "Non-secure areas" means those areas where a youth or
24 juvenile is in the custody of law enforcement and may not be able to

1 leave or depart from the presence of law enforcement, yet the youth
2 or juvenile is not detained in a facility which limits movement;

3 25. "On site" means a detention officer being physically
4 present within the detention facility;

5 26. "On the premises" means a detention officer being
6 physically present within the structure incorporating the detention
7 facility, or within a building or structure sharing the same realty
8 or located on realty that is contiguous to the realty upon which the
9 structure incorporating the detention facility is located, provided
10 that such remote building or structure is not located farther than
11 five hundred (500) feet from the detention facility;

12 27. "Pat-down" means a noninvasive search of an inmate by hand
13 performed by lightly skimming the exterior surface of the clothing
14 covering the legs and torso;

15 28. "Physician or other licensed medical personnel" means a
16 psychiatrist, medical doctor, osteopathic physician, physician's
17 assistant, registered nurse, licensed practical nurse, emergency
18 medical technician at the paramedic level or clinical nurse
19 specialist;

20 29. "Sensitive functions and procedures" means any bodily
21 search or the visual supervision of any activity requiring an inmate
22 to partially or fully disrobe;

1 30. "Safety check" means direct, visual observation performed
2 at random intervals within timeframes prescribed in these
3 regulations to provide for the health and welfare of inmates;

4 31. "Sight contact" means clear visibility within close
5 proximity;

6 32. "Sound contact" means direct oral communication;

7 33. "Substantial remodeling" means the cost to repair or
8 replace is at least fifty percent (50%) of the cost to replace the
9 facility;

10 34. "Sustained contact" means sight or sound contact that is
11 not brief and inadvertent;

12 35. "Temporary sleeping surface" means any appropriate item
13 used in overcrowding situations on which an inmate can lie down and
14 be kept off of the floor on an interim basis. A fire-safe cot and
15 industry products such as those referred to as "boats" are examples
16 of suitable temporary sleeping surfaces that ensure the mattress
17 does not have direct contact with the floor. These items do not
18 meet the requirement to have a fixed sleeping surface for each
19 inmate;

20 36. "Waiver" is a long term deviation from a standard in
21 extenuating circumstances which are not likely to be overcome in a
22 reasonable period of time; and
23
24

1 37. "Variance" is a temporary deviation from a standard in
2 extenuating circumstances which can be overcome in a reasonable
3 period of time.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 192.2 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 Where this act specifies that the facility shall develop
8 policies and procedures, the following standards shall apply:

9 1. A policy may include a procedure. A procedure may represent
10 policy; and

11 2. Policies or procedures developed based on requirements in
12 this act shall identify the following:

- 13 a. the rule or law addressed by the policy and procedure,
- 14 b. the staff position or personnel responsible for
15 implementation and oversight of the policy and
16 procedure,
- 17 c. the actions to be taken or procedures to be followed
18 by facility personnel. This shall be known as the
19 "who, what, where, and when" of the procedure,
- 20 d. the staff position or personnel responsible for
21 reviewing the policy and procedure,
- 22 e. a schedule for reviewing the policy that identifies
23 the frequency at which the policy and procedure will
24 be reviewed, and

1 f. a signature page to capture the signature and date
2 that the responsible official adopted the policy or
3 procedure and the dates that review of the policy or
4 procedure were completed.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 192.3 of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The standards for detention facilities shall provide for:

9 1. Uniform admission and release procedures;

10 2. Uniform, safe, and sensible security measures;

11 3. Proper, fit, and sanitary conditions;

12 4. Inmates to be fed a wholesome and adequate diet;

13 5. Inmates to have adequate clothing and a usable bed. Such
14 detention facilities shall have showers with hot and cold running
15 water, toilets, and water basins provided in the ratio of not less
16 than one to every twenty prisoners. Counties may build barrack-
17 style jails, single or double cell, to meet the security needs of
18 the county for minimum security prisoners. These jails shall meet
19 all the minimum requirements set forth in this section or any other
20 provision of law. Counties may also build tent jails, which shall
21 be temporary in nature, to meet the security needs of the county for
22 minimum security prisoners. The temporary tent jails shall not be
23 required to meet the minimum requirements set forth in this section
24 or any other provision of law. The State Board of Health shall

