

HB2105 FA1 OsburnMi-GRS
3/11/2025 4:22:33 pm

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2105 _____
Of the printed Bill
Page 62 Section 8 Lines 1
Of the Engrossed Bill

By inserting a new Section 8 and Section 9 to read as follows:

(SEE BELOW)

and by renumbering the subsequent section of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Osburn

Reading Clerk

"SECTION 8. AMENDATORY 22 O.S. 2021, Section 977, is amended to read as follows:

Section 977. A. When judgment upon a conviction is rendered, the clerk must enter the same upon the minutes, stating briefly the offense for which the conviction has been had, and must immediately annex together and file the following papers, which constitute a record of the action:

1. The indictment and a copy of the minutes of the plea or demurrer;
2. A copy of the minutes of the trial;
3. The charges given or refused, and the endorsements, if any,

thereon; and

4. A copy of the judgment, which shall include a notation of the month and year of birth date of the defendant and the last four digits of the Social Security number of the defendant. The judgment shall also contain the statutory reference, including any relevant subsections, to the felony crime the defendant was convicted of, the classification level of the felony crime the defendant was convicted of, the required amount of the minimum time to be served according to the sentencing court, and the date of the offense.

B. The court shall obtain the month and year of birth date of the defendant and the last four digits of the Social Security number of the defendant.

SECTION 9. AMENDATORY 57 O.S. 2021, Section 37, is amended to read as follows:

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

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

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

B. No inmate may be received by a penal facility from a county jail without first scheduling a transfer with the Department. Within five (5) business days after the court orders the judgment and sentence, the court clerk shall transmit to the Department by facsimile, electronic mail, or actual delivery a certified copy of the judgment and sentence.

C. The receipt of the certified copy of the judgment and sentence shall be certification that the sentencing court has entered a judgment and sentence and all other necessary commitment documents. The Department of Corrections is authorized to determine the appropriate method of delivery from each county based on electronic or other capabilities, and establish a method for issuing receipts certifying that the Department has

received the judgment and sentence document. The Department shall establish a dedicated electronic address location for receipt of all electronically submitted judgment and sentence documents. The electronic address location shall provide written receipt verification of each received judgment and sentence document. Once an appropriate judgment and sentence document is received by the Department of Corrections, the Department shall contact the sheriff or jail trust administrator when bed space is available to schedule the transfer and reception of the inmate into the Department.

D. If the Department receives a judgment and sentence document from a county that includes inaccurate information from the sentencing court the Department shall notify the county within a timely manner. If the Department receives a judgment and sentence document from a county that is missing the classification level of the felony crime, the Department shall default to the lowest possible classification level for that offense. If the Department receives a judgment and sentence document from a county that is missing the required amount of the minimum time to be served, the Department shall default to the lowest possible amount of the minimum time to be served for that offense.

E. When a county jail has reached its capacity of inmates as provided in the standards set forth in Section 192 of Title 74 of the Oklahoma Statutes, then the county sheriff or jail trust administrator shall notify the Director of the Oklahoma Department of Corrections, or the Director's designated representative, by facsimile, electronic mail, or actual delivery, that the county jail has reached or exceeded its capacity to hold inmates. The notification shall include copies of any judgment and sentences not previously delivered as required by subsection B of this section. Then within seventy-two (72) hours following such notification, the county sheriff or jail trust administrator shall transport the designated excess inmate or inmates to a penal facility designated by the Department. The sheriff or jail trust administrator shall notify the Department of the transport of the inmate prior to the reception of the inmate. The Department shall schedule the reception date and receive the inmate within seventy-two (72) hours of notification that the county jail is at capacity, unless other arrangements can be made with the sheriff or jail trust administrator.

F. The Department will be responsible for the cost of housing the inmate in the county jail including costs of medical care provided from the date the judgment and sentence was ordered by the court until the date of transfer of the inmate from the county jail. The Department shall implement a policy for determination of scheduled dates on which an inmate or multiple inmates are to be transferred from county jails. The policy shall allow for no less than three alternative dates from which the sheriff or jail trust administrator of a county jail may select and shall provide for weather-related occurrences or other emergencies that may prevent or delay transfers on the scheduled date. The policy shall be available for review upon request by any sheriff or jail trust administrator of a county jail. The cost of housing shall be the per diem rate specified in Section 38 of this title. In the event the inmate has one or more criminal charges pending in the same Oklahoma jurisdiction and the county jail refuses to transfer the inmate to the Department because

of the pending charges, the Department shall not be responsible for the housing costs of the inmate while the inmate remains in the county jail with pending charges. Once the inmate no longer has pending charges in the jurisdiction, the Department shall be responsible for the housing costs of the inmate for the period beginning on the date the judgment and sentence or final order was ordered by the Court. In the event the inmate has other criminal charges pending in another Oklahoma jurisdiction, the Department shall be responsible for the housing costs while the inmate remains in the county jail awaiting transfer to another jurisdiction or until the date the inmate is scheduled to be transferred to the Department, whichever is earlier. Once the inmate is transferred to another jurisdiction, the Department is not responsible for the housing cost of the inmate until such time that another judgment and sentence is received by the Department from another Oklahoma jurisdiction.

The sheriff or jail trust administrator may submit invoices for the cost of housing the inmate on a monthly basis. Final payment for housing an offender will be made only after the official judgment and sentence is received by the Department of Corrections."

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