

1 **SENATE FLOOR VERSION**

2 April 8, 2015

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1630

By: Billy and Cannaday of the  
House

6 and

7 Barrington of the Senate

8  
9 [ prisons and reformatories - transfer procedures and  
10 responsibilities relating to housing costs -  
11 effective date ]

12  
13 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

14 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, is  
15 amended to read as follows:

16 Section 37. A. If all correctional facilities reach maximum  
17 capacity and the Department of Corrections is required to contract  
18 for bed space to house state inmates, ~~then the:~~

19 1. The Pardon and Parole Board shall consider all nonviolent  
20 offenders for parole who are within six (6) months of their  
21 scheduled release from a penal facility; and

22 2. Prior to contracting with a private prison operator to  
23 provide housing for state inmates, the Department shall send  
24 notification to all county jails in this state that bed space is

1 required to house the overflow population of state inmates. Upon  
2 receiving notification, the sheriff of a county jail is authorized  
3 to enter into agreements with the Department to provide housing for  
4 the inmates. Reimbursement for the cost of housing the inmates  
5 shall be a negotiated per diem rate for each inmate as contracted  
6 but shall in no event be less than the per diem rate provided for in  
7 Section 38 of this title. A county interested in bidding to provide  
8 contract beds with the Department of Corrections must comply with  
9 the Department's standards and requirements required of a private  
10 contractor.

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

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

19 2. A notice of judgment and sentence shall include the style of  
20 the case, including the name of the defendant, case number, county  
21 of conviction, and the name of the sentencing judge. It shall also  
22 include identifying information of the defendant to include name,  
23 alias, date of birth, and last four numbers of the social security  
24 number. For each count that resulted in a sentence of imprisonment,

1 the sentencing information shall identify the offense and the  
2 citation for the offense. The necessary information shall include  
3 the case number(s) and jurisdiction of any former convictions used  
4 to enhance the sentence and the sentence and punishment ordered for  
5 each count and whether the sentence for each count is to run  
6 concurrently or consecutively to any other counts or other cases and  
7 whether the defendant is to receive credit for time served; or  
8 3. Plea paperwork, Summary of Facts and Sentence on Plea or  
9 Sentencing After Jury Trial Summary of Facts may be used as  
10 sentencing documents. The receipt of the certified copy of the  
11 judgment and sentence shall be certification that the sentencing  
12 court has entered a judgment and sentence and all other necessary  
13 commitment documents. The Department of Corrections is authorized  
14 to determine the appropriate method of delivery from each county  
15 based on electronic or other capabilities. Once ~~the judgment and~~  
16 ~~sentence~~ an appropriate judgment and sentence document, as listed in  
17 subsection B is received by the Department of Corrections, the  
18 Department shall contact the sheriff when bed space is available to  
19 schedule the transfer and reception of the inmate into the  
20 Department. The Department shall assume custody of an inmate from a  
21 county prior to receiving the certified copy of the judgment and  
22 sentence upon receipt by the Department of an appropriate judgment  
23 and sentence document, as listed in subsection B.  
24

1 C. When a county jail has reached its capacity of inmates as  
2 defined in Section 192 of Title 74 of the Oklahoma Statutes, then  
3 the county sheriff shall notify the Director of the Oklahoma  
4 Department of Corrections, or the Director's designated  
5 representative, by facsimile, electronic mail, or actual delivery,  
6 that the county jail has reached or exceeded its capacity to hold  
7 inmates. The notification shall include copies of any judgment and  
8 sentences not previously delivered as required by subsection B of  
9 this section. Then within seventy-two (72) hours following such  
10 notification, the county sheriff shall transport the designated  
11 excess inmate or inmates to a penal facility designated by the  
12 Department. The sheriff shall notify the Department of the  
13 transport of the inmate prior to the reception of the inmate. The  
14 Department shall schedule the reception date and receive the inmate  
15 within seventy-two (72) hours of notification that the county jail  
16 is at capacity, unless other arrangements can be made with the  
17 sheriff.

18 D. ~~Once the judgment and sentence is transmitted to the~~  
19 ~~Department of Corrections, the~~ The Department will be responsible  
20 for the cost of housing the inmate in the county jail from the date  
21 the judgment and sentence was ordered by the court until the date of  
22 ~~transfer of the inmate~~ is scheduled to be transferred to the  
23 Department from the county jail. The Department shall implement a  
24 policy for determination of scheduled dates on which inmates are to

1 be transferred from county jails. The policy shall allow for no  
2 less than three alternative dates from which the sheriff of a county  
3 jail may select and shall provide for weather-related occurrences or  
4 other emergencies that may prevent or delay transfers on the  
5 scheduled date. The policy shall be available for review upon  
6 request by any sheriff of a county jail. If an appropriate judgment  
7 and sentence document, as listed in subsection B, is not received by  
8 the Department within three (3) business days, the Department will  
9 not be responsible for the cost of housing the inmate in the county  
10 jail from the date of sentencing until the date the Department  
11 receives the necessary documentation. Should the inmate not be  
12 transferred on the date scheduled by the Department, the Department  
13 shall not be responsible for any costs incurred beyond the date  
14 scheduled by the Department. The cost of housing shall be the per  
15 diem rate specified in Section 38 of this title. In the event the  
16 inmate has one or more criminal charges pending in the same Oklahoma  
17 jurisdiction and the county jail refuses to transfer the inmate to  
18 the Department because of the pending charges, the Department shall  
19 not be responsible for the housing costs of the inmate while the  
20 inmate remains in the county jail with pending charges. Once the  
21 inmate no longer has pending charges in the jurisdiction, the  
22 Department shall be responsible for the housing costs of the inmate  
23 for the period beginning on the date the judgment and sentence or  
24 final order was ordered in the pending case and ending on the date

1 the inmate is scheduled to be transferred to the Department. In the  
2 event the inmate has other criminal charges pending in another  
3 Oklahoma jurisdiction, the Department shall be responsible for the  
4 housing costs while the inmate remains in the county jail awaiting  
5 transfer to another jurisdiction or until the date the inmate is  
6 scheduled to be transferred to the Department, whichever is earlier.

7 Once the inmate is transferred to another jurisdiction, the  
8 Department is not responsible for the housing cost of the inmate  
9 until such time that another judgment and sentence is received by  
10 the Department from another Oklahoma jurisdiction. The sheriff  
11 shall be reimbursed by the Department for the cost of housing the  
12 inmate in one of two ways:

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

15 2. The sheriff may submit one invoice for the total amount due  
16 for the inmate after the Department has received the inmate.

17 Final payment for housing an offender will be made only after  
18 the official judgment and sentence is received by the Department of  
19 Corrections.

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

22 Section 38. ~~Until January 1, 2007, the Department of~~  
23 ~~Corrections shall reimburse any county, which is required to retain~~  
24 ~~an inmate pursuant to paragraph 2 of Section 37 of this title, in an~~

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

1 for inmates in the jail. The Department shall not pay fees for  
2 medical care in excess of the rates established for Medicaid  
3 providers. The state shall not be liable for medical charges in  
4 excess of the Medicaid scheduled rate. The Director may accept any  
5 inmate required to have extended medical care upon application of  
6 the county.

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
9 April 8, 2015 - DO PASS AS AMENDED

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