

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 244

By: Bergstrom

4  
5  
6 AS INTRODUCED

7 An Act relating to county jails; amending 57 O.S.  
8 2011, Section 37, as last amended by Section 1,  
9 Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2018, Section  
10 37), which relates to facilities reaching maximum  
11 capacity; removing certain timeframe requirements;  
12 directing establishment of dedicated electronic  
13 address for documents; directing certain response  
14 upon submission; modifying procedures; and providing  
15 an effective date.

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

17 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as last  
18 amended by Section 1, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2018,  
19 Section 37), is amended to read as follows:

20 Section 37. A. If all correctional facilities reach maximum  
21 capacity and the Department of Corrections is required to contract  
22 for bed space to house state inmates:

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

1           2. Prior to contracting with a private prison operator to  
2 provide housing for state inmates, the Department shall send  
3 notification to all county jails in this state that bed space is  
4 required to house the overflow population of state inmates. Upon  
5 receiving notification, the sheriff of a county jail is authorized  
6 to enter into agreements with the Department to provide housing for  
7 the inmates. Reimbursement for the cost of housing the inmates  
8 shall be a negotiated per diem rate for each inmate as contracted  
9 but shall in no event be less than the per diem rate provided for in  
10 Section 38 of this title.

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

13 ~~Within five (5) business days after the court orders the judgment~~  
14 ~~and sentence, the county~~ The court or court clerk shall transmit to  
15 the Department by facsimile, electronic mail, or actual delivery a  
16 certified copy of:

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 signed by the sentencing  
20 judge or court clerk. The notice shall include the name of the  
21 defendant, date of birth, case number, county of conviction, name of  
22 the sentencing judge, the crime for which the defendant was  
23 convicted, the sentence imposed, if multiple sentences whether the  
24 sentences run concurrently or consecutively, and whether the

1 defendant is to receive credit for any time served. The notice of  
2 judgment and sentence shall be substantially in the form provided  
3 for in subsection F of this section; or

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

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

1 judgment and sentence upon receipt by the Department of any of the  
2 appropriate judgment and sentence documents as listed in subsection  
3 B of this section.

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

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

1 transport of the inmate prior to the reception of the inmate. The  
2 Department shall schedule the reception date and receive the inmate  
3 within seventy-two (72) hours of notification that the county jail  
4 is at capacity, unless other arrangements can be made with the  
5 sheriff.

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

1 Department. The cost of housing shall be the per diem rate  
2 specified in Section 38 of this title. In the event the inmate has  
3 one or more criminal charges pending in the same Oklahoma  
4 jurisdiction and the county jail refuses to transfer the inmate to  
5 the Department because of the pending charges, the Department shall  
6 not be responsible for the housing costs of the inmate while the  
7 inmate remains in the county jail with pending charges. Once the  
8 inmate no longer has pending charges in the jurisdiction, the  
9 Department shall be responsible for the housing costs of the inmate  
10 for the period beginning on the date the judgment and sentence or  
11 final order was received by the Department. In the event the inmate  
12 has other criminal charges pending in another Oklahoma jurisdiction,  
13 the Department shall be responsible for the housing costs while the  
14 inmate remains in the county jail awaiting transfer to another  
15 jurisdiction or until the date the inmate is scheduled to be  
16 transferred to the Department, whichever is earlier. Once the  
17 inmate is transferred to another jurisdiction, the Department is not  
18 responsible for the housing cost of the inmate until such time that  
19 another judgment and sentence is received by the Department from  
20 another Oklahoma jurisdiction.

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

1 G. Form for Notice of Judgment and Sentencing.

2 In the District Court of \_\_\_\_\_ County

3 The State of Oklahoma

4 State of Oklahoma, )

5 \_\_\_\_\_ )

6 Plaintiff )

7 )

8 vs. ) Case No. \_\_\_\_\_

9 \_\_\_\_\_, ) The Honorable Judge \_\_\_\_\_

10 Defendant )

11 D.O.B. \_\_\_\_\_ )

12 NOTICE OF JUDGMENT AND SENTENCE

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

17 Count 1: \_\_\_\_\_ O.S. \_\_\_\_\_

18 Count 1 Sentence: \_\_\_\_\_

19 Count 2: \_\_\_\_\_ O.S. \_\_\_\_\_

20 Count 2 Sentence: \_\_\_\_\_

21 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

22 With Count \_\_\_\_\_

23 Count 3: \_\_\_\_\_ O.S. \_\_\_\_\_

24 Count 3 Sentence: \_\_\_\_\_

1 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

2 With Count \_\_\_\_\_

3 Count 4: \_\_\_\_\_ O.S. \_\_\_\_\_

4 Count 4 Sentence: \_\_\_\_\_

5 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

6 With Count \_\_\_\_\_

7 Credit for time served: \_\_\_\_\_

8 \_\_\_\_\_  
9 Judge of the District Court

10 or

11 \_\_\_\_\_  
12 Clerk of the District Court

13 SECTION 2. This act shall become effective in accordance with  
14 the provisions of Section 58 of Article V of the Oklahoma  
15 Constitution.

16  
17 57-1-231 BHG 1/11/2019 2:30:10 PM  
18  
19  
20  
21  
22  
23  
24