

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1374

By: Taylor, Meredith, McDugle,
Davis and Lawson of the
House

and

Rosino of the Senate

[prisons and reformatories - changing agency
responsible for transporting sentenced persons -
effective date]

AUTHOR: Add the following Senate Coauthor: Bergstrom

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"An Act relating to prisons and reformatories;
amending 57 O.S. 2011, Section 95, which relates to
the delivery of sentenced persons; directing certain
reimbursement; authorizing promulgation of rules and
forms; requiring certain reporting; creating the
Department of Corrections Offender Transport
Revolving Fund; providing for codification; and
declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 95, is
amended to read as follows:

1 Section 95. A. Any person convicted of an offense against the
2 laws of this state and sentenced to imprisonment that is not to be
3 served in a county jail shall be transported by the sheriff of the
4 county where the person is sentenced, or transported by a designated
5 representative of the sheriff, to the Department of Corrections at
6 the Lexington Assessment and Reception Center or other location
7 designated by the Director of the Department of Corrections.

8 B. Any person convicted of an offense against the laws of this
9 state and sentenced to imprisonment that is not to be served in a
10 county jail and who is not housed in a county jail shall be
11 transported by the detention center, or transported by a designated
12 representative of the detention center, to the Department of
13 Corrections at the Lexington Assessment and Reception Center or
14 other location designated by the Director of the Department of
15 Corrections.

16 C. The sheriff shall deliver the person to the Department at
17 such center together with:

18 1. A certified copy of the judgment and sentence from the court
19 ordering such imprisonment, unless the judgment and sentence
20 previously has been sent electronically by an authorized clerk of
21 the court;

22 2. A certificate setting forth the number of days served in the
23 county jail after the pronouncement of judgment and rendering of
24 sentence for the offenses committed;

1 3. A copy of any medical, dental, or mental health records of
2 the defendant for conditions reviewed or treated while in the
3 custody of the sheriff;

4 4. Any medication or medical or dental device prescribed for
5 the defendant while in the custody of the sheriff or for a ~~pre-~~
6 ~~existing~~ preexisting condition; and

7 5. A copy of the presentence investigation report, if a report
8 was prepared.

9 D. The Department of Corrections shall give the sheriff a
10 receipt for each person received into the custody of the Department
11 ~~at the Lexington Assessment and Reception Center~~. The receipt shall
12 be filed by the sheriff in the office of the clerk of the court
13 where the sentence was made.

14 E. The Department of Corrections shall reimburse the
15 transporting agency as follows:

16 1. Mileage from the county sheriff's office to the appropriate
17 reception center and back to the county sheriff's office; and

18 2. Hourly wage reimbursement for the transporting officer for
19 the hours of transport travel and time spent at the reception center
20 based on the transporting officer's normal hourly wage.

21 Reimbursement shall not exceed Thirty Dollars (\$30.00) an hour per
22 officer. Documentation of the officer's hourly wage shall accompany
23 all reimbursement requests to the Department.
24

1 The Department of Corrections shall have the authority to
2 promulgate rules and forms for the reimbursement procedures provided
3 in this section.

4 The Department of Corrections shall submit a quarterly report to
5 the Chair of the Senate Appropriations Committee and Chair of the
6 House of Representatives Appropriations and Budget Committee.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 97 of Title 57, unless there is
9 created a duplication in numbering, reads as follows:

10 There is hereby created in the State Treasury a revolving fund
11 for the Department of Corrections, to be designated the "Department
12 of Corrections Offender Transport Revolving Fund". The fund shall
13 be a continuing fund, not subject to fiscal year limitations, and
14 shall consist of any monies designated to the fund by law. All
15 monies accruing to the credit of the fund are hereby appropriated
16 and may be budgeted and expended by the Department of Corrections
17 for the purpose of reimbursing the counties for the transport of
18 offenders from county facilities to the Department upon conviction
19 and sentencing.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval."
24

1 Passed the Senate the 23rd day of April, 2019.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

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8 [prisons and reformatories - changing agency
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10 effective date]
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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 4. AMENDATORY 57 O.S. 2011, Section 95, is
16 amended to read as follows:

17 Section 95. A. Any person convicted of an offense against the
18 laws of this state and sentenced to imprisonment that is not to be
19 served in a county jail shall be transported by the ~~sheriff of the~~
20 ~~county~~ Department of Corrections from where the person is sentenced,
21 ~~or transported by a designated representative of the sheriff,~~ to the
22 ~~Department of Corrections at the~~ Lexington Assessment and Reception
23 Center or other location designated by the Director of the
24 Department of Corrections.

1 B. Any person convicted of an offense against the laws of this
2 state and sentenced to imprisonment that is not to be served in a
3 county jail and who is not housed in a county jail shall be
4 transported by the ~~detention center, or transported by a designated~~
5 ~~representative of the detention center,~~ Department of Corrections to
6 the ~~Department of Corrections at the~~ Lexington Assessment and
7 Reception Center or other location designated by the Director of the
8 Department of Corrections.

9 C. The sheriff shall ~~deliver the person~~ provide the following
10 documentation to the Department of Corrections at ~~such center~~
11 ~~together with~~ the time the person is picked up by the Department:

12 1. A certified copy of the judgment and sentence from the court
13 ordering such imprisonment, unless the judgment and sentence
14 previously has been sent electronically by an authorized clerk of
15 the court;

16 2. A certificate setting forth the number of days served in the
17 county jail after the pronouncement of judgment and rendering of
18 sentence for the offenses committed;

19 3. A copy of any medical, dental, or mental health records of
20 the defendant for conditions reviewed or treated while in the
21 custody of the sheriff;

22 4. Any medication or medical or dental device prescribed for
23 the defendant while in the custody of the sheriff or for a ~~pre-~~
24 ~~existing~~ preexisting condition; and

5. A copy of the presentence investigation report, if a report was prepared.

D. The Department of Corrections shall give the sheriff a receipt for each person received into the custody of the Department ~~at the Lexington Assessment and Reception Center~~. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made.

SECTION 5. This act shall become effective November 1, 2019.

Passed the House of Representatives the 14th day of February,
2019.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2019.

Presiding Officer of the Senate