1 promulgate minimum standards for temporary tent jails, which
2 standards shall be designed to specifically address and take into
3 consideration the temporary status of the inmate housing needs of
4 the county;

5 6. Inmates to be properly advised of rules of the detention
6 facility in which they are detained;

7 7. Staff members to receive training in order to assist them in
8 performing their assigned tasks, such training to be provided
9 through a program approved by the State Department of Health;

10 8. All employees, including the detention facility
11 administrator and all supervisors, whose primary responsibilities
12 include supervision of inmates, shall receive at least twenty-four
13 (24) hours of training during the first year of their employment
14 that covers at least the following:

- 15 a. security procedures,
- 16 b. supervision of inmates,
- 17 c. report writing and documentation,
- 18 d. inmate rules and regulations,
- 19 e. grievance and disciplinary procedures,
- 20 f. rights and responsibilities of inmates,
- 21 g. emergency procedures, and
- 22 h. first aid and cardiopulmonary resuscitation;

23 9. All employees who work in direct contact with inmates after
24 the first year of employment shall receive, at a minimum, four (4)

1 hours of review of material as required by the State Department of
2 Health and at a maximum eight (8) hours of detention officer
3 training per year to include renewal training as required for first
4 aid and cardiopulmonary resuscitation skills after the first year of
5 employment;

6 10. A documentation log shall be maintained by the
7 Administrator to record the courses completed by each employee for
8 their initial and annual training and include test results;

9 11. Proper steps to be taken to ensure the safety and
10 segregation of women, the infirm, and minors;

11 12. Adequate medical care, provided such medical care shall be
12 limited to illnesses or injuries incurred during the time beginning
13 with the arrest and throughout the time of incarceration. This
14 shall not prevent an inmate from applying for assistance and
15 receiving assistance, provided the inmate meets or exceeds
16 established requirements;

17 13. No person to be confined without twenty-four-hour
18 supervision; and

19 14. At least one designated exit in the facility that will
20 permit prompt evacuation of inmates and staff in an emergency.

21 B. All cells and living areas shall have at least forty (40)
22 square feet of floor space for the initial inmate and at least
23 twenty (20) square feet of floor space for each additional inmate
24 occupying the same cell. Double-celling of inmates is permitted if

1 there is at least sixty (60) square feet of floor space for two
2 persons. Inmates may be provided temporary sleeping surfaces during
3 times of overcrowding.

4 C. The facility shall have at least one (1) special purpose
5 cell to provide for the temporary detention of inmates under the
6 influence of alcohol or dangerous substances or for persons who are
7 uncontrollably violent or self-destructive. These cells shall be
8 designed to prevent injury.

9 D. The housing and activity areas shall provide, at least the
10 following:

- 11 1. Lighting of at least twenty (20) foot candles;
- 12 2. A shower with non-skid floors; and
- 13 3. Sufficient floor drains to ensure a sanitary facility.

14 E. There shall be designated and marked emergency evacuation
15 exits that comply with the requirements of the Oklahoma State Fire
16 Marshal and which permit prompt evacuation of inmates and staff in
17 an emergency.

18 F. A county may provide a dormitory-style detention facility to
19 accommodate up to medium-security inmates. It shall be equipped
20 with washbasins, toilets, and showers with hot and cold running
21 water at a ratio of at least one (1) washbasin, one (1) toilet, and
22 one (1) shower to every twenty (20) inmates. A dormitory-style
23 detention facility shall meet all requirements for a detention
24 facility.

1 G. A county may provide a temporary tent detention facility
2 subject to the approval of the Department.

3 H. Inmates may be provided temporary sleeping surfaces during
4 times of overcrowding.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 192.4 of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The local facility administrator shall develop and implement
9 written policies and procedures pertaining to the daily management
10 and operation of the detention facility including, but not limited
11 to, an operations manual sufficient to demonstrate compliance with
12 the standards set forth in the Oklahoma Jail Standards Act and rules
13 promulgated pursuant thereto.

