An Act

ENROLLED SENATE
BILL NO. 247

By: Haste of the Senate

and

Ford, Waldron, and Sterling
of the House

An Act relating to city and county jails; amending 57 O.S. 2021, Section 57, which relates to confining and classifying prisoners; defining term; amending 74 O.S. 2021, Section 192, which relates to inspection of city and county jails; updating statutory language; defining term; and providing an effective date.

SUBJECT: City and county jails

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 57, is amended to read as follows:

Section 57. A. In the city and county jails in this state, there shall be provided sufficient and convenient apartments for confining prisoners of different sexes and classification separate and apart from each other. The sheriff of each county of this state shall notify the Department of Corrections of the prisoner capacity of the county jail by July 1, 2003. After that date, changes in prisoner capacity shall be reported within thirty (30) days of the change. For purposes of this section, "prisoner capacity" means the capacity determined by the State Fire Marshal pursuant to Section 317 of Title 74 of the Oklahoma Statutes.

B. In the city and county jails in this state, there shall be a system of classifying prisoners, based upon the severity of the charges, past criminal history and other relevant factors.

C. In the city and county jails in this state, prisoners classified pursuant to subsection B of this section may be confined two per cell or barrack-style, provided the living space meets the square footage requirements set forth in Section 192 of Title 74 of the Oklahoma Statutes.

D. All funds used by the Department of Corrections to contract with private contractors for the building of prisons and pre-release centers will be subject to appropriations by the Legislature.

E. Nothing in this section shall authorize contracts with private contractors for construction of prison facilities, unless authorized by the Legislature.

F. As used in this section, "barrack-style" means a single designated space within a city or county jail facility for the purpose of housing three or more inmates.

SECTION 2. AMENDATORY 74 O.S. 2021, Section 192, is amended to read as follows:

Section 192. A. The State Department of Health shall inspect at least once each year all city and county jails to ensure compliance with the standards promulgated pursuant to the provisions of this section. The standards shall provide provision for:

1. Uniform admission and release procedures;

2. Uniform, safe, and sensible security measures;

3. Proper, fit, and sanitary conditions;

4. Inmates to be fed a wholesome and adequate diet;

5. Inmates to have adequate clothing and a ~~useable~~ usable bed. Such facility shall have showers with hot and cold running water, toilets, and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may build ~~barracks-style~~

barrack-style jails, single or double cell, to meet the security needs of the county for minimum security prisoners. These jails shall meet all the minimum requirements set forth in this section or any other provision of law. Except as otherwise provided in this section, all facilities under this section shall have showers with hot and cold running water, toilets and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may also build tent jails, which shall be temporary in nature, to meet the security needs of the county for minimum security prisoners. The temporary tent jails shall not be required to meet the minimum requirements set forth in this section or any other provision of law. The State Board of Health shall promulgate minimum standards for temporary tent jails, which standards shall be designed to specifically address and take into consideration the temporary status of the inmate housing needs of the county. As used in this paragraph, "barrack-style" means a single designated space within a city or county jail facility for the purpose of housing three or more inmates;

6. Inmates to be properly advised of rules of the facility in which they are detained;

7. Staff members to receive training in order to assist them in performing their assigned tasks, such training to be provided through a program approved by the State Department of Health. All employees who work in direct contact with inmates after the first year of employment shall receive, at a minimum, four (4) hours' review of material as required by the State Department of Health and at a maximum, eight (8) hours of detention officer training per year after the first year of employment;

8. Proper steps to be taken to ensure the safety and segregation of women, the infirm, and minors;

9. Adequate medical care, provided such medical care shall be limited to illnesses or injuries incurred during the time beginning with the arrest and throughout the time of incarceration. This shall not prevent an inmate from applying for assistance and receiving assistance, provided the inmate meets or exceeds established requirements;

10. No person to be confined without twenty-four-hour supervision; and

11. At least one designated exit in the facility that will permit prompt evacuation of inmates and staff in an emergency. A facility in existence on November 1, 1985, shall not be required to construct additional exits if it has one exit which is deemed adequate by the State Fire Marshal.

In the event such inspection shall reveal to the State Department of Health the commission of a crime or crimes incidental to the operations of a city or county jail facility, it shall be the duty of the Department to initiate a complaint with the appropriate district attorney, and to cooperate in the prosecution of the alleged offender in the event an information is filed pursuant to such complaint.

B. Any county, city, or town may operate a holding facility for the incarceration of persons under arrest who are to be charged with a crime, which holding facility shall not be required to meet the standards established in this section for jails, as long as no person is held therein for a period longer than twelve (12) hours and as long as an employee of the county, city, or town is available to render aid to or to release any person so confined in the event aid or release is required because of a health or life-endangering emergency.

C. Notwithstanding any other provision of law or rule, any county or municipality that operates a jail facility which houses forty or fewer prisoners at all times which:

1. Provides twenty-four-hour supervision of prisoner activity that is conducted either by direct observation or electronically by closed-circuit television; and

2. Provides an intercommunication system that terminates in a location that is staffed twenty-four (24) hours a day and is capable of providing an emergency response,

shall not be required to have more than one detention officer or dispatcher on-site to provide for the security, custody, and supervision of prisoners.

D. Any county or municipality that operates a jail facility which houses more than forty and less than seventy-five prisoners at all times which:

1. Provides twenty-four-hour supervision of prisoner activity that is conducted either by direct observation or electronically by closed-circuit television; and

2. Provides an intercommunication system that terminates in a location that is staffed twenty-four (24) hours a day and is capable of providing an emergency response,

shall be required to have more than one detention officer or one detention officer and at least one other basic CLEET-certified person on the same premises as the jail facility to provide for the security, custody, and supervision of prisoners.

Within ninety (90) days after June 9, 1994, the State Board of Health shall promulgate new rules governing square footage requirements, double-celling of prisoners and the ratio of showers, toilets, and water basins to prisoners. The rules so promulgated shall be governed by the guidelines enumerated in this section, and shall be designed to carry out the intent and purpose of the guidelines. Each city or county jail facility in this state shall be in compliance with the rules so promulgated on or before January 1, 1995.

E. The State Department of Health shall employ inspectors and other personnel as necessary and specifically authorized by the Legislature in order to carry out the provisions of this section and may rent or purchase premises or equipment in order to assist inspectors in the performance of their functions.

SECTION 3. This act shall become effective November 1, 2023.

Passed the Senate the 13th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th
day of April, 20 23, at 3:22 o'clock p. M.
By: Suma Aury

Approved by the Governor of the State of Oklahoma this 20th
day of April, 20 23, at 2:21 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 20th
day of April, 20 23, at 2:47 o'clock P M.
By: Brian Bingman