

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2221

By: Ford

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5
6 AS INTRODUCED

7 An Act relating to city and county jails; amending 57
8 O.S. 2021, Section 57, which relates to confining and
9 classifying prisoners; defining term; amending 74
10 O.S. 2021, Section 192, which relates to the
11 inspection of city and county jails; defining term;
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY 57 O.S. 2021, Section 57, is
15 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
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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.

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 temporarily housing three or more inmates.

20 SECTION 2. AMENDATORY 74 O.S. 2021, Section 192, is
21 amended to read as follows:

22 Section 192. A. The State Department of Health shall inspect
23 at least once each year all city and county jails to ensure
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1 compliance with the standards promulgated pursuant to the provisions
2 of this section. The standards shall provide provision for:

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

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

1 inmate housing needs of the county. As used in this paragraph,
2 "barrack-style" means a single designated space within a city or
3 county jail facility for the purpose of temporarily housing three or
4 more inmates;

5 6. Inmates to be properly advised of rules of the facility in
6 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. All
10 employees who work in direct contact with inmates after the first
11 year of employment shall receive, at a minimum, four (4) hours'
12 review of material as required by the State Department of Health and
13 at a maximum, eight (8) hours of detention officer training per year
14 after the first year of employment;

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

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

23 10. No person to be confined without twenty-four-hour
24 supervision; and

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

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

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

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

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

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

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

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

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

23 Within ninety (90) days after June 9, 1994, the State Board of
24 Health shall promulgate new rules governing square footage

1 requirements, double-celling of prisoners and the ratio of showers,
2 toilets, and water basins to prisoners. The rules so promulgated
3 shall be governed by the guidelines enumerated in this section, and
4 shall be designed to carry out the intent and purpose of the
5 guidelines. Each city or county jail facility in this state shall
6 be in compliance with the rules so promulgated on or before January
7 1, 1995.

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

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

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