14 B. The facility administrator shall develop and implement
15 written policies and procedures for the operation of a lockup
16 facility which shall include, but not be limited to, the following:

- 17 1. Arrest and commitment papers shall be verified;
- 18 2. An inmate shall be searched during admission;
- 19 3. Property of the inmate shall be inventoried and shall be
20 stored in a secure location;
- 21 4. Medical reception information shall be recorded in the file
22 of the inmate and shall include, but not be limited to, the
23 following information:

- 24 a. current illnesses and health problems,

- b. behavioral observation, including state of consciousness and mental status, history of alcohol or drug abuse and treatment,
- c. body deformities and trauma markings such as bruises, lesions, jaundice, and ease of body movement,
- d. condition of skin and visible body orifices, including infestations,
- e. medications taken and any special health requirements,
- f. whether the inmate may be in need of mental health or substance abuse services including, but not limited to, whether the inmate is at risk for or has attempted suicide, and
- g. disposition or referral of the inmate to qualified medical personnel on an emergency basis as provided in Section 4.1 of Title 57 of the Oklahoma Statutes;

5. A first aid kit shall be available at locations designated by the facility administrator;

6. Two completed, documented, local or collect telephone calls shall be allowed at the time of booking or after a reasonable length of time, as determined by the administrator or designee. The administrator or designee shall document the refusal of an inmate to make a telephone call. In facilities where inmates have unlimited access to operational telephones, the refusal of an inmate to make telephone calls is not required to be documented;

1 7. Clean bedding and personal hygiene items shall be available
2 and provided at the facility;

3 8. Shower facilities shall be available with hot and cold
4 running water at a ratio of at least one (1) shower for every twenty
5 (20) inmates;

6 9. Continual supervision shall be provided by a trained
7 employee;

8 10. Inmate counts shall be taken at the beginning of each shift
9 daily and recorded in the detention facility log. At least one of
10 the counts shall be a full lock-down count when all inmates are
11 required to be immobilized and visually inspected;

12 11. Hourly visual safety checks shall be conducted at no more
13 than sixty-minute (60) intervals and on an irregular basis.
14 Personnel shall visually check all security features of the cell
15 area and account for all detainees. Visual safety checks may
16 include video surveillance provided that it has an unobstructed view
17 of the entire cell;

18 12. Male and female inmates shall be housed in separated living
19 areas with visual separation between the two genders. Housing of
20 inmates with mixed gender identification will be administered in a
21 manner to maximize inmate safety;

22 13. The detention facility shall comply with applicable
23 building and fire safety codes of the State Fire Marshall as
24

1 provided in Section 317 et seq. of Title 74 of the Oklahoma
2 Statutes;

3 14. Each inmate shall be provided at least three (3) meals each
4 twenty-four (24) hours that meet the national recommended allowance
5 for basic nutrition. At least two (2) hot meals shall be provided
6 daily. There shall not be more than fourteen (14) hours between the
7 breakfast and the evening meals;

8 15. The following minimum fire safety requirements shall be
9 implemented:

- 10 a. the facility shall be equipped with a smoke detection
11 system and a sprinkler system that is approved by the
12 State Fire Marshal,
- 13 b. polyurethane foam mattresses, pads and pillows are
14 prohibited. Mattresses that are in compliance with the
15 requirements of the State Fire Marshall shall be used,
- 16 c. each facility shall have emergency lighting that meets
17 the minimum standards of the State Fire Marshall,
- 18 d. detention officer posts shall be located and staffed
19 close enough to the lockup area to permit detention
20 officers to hear and respond promptly to calls for
21 assistance and provide immediate response to
22 emergencies, and

1 e. there shall be designated and marked emergency
2 evacuation exits that comply with the requirements of
3 the State Fire Marshall;

4 16. Inmates held over twenty-four (24) hours shall be issued a
5 clean set of detention facility clothing to include at least shirt
6 and trousers or coveralls and footwear. An inmate shall receive a
7 complete change of clothing at least one (1) time each week. Inmate
8 street clothing shall be placed in inmate property;

9 17. A detention officer shall be on duty on each floor where
10 inmates are confined unless the facility is equipped with:

