

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 247

By: Haste of the Senate

and

Ford, Waldron, and Sterling
of the House

COMMITTEE SUBSTITUTE

An Act relating to city and county jails; amending 57
O.S. 2021, Section 57, which relates to confining and
classifying prisoners; defining term; amending 74
O.S. 2021, Section 192, which relates to inspection
of city and county jails; updating statutory
language; defining term; and providing an effective
date.

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

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

Section 57. A. In the city and county jails in this state,
there shall be provided sufficient and convenient apartments for
confining prisoners of different sexes and classification separate
and apart from each other. The sheriff of each county of this state
shall notify the Department of Corrections of the prisoner capacity
of the county jail by July 1, 2003. After that date, changes in

1 prisoner capacity shall be reported within thirty (30) days of the
2 change. For purposes of this section, "prisoner capacity" means the
3 capacity determined by the State Fire Marshal pursuant to Section
4 317 of Title 74 of the Oklahoma Statutes.

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

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

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

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

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

22 SECTION 2. AMENDATORY 74 O.S. 2021, Section 192, is
23 amended to read as follows:
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1 Section 192. A. The State Department of Health shall inspect
2 at least once each year all city and county jails to ensure
3 compliance with the standards promulgated pursuant to the provisions
4 of this section. The standards shall provide provision for:

- 5 1. Uniform admission and release procedures;
- 6 2. Uniform, safe, and sensible security measures;
- 7 3. Proper, fit, and sanitary conditions;
- 8 4. Inmates to be fed a wholesome and adequate diet;
- 9 5. Inmates to have adequate clothing and a ~~useable~~ usable bed.

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

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

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

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

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

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

1 10. No person to be confined without twenty-four-hour
2 supervision; and

3 11. At least one designated exit in the facility that will
4 permit prompt evacuation of inmates and staff in an emergency. A
5 facility in existence on November 1, 1985, shall not be required to
6 construct additional exits if it has one exit which is deemed
7 adequate by the State Fire Marshal.

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

15 B. Any county, city, or town may operate a holding facility for
16 the incarceration of persons under arrest who are to be charged with
17 a crime, which holding facility shall not be required to meet the
18 standards established in this section for jails, as long as no
19 person is held therein for a period longer than twelve (12) hours
20 and as long as an employee of the county, city, or town is available
21 to render aid to or to release any person so confined in the event
22 aid or release is required because of a health or life-endangering
23 emergency.

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

4 1. Provides twenty-four-hour supervision of prisoner activity
5 that is conducted either by direct observation or electronically by
6 closed-circuit television; and

7 2. Provides an intercommunication system that terminates in a
8 location that is staffed twenty-four (24) hours a day and is capable
9 of providing an emergency response,
10 shall not be required to have more than one detention officer or
11 dispatcher on-site to provide for the security, custody, and
12 supervision of prisoners.

13 D. Any county or municipality that operates a jail facility
14 which houses more than forty and less than seventy-five prisoners at
15 all times which:

16 1. Provides twenty-four-hour supervision of prisoner activity
17 that is conducted either by direct observation or electronically by
18 closed-circuit television; and

19 2. Provides an intercommunication system that terminates in a
20 location that is staffed twenty-four (24) hours a day and is capable
21 of providing an emergency response,
22 shall be required to have more than one detention officer or one
23 detention officer and at least one other basic CLEET-certified
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1 person on the same premises as the jail facility to provide for the
2 security, custody, and supervision of prisoners.

3 Within ninety (90) days after June 9, 1994, the State Board of
4 Health shall promulgate new rules governing square footage
5 requirements, double-celling of prisoners and the ratio of showers,
6 toilets, and water basins to prisoners. The rules so promulgated
7 shall be governed by the guidelines enumerated in this section, and
8 shall be designed to carry out the intent and purpose of the
9 guidelines. Each city or county jail facility in this state shall
10 be in compliance with the rules so promulgated on or before January
11 1, 1995.

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

17 SECTION 3. This act shall become effective November 1, 2023.

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