An Act

ENROLLED HOUSE
BILL NO. 1630

By: Billy, Cannaday and Hoskin of the House

and

Barrington and Boggs of the Senate

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Sections 37 and 38, which relate to the capacity of correctional facilities and jail reimbursement rates; providing notification procedure for certain purpose; clarifying transfer procedures and responsibilities relating to housing costs; deleting obsolete language; updating statutory reference; and providing an effective date.

SUBJECT: Housing of state prison inmates

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

SECTION 1. AMENDATORY 57 O.S. 2011, 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~~, then the~~:

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 notification to all county jails in this state that bed space is required to house the overflow population of state inmates. Upon

receiving notification, the sheriff of a county jail is authorized to enter into agreements with the Department to provide housing for the inmates. Reimbursement for the cost of housing the inmates shall be a negotiated per diem rate for each inmate as contracted but shall in no event be less than the per diem rate provided for in Section 38 of this title.

B. No inmate may be received by a penal facility from a county jail without first scheduling a transfer with the Department. ~~The sheriff or court clerk~~ Within three (3) business days after the court orders the judgment and sentence, the county shall transmit to the Department by facsimile, electronic mail, or actual delivery a certified copy of ~~the~~:

1. The judgment and sentence certifying that the inmate is sentenced to the Department of Corrections;

2. A notice of judgment and sentence signed by the sentencing judge or court clerk. The notice shall include the name of the defendant, date of birth, case number, county of conviction, name of the sentencing judge, the crime(s) for which the defendant was convicted, the sentence(s) imposed, if multiple sentences whether the sentences run concurrently or consecutively, and whether the defendant is to receive credit for any time served. The notice of judgment and sentence shall be substantially in the form provided for in subsection F of this section; or

3. Plea paperwork, Summary of Facts and Sentence on Plea or Sentencing After Jury Trial Summary of Facts may be used as sentencing documents.

C. The receipt of the certified copy of the judgment and sentence shall be certification that the sentencing court has entered a judgment and sentence and all other necessary commitment documents. The Department of Corrections is authorized to determine the appropriate method of delivery from each county based on electronic or other capabilities. Once ~~the~~ an appropriate judgment and sentence document, as listed in subsection B of this section, is received by the Department of Corrections, the Department shall contact the sheriff when bed space is available to schedule the transfer and reception of the inmate into the Department. The Department shall assume custody of an inmate from a county prior to receiving the certified copy of the judgment and sentence upon receipt by the Department of any of the appropriate judgment and sentence documents as listed in subsection B of this section.

~~C.~~ D. When a county jail has reached its capacity of inmates as ~~defined~~ provided in the standards set forth in Section 192 of Title 74 of the Oklahoma Statutes, then the county sheriff shall notify the Director of the Oklahoma Department of Corrections, or the Director's designated representative, by facsimile, electronic mail, or actual delivery, that the county jail has reached or exceeded its capacity to hold inmates. The notification shall include copies of any judgment and sentences not previously delivered as required by subsection B of this section. Then within seventy-two (72) hours following such notification, the county sheriff shall transport the designated excess inmate or inmates to a penal facility designated by the Department. The sheriff shall notify the Department of the transport of the inmate prior to the reception of the inmate. The Department shall schedule the reception date and receive the inmate within seventy-two (72) hours of notification that the county jail is at capacity, unless other arrangements can be made with the sheriff.

~~D. Once the judgment and sentence is transmitted to the Department of Corrections, the~~ E. The Department will be responsible for the cost of housing the inmate in the county jail including costs of medical care provided from the date the judgment and sentence was ordered by the court until the date ~~of transfer of~~ the inmate is scheduled to be transferred to the Department from the county jail. The Department shall implement a policy for determination of scheduled dates on which an inmate or multiple inmates are to be transferred from county jails. The policy shall allow for no less than three alternative dates from which the sheriff of a county jail may select and shall provide for weather-related occurrences or other emergencies that may prevent or delay transfers on the scheduled date. The policy shall be available for review upon request by any sheriff of a county jail. If an appropriate judgment and sentence document, as listed in subsection B of this section, is not received by the Department within three (3) business days, the Department will not be responsible for the cost of housing the inmate in the county jail until the date the Department receives the necessary documentation. Should the inmate not be transferred on the date scheduled by the Department, the Department shall not be responsible for any costs incurred beyond the date scheduled by the Department. The cost of housing shall be the per diem rate specified in Section 38 of this title. In the event the inmate has one or more criminal charges pending in the same Oklahoma jurisdiction and the county jail refuses to transfer the inmate to the Department because of the pending charges, the

Department shall not be responsible for the housing costs of the inmate while the inmate remains in the county jail with pending charges. Once the inmate no longer has pending charges in the jurisdiction, the Department shall be responsible for the housing costs of the inmate for the period beginning on the date the judgment and sentence or final order was ordered in the pending case and ending on the date the inmate is scheduled to be transferred to the Department. In the event the inmate has other criminal charges pending in another Oklahoma jurisdiction, the Department shall be responsible for the housing costs while the inmate remains in the county jail awaiting transfer to another jurisdiction or until the date the inmate is scheduled to be transferred to the Department, whichever is earlier. Once the inmate is transferred to another jurisdiction, the Department is not responsible for the housing cost of the inmate until such time that another judgment and sentence is received by the Department from another Oklahoma jurisdiction. The sheriff shall be reimbursed by the Department for the cost of housing the inmate in one of two ways:

1. The sheriff may submit invoices for the cost of housing the inmate on a monthly basis; or

2. The sheriff may submit one invoice for the total amount due for the inmate after the Department has received the inmate. Final payment for housing an offender will be made only after the official judgment and sentence is received by the Department of Corrections.

F. Form for Notice of Judgment and Sentencing.

In the District Court of _____ County

The State of Oklahoma

State of Oklahoma,)

Plaintiff)

_____)

vs. _____) Case No. _____

_____,) The Honorable Judge _____

Defendant)

D.O.B. _____)

NOTICE OF JUDGMENT AND SENTENCE

On this _____ day of _____, _____, to the best knowledge and belief of the undersigned, the conviction(s) and sentence(s) of the above-captioned defendant was/were announced and ordered as follow:

Count 1: _____ ____ O.S. _____

Count 1 Sentence: _____

Count 2: _____ ____ O.S. _____

Count 2 Sentence: _____

Running Concurrently _____ or Running Consecutively ____

With Count _____

Count 3: _____ ____ O.S. _____

Count 3 Sentence: _____

Running Concurrently _____ or Running Consecutively____

With Count _____

Count 4: _____ ____ O.S. _____

Count 4 Sentence: _____

Running Concurrently _____ or Running Consecutively____

With Count _____

Credit for time served:_____

_____

Judge of the District Court

or

Clerk of the District Court

SECTION 2. AMENDATORY 57 O.S. 2011, Section 38, is amended to read as follows:

Section 38. ~~Until January 1, 2007, the Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed Twenty-four Dollars ($24.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county. Effective January 1, 2007, the~~ The Department of Corrections shall reimburse any county~~,~~ which is required to retain an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this title~~,~~ in an amount not to exceed Twenty-seven Dollars ($27.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county.

SECTION 3. This act shall become effective November 1, 2015.

Passed the House of Representatives the 6th day of May, 2015.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 11th day of May, 2015, at 5:20 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 12th day of May, 2015, at 3:57 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 12th day of May, 2015, at 4:31 o'clock P. M.

By: Chris Benge