11 a. viewing access to all areas of the facility through a
12 video surveillance system, and

13 b. an intercommunication system between the cell or
14 living area and detention officer post or control
15 center to communicate with and monitor inmates; and

16 18. Smoking policies in lockup facilities shall conform to the
17 requirements set forth in Section 1247 of Title 21 of the Oklahoma
18 Statutes.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 192.5 of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Each detention facility shall have written policies and
23 procedures subject to the provisions of the Oklahoma Jail Standards
24 Act and rules promulgated pursuant thereto for the following:

- 1 1. The reception, orientation and release of inmates;
- 2 2. The safety, security and control of staff, inmates, and
- 3 visitors;
- 4 3. Escapes or other breaches of security of the detention
- 5 facility;
- 6 4. Actions to be taken in emergency situations;
- 7 5. The use of physical force by staff and the use of
- 8 instruments of restraint against an inmate;
- 9 6. Conduct of inmates, which shall include offenses for which
- 10 charges may be imposed, and the range of sanctions and disciplinary
- 11 procedures to be followed. Such information shall be made available
- 12 to inmates. Such policies and procedures shall ensure that inmates
- 13 are afforded administrative due process as required by law;
- 14 7. Inmate requests of staff and grievance procedures, including
- 15 procedures for appeal;
- 16 8. Safety and maintenance of sanitation throughout the
- 17 facility;
- 18 9. Fire prevention and evacuation plans;
- 19 10. Food services and dietary requirements including
- 20 accommodation of medical needs and religious beliefs;
- 21 11. Inmate correspondence and visitation; and
- 22 12. Staff training, development and evaluation.
- 23 B. The State Department of Health shall be notified no later
- 24 than the next working day if any of the following incidents occur:

1 1. Extensive damage to detention facility property;

2 2. Serious injury to staff or inmate defined as life-
3 threatening or transfers to an outside medical facility;

4 3. Escape;

5 4. Serious suicide attempts defined as life-threatening or
6 requiring transfer to an outside medical facility; or

7 5. Death.

8 SECTION 7. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 192.6 of Title 74, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The movement of inmates from one location to another shall
12 be controlled and supervised by staff.

13 B. Staff shall provide twenty-four (24) hour supervision of
14 inmates.

15 C. Detention officer posts shall be located and staffed to
16 monitor all inmate activity either physically or electronically and
17 close enough to the living areas to respond immediately to calls for
18 assistance and to emergency situations. A detention officer shall
19 be on duty at all times at each location where inmates are confined,
20 or the observation shall be conducted by electronic means. The
21 location shall be equipped with an intercommunication system in a
22 location that is staffed twenty-four (24) hours a day and is capable
23 of providing an emergency response.

1 D. There shall be sufficient staff to perform all assigned
2 functions relating to security, custody, and supervision of inmates.
3 Staff assignments shall provide for backup assistance for all
4 employees entering locations where inmates are confined as required
5 in the Oklahoma Jail Standards Act.

6 E. All inmates shall be searched when entering or leaving the
7 security area.

8 F. Policies and procedures shall specify a system for the
9 supervision of female inmates by male staff and supervision of male
10 inmates by female staff.

11 G. When both male and female inmates are housed in a detention
12 facility, at least one male and one female detention officer shall
13 be available to perform sensitive functions and procedures as
14 necessary to accommodate inmate gender.

15 H. An inmate shall be prohibited from supervising, controlling,
16 exerting, or assuming any authority over another inmate.

17 I. The name and telephone number of the practicing attorneys
18 and bonds persons in the area shall be posted conspicuously near the
19 telephone used by the inmates.

20 J. Direct supervision of inmates shall be permitted if the
21 facility has policies and procedures in place to ensure the safety
22 of employees, inmates, and visitors, and if the physical plant
23 design lends itself to direct supervision operation.

