An Act

ENROLLED HOUSE
BILL NO. 2499

By: Grau of the House

and

Treat and Brecheen of the Senate

An Act relating to counties and county officers; creating the Oklahoma Regional Jail District Act; defining terms; authorizing creation of regional jail districts; providing for the exercise of certain powers; defining boundaries; providing guidelines for regional jail district agreements; establishing powers of regional jail district; providing for regional jail commissions; providing for commission members; stating tenure of commission members and terms of office; describing powers and duties of regional jail commissions; providing for the appointment of regional jail directors; providing for codification; and providing an effective date.

SUBJECT: Oklahoma Regional Jail District Act

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 905 of Title 19, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Regional Jail District Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 905.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Regional Jail District Act, the following terms shall have the following meanings:

1. "Operation" includes but is not limited to leasing services, contracting for services, planning, financing, construction and maintenance of a regional jail regardless of the source of funding; and

2. "Regional jail district project" includes but is not limited to planning, financing and construction of a regional jail.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 905.2 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Any county or combination of counties by resolution of their governing boards, may jointly create a regional jail district pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes for the purpose of planning, financing, construction, maintenance and operation of a jail located within the boundaries of such counties. A regional jail district created pursuant to the provisions of this subsection shall have the powers granted pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes in addition to the powers granted pursuant to the provisions of this act except that no district created pursuant to the provisions of this act shall have any power or authority to exercise or to attempt to exercise any powers of eminent domain. The county or combination of counties, or their agencies, creating the regional jail district shall be designated the beneficiary of the district. The boundaries of the regional jail district shall be coterminous with the boundaries of the county or counties creating the district.

B. The board of county commissioners of each county desiring to join the regional jail district shall approve a resolution to join the district and shall approve an agreement which specifies the duties of each county within the regional jail district. If any county wishes to join a regional jail district which has already been established pursuant to this section, the agreement shall be rewritten and approved by each member county.

C. The agreement which specifies the duties of each county within the regional jail district shall contain the following:

1. The name of the regional jail district;

2. The names of the counties within the regional jail district;

3. The formula for calculating the contribution of each county to the costs of the regional jail district;

4. The types of prisoners which the regional jail may house, limited to prisoners which may be transferred to counties under state law;

5. The methods and powers which may be used for planning, constructing, financing or maintaining a regional jail;

6. The duties of the director of the regional jail; and

7. The timing and procedures for approval of the annual budget of the regional jail district by the regional jail commission.

D. Any county, city or town may contract with a regional jail commission for the purposes of holding prisoners.

E. A regional jail district created pursuant to this section shall exist for the duration of the operation of the regional jail and no longer than one (1) year after cessation of operation of the regional jail.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 905.3 of Title 19, unless there is created a duplication in numbering, reads as follows:

In addition to the powers granted to the regional jail district by its member counties under the agreement, the regional jail district has all the powers necessary or appropriate to carry out its purposes including, but not limited to, the following:

1. To adopt bylaws and rules for the regulation of its affairs and the conduct of its business;

2. To maintain an office at such place or places in one or more of the member counties as the commission may designate;

3. To sue and be sued;

4. To make and execute leases, contracts, releases, compromises and other instruments necessary or convenient for the exercise of its powers or to carry out its purposes;

5. To acquire, construct, reconstruct, repair, alter, improve, and extend jail facilities;

6. To sell, assign, mortgage, grant a security interest in, exchange, donate and convey any or all of its properties whenever the commission finds such action to be in furtherance of the purposes of the district;

7. To collect rentals, fees and other charges in connection with its services or for the use of any facilities; or

8. To issue its bonds, notes or other obligations for any of its corporate purposes and to refund the same.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 905.4 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Any regional jail district created pursuant to Section 3 of this act shall be governed by a commission. The regional jail commission shall be composed of the sheriff and presiding county commissioner from each county within the district. Each regional jail commissioner of the regional jail district shall serve during his or her tenure as sheriff or as presiding county commissioner.

B. Commissioners of the regional jail district shall serve until successors have been duly appointed. Vacancies on the regional jail commission shall be filled by the succeeding sheriff or presiding county commissioner for the remainder of the term.

C. Commissioners of the regional jail district shall serve without compensation, except that they shall be reimbursed by the district for any reasonable and necessary expenses in the performance of duties as regional jail commissioner.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 905.5 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The director, appointed by the regional jail commission, shall administer the regional jail.

B. The director shall be paid a salary determined by the regional jail commission. The director shall have the authority to hire other officers and employees for positions that are authorized by the commission.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 905.6 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The regional jail established pursuant to the provisions of Section 3 of this act may be used to hold prisoners who have pled guilty or been found guilty of a crime or prisoners who are being held prior to or during trial.

B. Each county within the regional jail district may keep its own jail for holding any prisoners who have pled guilty or been found guilty of a crime or who are being held prior to or during trial.

SECTION 8. This act shall become effective November 1, 2012.

Passed the House of Representatives the 5th day of March, 2012.

Presiding Officer of the House of Representatives

Passed the Senate the 3rd day of April, 2012.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 4th

day of April, **20** 12,

at 3:14 **o'clock** P **M.**

By: Jessica R Ryan

Approved by the Governor of the State of Oklahoma the 9th **day of**

April, **20** 12, **at** 2:10 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

9th **day of** April, **20** 12,

at 4:53 **o'clock** P. **M.**

By: Michelle R Day