

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1873

By: Weaver

AS INTRODUCED

An Act relating to custody of prisoners; amending 21 O.S. 2021, Section 533, as amended by Section 1, Chapter 105, O.S.L. 2022 (21 O.S. Supp. 2023, Section 533), which relates to medical exceptions; requiring acceptance of persons medically cleared by a medical professional; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 533, as amended by Section 1, Chapter 105, O.S.L. 2022 (21 O.S. Supp. 2023, Section 533), is amended to read as follows:

Section 533. A. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb or where authorized personnel of the jail have deemed a person medically unfit to be received into custody, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to receive into custody any person as a prisoner,

1 willfully neglects or refuses so to receive such person into custody
2 is guilty of a misdemeanor.

3 B. Except as provided in this section and Section 979a of Title
4 22 of the Oklahoma Statutes, for emergency medical treatment for an
5 injury or condition that threatens life or threatens the loss or use
6 of a limb or where authorized personnel of the jail have deemed a
7 person medically unfit to be received into custody, any peace
8 officer or jail or prison contractor who, in violation of a duty
9 imposed upon the officer or contractor by law or by contract to
10 fingerprint any person received into custody as a prisoner,
11 willfully neglects or refuses so to fingerprint such person is
12 guilty of a misdemeanor.

13 Provided, however, authorized personnel of a jail shall not deem a
14 person medically unfit to be received into custody if the person has
15 been medically cleared at a hospital prior to his or her arrival at
16 the jail and his or her condition has not substantially changed from
17 the time at which he or she was medically cleared.

18 C. Any person coming into contact with a peace officer prior to
19 being actually received into custody at a jail facility or holding
20 facility, including, but not limited to, during the time of any
21 arrest, detention, transportation, investigation of any incident,
22 accident or crime, who needs emergency medical treatment for an
23 injury or condition that threatens life or threatens the loss or use
24 of a limb, shall be taken directly to a medical facility or hospital

1 for such emergency medical care notwithstanding any duty imposed
2 pursuant to this section or any other provision of law to first take
3 such person into custody or to fingerprint such person. The
4 responsibility for payment of such emergency medical costs shall be
5 the sole responsibility of the person coming into the officer's
6 contact and shall not be the responsibility of any jail, law
7 enforcement agency, jail or prison contractor, sheriff, peace
8 officer, municipality or county, except when the condition is a
9 direct result of injury caused by such officer acting outside the
10 scope of lawful authority.

11 SECTION 2. This act shall become effective November 1, 2024.

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