1 SECTION 8. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 192.7 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 The facility administrator shall develop and implement written
5 policies and procedures for the classification and segregation of
6 inmates. The classification plan shall ensure the safety of inmates
7 and staff. The following criteria shall be implemented to ensure an
8 adequate classification and reclassification system:

9 1. Inmates of opposite genders shall be housed in separated
10 living areas. Separation shall be by substantial architectural
11 arrangements which permit no sustained sight contact. Housing of
12 inmates with mixed gender identification will be administered in a
13 manner to maximize inmate safety;

14 2. Inmates considered to be a threat to other inmates or staff
15 shall be housed separately from other inmates based upon the
16 following criteria:

- 17 a. the past criminal history of the inmate,
- 18 b. the nature and severity of the charges pending against
19 the inmate,
- 20 c. the behavior of the inmate while in the facility, and
- 21 d. other relevant reasons as directed by the
22 administrator;

23 3. Inmates may be double-celled or confined to dormitory-style
24 housing if the floor space meets the square footage requirements.

1 The inmates shall be afforded temporary sleeping surfaces on an
2 interim basis and shall receive the same living conditions and
3 privileges as those occupying the general population. A fire-safe
4 cot and industry products such as those referred to as "boats" are
5 examples of suitable temporary sleeping surfaces. Any exception
6 regarding conditions and privileges shall be defined by the
7 administrator;

8 4. Inmates who are intoxicated or under the influence of a
9 controlled substance shall be housed separately from other inmates
10 until such time as the medical authority or the facility
11 administrator determines their suitability for placement into the
12 general population or other appropriate housing;

13 5. Inmates who appear to have a significant medical or
14 psychiatric problem may be separated from other inmates;

15 6. Unsentenced inmates shall be separated from sentenced
16 inmates to the extent possible, and shall be permitted whatever
17 confinement is least restrictive, unless inmate behavior or other
18 security considerations dictate otherwise; and

19 7. Classification and segregation shall not be determined
20 solely on the basis of race, color, creed, or national origin.

21 SECTION 9. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 192.8 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Adequate medical care shall be provided in a detention
2 facility. The facility administrator shall develop and implement
3 written policies and procedures for complete emergency medical and
4 health care services. The facility administrator shall be
5 responsible for the medical services of the detention facility and
6 shall develop, with the assistance of a designated medical
7 authority, the health care plan for the detention facility. With
8 appropriately credentialed on-site or off-site supervision, a
9 detention facility may utilize a physician or other licensed medical
10 personnel, nurse practitioners, psychologists, licensed professional
11 counselors, licensed clinical social workers, licensed masters
12 social workers, licensed alcohol and drug counselors, emergency
13 medical technicians, certified medical assistants, or certified
14 nursing assistants for the provision of medical care. Security
15 restrictions shall be considered in the development of the plan and
16 any medical personnel included in the plan shall have their
17 responsibilities regulated by written job descriptions. The health
18 care plan shall cover, at a minimum, the following:

- 19 1. Intake screening procedures;
- 20 2. Medications in the possession of the inmate;
- 21 3. Medications prescribed or administered to the inmate;
- 22 4. Documentation of information relevant to the health or
23 medical care of the inmate, including current illnesses and health
24

1 problems, as well as observation of the behavior and physical
2 condition of the inmate;

3 5. Disposition and referral of inmates to qualified medical
4 personnel on an emergency basis;

5 6. Retention and disposition of inmate medical records; and

6 7. Such other procedures as may be necessary for the protection
7 of facility employees, visitors, and inmates.

8 B. Detention facilities operated by counties, under the
9 authority of the county sheriff and the provisions of Section 531 of
10 Title 19 of the Oklahoma Statutes, may deduct monies collected from
11 an inmate as a medical payment on account for medical services
12 received by the inmate while incarcerated in the detention facility.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 192.9 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A juvenile shall be incarcerated only in a detention
17 facility authorized by the appropriate judicial or juvenile bureau
18 authority. A juvenile shall not be detained in any holding facility
19 or lockup facility. This requirement shall not preclude juveniles
20 being held in non-secure areas until a parent or other responsible
21 party arrives to take custody of the juvenile.

22 B. Prior to a juvenile being placed in an eligible detention
23 facility, permission shall be obtained from the appropriate judicial
24

1 or juvenile bureau authority. A record of permission shall be
2 maintained at the facility.

