

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3114

By: Hardin

AS INTRODUCED

An Act relating to prison and reformatories; amending 57 O.S. 2021, Section 37, as amended by Section 9, Chapter 187, O.S.L. 2025 (57 O.S. Supp. 2025, Section 37), which relates to the capacity of correctional facilities; providing for mandatory inmate transfers and receptions within certain period of time; 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, as amended by Section 9, Chapter 187, O.S.L. 2025 (57 O.S. Supp. 2025, 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

1 notification to all county jails in this state that bed space is
2 required to house the overflow population of state inmates. Upon
3 receiving notification, the county sheriff or jail trust
4 administrator of a county jail is authorized to enter into
5 agreements with the Department to provide housing for the inmates.
6 Reimbursement for the cost of housing the inmates shall be a
7 negotiated per diem rate for each inmate as contracted but shall in
8 no event be less than the per diem rate provided for in Section 38
9 of this title.

10 B. No inmate may be received by a penal facility from a county
11 jail without first scheduling a transfer with the Department.
12 Within five (5) business days after the court orders the judgment
13 and sentence, the court clerk shall transmit to the Department by
14 facsimile, electronic mail, or actual delivery a certified copy of
15 the judgment and sentence.

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

1 submitted judgment and sentence documents. The electronic address
2 location shall provide written receipt verification of each received
3 judgment and sentence document. Once an appropriate judgment and
4 sentence document is received by the Department of Corrections, the
5 Department shall contact the county sheriff or jail trust
6 administrator ~~when bed space is available~~ to schedule the transfer
7 and reception of the inmate into the Department. Transfer and
8 reception of the inmate shall occur not less than five (5) business
9 days after the Department receives the judgment and sentence from
10 the county sheriff or jail trust administrator.

11 D. If the Department receives a judgment and sentence document
12 from a county that includes inaccurate information from the
13 sentencing court the Department shall notify the county within a
14 timely manner. If the Department receives a judgment and sentence
15 document from a county that is missing the classification level of
16 the felony crime, the Department shall default to the lowest
17 possible classification level for that offense. If the Department
18 receives a judgment and sentence document from a county that is
19 missing the required amount of the minimum time to be served, the
20 Department shall default to the lowest possible amount of the
21 minimum time to be served for that offense.

22 E. When a county jail has reached its capacity of inmates as
23 provided in the standards set forth in Section 192 of Title 74 of
24 the Oklahoma Statutes, then the county sheriff or jail trust

1 administrator shall notify the Director of the Oklahoma Department
2 of Corrections, or the ~~Director's~~ designated representative of the
3 Director, by facsimile, electronic mail, or actual delivery, that
4 the county jail has reached or exceeded its capacity to hold
5 inmates. The notification shall include copies of any judgment and
6 sentences not previously delivered as required by subsection B of
7 this section. Then within seventy-two (72) hours following such
8 notification, the county sheriff or jail trust administrator shall
9 transport the designated excess inmate or inmates to a penal
10 facility designated by the Department. The county sheriff or jail
11 trust administrator shall notify the Department of the transport of
12 the inmate prior to the reception of the inmate. The Department
13 shall schedule the reception date and receive the inmate within
14 seventy-two (72) hours of notification that the county jail is at
15 capacity, unless other arrangements can be made with the county
16 sheriff or jail trust administrator.

17 F. The Department will be responsible for the cost of housing
18 the inmate in the county jail including costs of medical care
19 provided from the date the judgment and sentence was ordered by the
20 court until the date of transfer of the inmate from the county jail.
21 The Department shall implement a policy for determination of
22 scheduled dates on which an inmate or multiple inmates are to be
23 transferred from county jails. The policy shall allow for no less
24 than three alternative dates from which the county sheriff or jail

1 trust administrator of a county jail may select and shall provide
2 for weather-related occurrences or other emergencies that may
3 prevent or delay transfers on the scheduled date. The policy shall
4 be available for review upon request by any county sheriff or jail
5 trust administrator of a county jail. The cost of housing shall be
6 the per diem rate specified in Section 38 of this title. In the
7 event the inmate has one or more criminal charges pending in the
8 same Oklahoma jurisdiction and the county jail refuses to transfer
9 the inmate to the Department because of the pending charges, the
10 Department shall not be responsible for the housing costs of the
11 inmate while the inmate remains in the county jail with pending
12 charges. Once the inmate no longer has pending charges in the
13 jurisdiction, the Department shall be responsible for the housing
14 costs of the inmate for the period beginning on the date the
15 judgment and sentence or final order was ordered by the Court. In
16 the event the inmate has other criminal charges pending in another
17 Oklahoma jurisdiction, the Department shall be responsible for the
18 housing costs while the inmate remains in the county jail awaiting
19 transfer to another jurisdiction or until the date the inmate is
20 scheduled to be transferred to the Department, whichever is earlier.
21 Once the inmate is transferred to another jurisdiction, the
22 Department is not responsible for the housing cost of the inmate
23 until such time that another judgment and sentence is received by
24 the Department from another Oklahoma jurisdiction.

1 The county sheriff or jail trust administrator may submit
2 invoices for the cost of housing the inmate on a monthly basis.
3 Final payment for housing an offender will be made only after the
4 official judgment and sentence is received by the Department of
5 Corrections.

6 SECTION 2. This act shall become effective November 1, 2026.

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