



OFFICE OF

SB 814

No. _____

**THE GOVERNOR
STATE OF OKLAHOMA**

OKLAHOMA CITY, OKLA.,

June 4, 2014

TIME SIGNED: 3:25pm

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
SECOND SESSION OF THE
FIFTY FOURTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 814:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED Senate Bill 814.

Current law states, "The sheriff shall have the charge and custody of the jail of his county, and all the prisoners in the same, and shall keep such jail himself, or by his deputy or jailer, for whose acts he and his sureties shall be liable." This specifically places the duty of a county sheriff to maintain custody of those who violate the law and cannot be released upon their own recognizance. Currently, if an arrestee requires emergency medical treatment prior to admittance into the county jail, the local arresting agency is not required to maintain custody of the arrestee, rather this responsibility lies with the county sheriff.

Current law also provides statutory protections and remedies for county sheriffs regarding the medical costs associated with the emergency medical treatment of an arrestee. For example, Title 19 Section 746 specifies the custodial county's liability for cost of medical care when a defendant is in the custody of the county jail, and Title 19 Section 746.1, created the Medical Expense Liability Revolving Fund. This fund specifically reimburses a county sheriff for qualified medical expenses for inmates in the custody of a county jail, up to \$100,000.00 per inmate.

House Bill 814 requires the arresting municipality or local law enforcement agency to maintain custody of an offender who needs emergency medical treatment prior to turning over custody of the offender to the county sheriff. House Bill 814 does not provide local law enforcement agencies the same statutory and financial protections which currently exist for county sheriffs. The result of this requirement shifts the medical expense liability from the county sheriff to the local arresting agency.

This Bill is inconsistent with current law, and provides no protection for local law enforcement agencies from unlimited liability arising from the medical costs of offenders. This is an inappropriate shift of liability, and undermines the duty of county sheriffs to maintain a county jail and its inmates. Therefore I have vetoed Senate Bill 814.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

RECEIVED

JUN 4 2014

OKLAHOMA SECRETARY
OF STATE

4:15pm

R. C.

By J. Malone
Date/Time 6-4-14 3:41pm