

1 **SENATE FLOOR VERSION**

2 February 27, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 244

By: Bergstrom of the Senate

and

Taylor of the House

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7
8
9 [county jails - facilities reaching maximum capacity
10 - timeframe requirements - effective date]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as last
14 amended by Section 1, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2018,
15 Section 37), is 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:

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.

8 B. No inmate may be received by a penal facility from a county
9 jail without first scheduling a transfer with the Department.

10 Within five (5) business days after the court orders the judgment
11 and sentence, the county shall transmit to the Department by
12 facsimile, electronic mail, or actual delivery a certified copy of:

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

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

24

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

4 C. The receipt of the certified copy of the judgment and
5 sentence shall be certification that the sentencing court has
6 entered a judgment and sentence and all other necessary commitment
7 documents. The Department of Corrections is authorized to determine
8 the appropriate method of delivery from each county based on
9 electronic or other capabilities, and establish a method for issuing
10 receipts certifying that the Department has received the judgment
11 and sentence document. The Department is authorized to establish a
12 dedicated electronic address location for receipt of all
13 electronically submitted judgment and sentence documents. The
14 electronic address location shall provide written receipt
15 verification of each received judgment and sentence document. Once
16 an appropriate judgment and sentence document, as listed in
17 subsection B of this section, is received by the Department of
18 Corrections, the Department shall contact the sheriff when bed space
19 is available to schedule the transfer and reception of the inmate
20 into the Department. The Department shall assume custody of an
21 inmate from a county prior to receiving the certified copy of the
22 judgment and sentence upon receipt by the Department of any of the
23 appropriate judgment and sentence documents as listed in subsection
24 B of this section.

1 D. If the Department receives a judgment and sentence document
2 from a county that includes inaccurate information from the
3 sentencing court the Department shall notify the county within a
4 timely manner. ~~If a corrected judgment and sentence document is not~~
5 ~~received by the Department within five (5) business days from the~~
6 ~~date of notification, the Department will not be responsible for the~~
7 ~~cost of housing the inmate in the county jail until such time that~~
8 ~~an accurate judgment and sentence documents is received by the~~
9 Department.

10 E. When a county jail has reached its capacity of inmates as
11 provided in the standards set forth in Section 192 of Title 74 of
12 the Oklahoma Statutes, then the county sheriff shall notify the
13 Director of the Oklahoma Department of Corrections, or the
14 Director's designated representative, by facsimile, electronic mail,
15 or actual delivery, that the county jail has reached or exceeded its
16 capacity to hold inmates. The notification shall include copies of
17 any judgment and sentences not previously delivered as required by
18 subsection B of this section. Then within seventy-two (72) hours
19 following such notification, the county sheriff shall transport the
20 designated excess inmate or inmates to a penal facility designated
21 by the Department. The sheriff shall notify the Department of the
22 transport of the inmate prior to the reception of the inmate. The
23 Department shall schedule the reception date and receive the inmate
24 within seventy-two (72) hours of notification that the county jail

1 is at capacity, unless other arrangements can be made with the
2 sheriff.

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

1 jurisdiction and the county jail refuses to transfer the inmate to
2 the Department because of the pending charges, the Department shall
3 not be responsible for the housing costs of the inmate while the
4 inmate remains in the county jail with pending charges. Once the
5 inmate no longer has pending charges in the jurisdiction, the
6 Department shall be responsible for the housing costs of the inmate
7 for the period beginning on the date the judgment and sentence or
8 final order was received by the Department. In the event the inmate
9 has other criminal charges pending in another Oklahoma jurisdiction,
10 the Department shall be responsible for the housing costs while the
11 inmate remains in the county jail awaiting transfer to another
12 jurisdiction or until the date the inmate is scheduled to be
13 transferred to the Department, whichever is earlier. Once the
14 inmate is transferred to another jurisdiction, the Department is not
15 responsible for the housing cost of the inmate until such time that
16 another judgment and sentence is received by the Department from
17 another Oklahoma jurisdiction.

18 The sheriff may submit invoices for the cost of housing the
19 inmate on a monthly basis. Final payment for housing an offender
20 will be made only after the official judgment and sentence is
21 received by the Department of Corrections.

22 G. Form for Notice of Judgment and Sentencing.

23 In the District Court of _____ County

24 The State of Oklahoma

1 State of Oklahoma,)
2 _____)
3 Plaintiff)
4)
5 vs.) Case No. _____
6 _____,) The Honorable Judge _____
7 Defendant)
8 D.O.B. _____)

9 NOTICE OF JUDGMENT AND SENTENCE

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

14 Count 1: _____ O.S. _____

15 Count 1 Sentence: _____

16 Count 2: _____ O.S. _____

17 Count 2 Sentence: _____

18 Running Concurrently _____ or Running Consecutively _____

19 With Count _____

20 Count 3: _____ O.S. _____

21 Count 3 Sentence: _____

22 Running Concurrently _____ or Running Consecutively _____

23 With Count _____

24 Count 4: _____ O.S. _____

1 Count 4 Sentence: _____

2 Running Concurrently _____ or Running Consecutively _____

3 With Count _____

4 Credit for time served: _____

5 _____
6 Judge of the District Court

7 or

8 _____
9 Clerk of the District Court

10 SECTION 2. This act shall become effective in accordance with
11 the provisions of Section 58 of Article V of the Oklahoma
12 Constitution.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 February 27, 2019 - DO PASS AS AMENDED