3 C. Sight checks of juvenile inmate living areas shall be
4 performed at least one (1) time each hour. The check shall include
5 all areas of each cell and the juvenile inmates shall be visually
6 observed. Checks shall be documented in writing on a form provided
7 by the facility administrator.

8 D. An adult inmate who is assigned trusty status shall not be
9 permitted sustained contact with a juvenile inmate. A staff member
10 shall serve all meals to a juvenile inmate.

11 E. In addition to existing visitation privileges, juvenile
12 inmates shall be permitted visits from authorized juvenile agency
13 personnel. Visits from family members, who are unable to visit
14 during normal visiting hours, shall be allowed so long as
15 arrangements for them are made in advance with the administrator and
16 provided the visit does not jeopardize security. Each facility that
17 holds a juvenile shall have written policies and procedures for such
18 visits.

19 F. A juvenile inmate shall be able to communicate with staff
20 members at all times. Such communication may be either by voice or
21 electronic means. If electronic systems are used, there shall be a
22 backup plan to insure communication ability is maintained.

23 G. No staff member shall be permitted to enter a juvenile
24 inmate living area without backup assistance being available from

1 another staff member. At least one (1) staff member shall be of the
2 same gender as the juvenile inmate except in life-endangering
3 situations. Any time a decision is made to enter the living area
4 without appropriate backup assistance as defined herein, the action
5 shall be documented. Documentation shall show the reason for the
6 decision and a permanent record shall be maintained.

7 H. A juvenile charged with a crime which would constitute a
8 felony if committed by an adult or a juvenile who is an escapee from
9 a juvenile training school or from a Department of Human Services
10 group home may be detained in any detention facility authorized by
11 the appropriate judicial or juvenile bureau authority, police
12 station, or similar law enforcement office, not approved for long-
13 term detention for a period of six (6) hours or less for
14 identifying, processing, or arranging for transfer to a juvenile
15 detention facility or alternative program. In no other
16 circumstances shall a juvenile be securely detained in an adult
17 detention facility.

18 I. The State Department of Health shall coordinate with the
19 Office of Juvenile Affairs to certify detention facilities for
20 holding juvenile offenders based on the compliance of the detention
21 facility with the Oklahoma Jail Standards Act and the provisions of
22 Section 2-3-103 of Title 10A of the Oklahoma Statutes.

23 J. The designation of a detention facility as a place for the
24 detention of juveniles shall be made from a list of eligible

1 detention facilities supplied by the Department. Eligible detention
2 facilities shall be those detention facilities deemed by the
3 Department as compliant with the Oklahoma Jail Standards Act.

4 K. Any adult detention, holding, or lockup facility shall
5 record and report, in a manner consistent with requirements of the
6 Office of Juvenile Affairs, the detention of any person eighteen
7 (18) years of age or younger.

8 L. Records of detention for persons eighteen (18) years of age
9 or younger and detained in the last year shall be subject to review
10 during the annual inspection conducted by the Department.

11 M. If detention of a juvenile is authorized, such juveniles
12 shall be housed completely separate from adults without sustained
13 sight and sound contact. Inadvertent contact with incarcerated
14 adults outside of detention facility living areas not dedicated for
15 use by juvenile offenders should be minimized.

16 N. A juvenile may be held for up to six (6) hours for the
17 purpose of identification, investigation, processing, release to a
18 parent, transfer to court, or transfer to a juvenile facility
19 following the initial custody of the juvenile.

20 O. A juvenile arrested for or charged with a criminal offense
21 may be securely detained in an adult detention or lockup facility
22 for up to six (6) hours immediately before or immediately after a
23 court appearance, provided sight and sound separation is maintained.
24 This period may be extended to twenty-four (24) hours, excluding

1 weekends and holidays, if the jurisdiction is outside the
2 metropolitan statistical area where:

3 1. State law requires an initial court appearance within
4 twenty-four (24) hours after being taken into custody;

5 2. There is no acceptable alternative placement; and

6 3. The detention facility has been determined by the Department
7 to provide for sight and sound separation.

8 SECTION 11. AMENDATORY 57 O.S. 2021, Section 37, is
9 amended to read as follows:

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

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

16 2. Prior to contracting with a private prison operator to
17 provide housing for state inmates, the Department shall send
18 notification to all county jails in this state that bed space is
19 required to house the overflow population of state inmates. Upon
20 receiving notification, the sheriff or jail trust administrator of a
21 county jail is authorized to enter into agreements with the
22 Department to provide housing for the inmates. Reimbursement for
23 the cost of housing the inmates shall be a negotiated per diem rate
24

1 for each inmate as contracted but shall in no event be less than the
2 per diem rate provided for in Section 38 of this title.

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

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

9 C. The receipt of the certified copy of the judgment and
10 sentence shall be certification that the sentencing court has
11 entered a judgment and sentence and all other necessary commitment
12 documents. The Department of Corrections is authorized to determine
13 the appropriate method of delivery from each county based on
14 electronic or other capabilities, and establish a method for issuing
15 receipts certifying that the Department has received the judgment
16 and sentence document. The Department shall establish a dedicated
17 electronic address location for receipt of all electronically
18 submitted judgment and sentence documents. The electronic address
19 location shall provide written receipt verification of each received
20 judgment and sentence document. Once an appropriate judgment and
21 sentence document is received by the Department of Corrections, the
22 Department shall contact the sheriff or jail trust administrator
23 when bed space is available to schedule the transfer and reception
24 of the inmate into the Department.

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~~ the Oklahoma Jail Standards Act, then the
8 county sheriff or jail trust administrator shall notify the Director
9 of the Oklahoma Department of Corrections, or the Director's
10 designated representative, by facsimile, electronic mail, or actual
11 delivery, that the county jail has reached or exceeded its capacity
12 to hold inmates. The notification shall include copies of any
13 judgment and sentences not previously delivered as required by
14 subsection B of this section. Then within seventy-two (72) hours
15 following such notification, the county sheriff or jail trust
16 administrator shall transport the designated excess inmate or
17 inmates to a penal facility designated by the Department. The
18 sheriff or jail trust administrator shall notify the Department of
19 the transport of the inmate prior to the reception of the inmate.
20 The Department shall schedule the reception date and receive the
21 inmate within seventy-two (72) hours of notification that the county
22 jail is at capacity, unless other arrangements can be made with the
23 sheriff or jail trust 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 SECTION 12. AMENDATORY 57 O.S. 2021, Section 47, is
14 amended to read as follows:

15 Section 47. The sheriff, or such person designated by law in
16 ~~his~~ place of the sheriff, shall have charge of the county jail of
17 his or her county and of all persons by law confined therein, and
18 such sheriff or other officer is hereby required to conform, in all
19 respects, to the rules and directions promulgated pursuant to
20 ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail
21 Standards Act and of the district judge and communicated to ~~him~~ the
22 sheriff by the proper authority.

23 SECTION 13. AMENDATORY 57 O.S. 2021, Section 52, is
24 amended to read as follows:

1 Section 52. It shall be the duty of the sheriff of each county
2 to provide bed clothing, washing, board and medical care when
3 required, and all necessities for the comfort and welfare of
4 prisoners as specified by the standards promulgated pursuant to
5 ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail
6 Standards Act and ~~he~~ the sheriff shall be allowed such compensation
7 for services required by the provisions of Sections 41 through 64 of
8 this title, as may be prescribed by the county commissioners. All
9 purchases made pursuant to the provisions of this section shall be
10 made pursuant to the purchasing procedures specified in Sections
11 1500 through 1505 of Title 19 of the Oklahoma Statutes, including
12 the use of blanket purchase orders as provided for in Section 310.8
13 of Title 62 of the Oklahoma Statutes.

14 SECTION 14. AMENDATORY 57 O.S. 2021, Section 53, is
15 amended to read as follows:

16 Section 53. The sheriff or designated employee shall visit the
17 county jail in person and inquire into the condition of each
18 prisoner at least once each month and it shall be ~~his~~ the duty of
19 the sheriff or designated employee to comply with all standards
20 promulgated pursuant to ~~Section 192 of Title 74 of the Oklahoma~~
21 ~~Statutes~~ the Oklahoma Jail Standards Act.

22 SECTION 15. AMENDATORY 57 O.S. 2021, Section 55, is
23 amended to read as follows:

1 Section 55. If the sheriff or jailer in charge of any county
2 jail shall neglect or refuse to comply with any of the rules and
3 regulations established by the district judge, or pursuant to
4 ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail
5 Standards Act, or to any other duties required ~~of him by~~ pursuant to
6 Sections 41 through 64 of this title, ~~he~~ the sheriff or jailer in
7 charge shall, on conviction thereof, by indictment for each case of
8 such failure or neglect of duty as aforesaid, pay into the county
9 treasury of the proper county, for the use of such county, a fine of
10 not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars
11 (\$100.00) to be assessed by the district court of the proper
12 district.

13 SECTION 16. AMENDATORY 57 O.S. 2021, Section 57, as
14 amended by Section 1, Chapter 35, O.S.L. 2023 (57 O.S. Supp. 2023,
15 Section 57), is amended to read as follows:

16 Section 57. A. In the city and county jails in this state,
17 there shall be provided sufficient and convenient apartments for
18 confining prisoners of different sexes and classification separate
19 and apart from each other. The sheriff of each county of this state
20 shall notify the Department of Corrections of the prisoner capacity
21 of the county jail by July 1, 2003. After that date, changes in
22 prisoner capacity shall be reported within thirty (30) days of the
23 change. For purposes of this section, "prisoner capacity" means the
24

1 capacity determined by the State Fire Marshal pursuant to Section
2 317 of Title 74 of the Oklahoma Statutes.

3 B. In the city and county jails in this state, there shall be a
4 system of classifying prisoners, based upon the severity of the
5 charges, past criminal history and other relevant factors.

6 C. In the city and county jails in this state, prisoners
7 classified pursuant to subsection B of this section may be confined
8 two per cell or barrack-style, provided the living space meets the
9 square footage requirements set forth in ~~Section 192 of Title 74 of~~
10 ~~the Oklahoma Statutes~~ the Oklahoma Jail Standards Act.

11 D. All funds used by the Department of Corrections to contract
12 with private contractors for the building of prisons and pre-release
13 centers will be subject to appropriations by the Legislature.

14 E. Nothing in this section shall authorize contracts with
15 private contractors for construction of prison facilities, unless
16 authorized by the Legislature.

17 F. As used in this section, "barrack-style" means a single
18 designated space within a city or county jail facility for the
19 purpose of housing three or more inmates.

20 SECTION 17. AMENDATORY 63 O.S. 2021, Section 472, is
21 amended to read as follows:

22 Section 472. It shall be the duty of the governing bodies of
23 all municipalities to insure compliance with standards governing
24

1 conditions in municipal jails as prescribed in ~~Section 192 of Title~~
2 ~~74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act.

3 SECTION 18. AMENDATORY 69 O.S. 2021, Section 617, is
4 amended to read as follows:

5 Section 617. The board of county commissioners shall furnish
6 wholesome food in sufficient quantity and variety to all convicts
7 working upon the public roads to maintain them in good health and
8 vigor, and shall furnish medical attention when required in
9 accordance with the standards promulgated pursuant to ~~Section 192 of~~
10 ~~Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act.

11 SECTION 19. AMENDATORY 74 O.S. 2021, Section 193, is
12 amended to read as follows:

13 Section 193. A. Inspectors employed by the State Department of
14 Health shall be permitted to enter all jail premises and
15 administrative offices for the purpose of performing their assigned
16 duties.

17 B. The results of these inspections shall be presented in the
18 form of a written report to the person immediately responsible for
19 the administration of the facility inspected and such other offices
20 the Department deems appropriate. The report shall contain:

21 1. A list of deficiencies in the condition or operation of the
22 facility and specific proposals for their solution; and

23 2. A statement as to whether or not the facility inspected is
24 in substantial compliance with the jail standards established

pursuant to ~~Section 192 of this title~~ the Oklahoma Jail Standards
Act.

SECTION 20. It being immediately necessary for the preservation
of the public peace, health or safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

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