

# An Act

ENROLLED SENATE  
BILL NO. 595

By: Weaver of the Senate

and

Hardin and Turner of the  
House

An Act relating to jail standards; amending 74 O.S. 2021, Section 192, as amended by Section 2, Chapter 35, O.S.L. 2023 (74 O.S. Supp. 2024, Section 192), which relates to the inspection of city and county jails; creating the Oklahoma Jail Standards Act; providing short title; authorizing the State Commissioner of Health to promulgate rules to implement jail standards; directing all detention and lockup facilities to comply with certain standards; clarifying jail inspection requirement; removing certain jail standards and procedures; making jail standards subject to certain exceptions and limitations; defining terms; providing list of standards when facilities develop policies; specifying standards for detention facilities; directing facility administrators to develop and implement certain written policies for detention facilities and lockup facilities; directing detention facilities to have certain written policies subject to certain act; requiring notification to the State Department of Health of certain incidents; providing guidelines and procedures for the movement, security, and supervision of inmates; directing facility administrators to develop and implement written policies for classifying and segregating inmates; directing facility administrators to develop and implement written policies for emergency medical and health care services; providing for the utilization of certain medical personnel; authorizing the deduction of certain monies for medical payments; specifying standards for the incarceration or holding of juveniles; amending 57 O.S. 2021, Section 37,

which relates to maximum capacity of correctional facilities; modifying statutory references; amending 57 O.S. 2021, Sections 47, 52, 53, 55, and 57, as amended by Section 1, Chapter 35, O.S.L. 2023 (57 O.S. Supp. 2024, Section 57), which relate to the operation of county jails by county sheriffs; making language gender neutral; removing obsolete language; modifying statutory references; amending 63 O.S. 2021, Section 472, which relates to conditions of municipal jails; modifying statutory reference; amending 69 O.S. 2021, Section 617, which relates to the food and medical attention for inmates working upon public roads; modifying statutory reference; amending 74 O.S. 2021, Section 193, which relates to inspections of jail premises by the State Department of Health; modifying statutory reference; providing for codification; and declaring an emergency.

SUBJECT: Jail standards

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 192, as amended by Section 2, Chapter 35, O.S.L. 2023 (74 O.S. Supp. 2024, Section 192), is amended to read as follows:

Section 192. A. This act shall be known and may be cited as the "Oklahoma Jail Standards Act". The State Commissioner of Health shall promulgate rules to implement the provisions of the Oklahoma Jail Standards Act.

B. Except as provided in this section, all detention facilities and lockup facilities shall operate in compliance with the provisions of the Oklahoma Jail Standards Act.

C. The State Department of Health shall inspect at least once each year all ~~city and county jails~~ detention facilities to ensure compliance with the standards promulgated pursuant to the provisions of this section set forth in the Oklahoma Jail Standards Act. The standards shall provide provision for:

- ~~1. Uniform admission and release procedures;~~
- ~~2. Uniform, safe, and sensible security measures;~~
- ~~3. Proper, fit, and sanitary conditions;~~
- ~~4. Inmates to be fed a wholesome and adequate diet;~~

~~5. Inmates to have adequate clothing and a usable bed. Such facility shall have showers with hot and cold running water, toilets, and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may build barrack-style jails, single or double cell, to meet the security needs of the county for minimum security prisoners. These jails shall meet all the minimum requirements set forth in this section or any other provision of law. Except as otherwise provided in this section, all facilities under this section shall have showers with hot and cold running water, toilets and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may also build tent jails, which shall be temporary in nature, to meet the security needs of the county for minimum security prisoners. The temporary tent jails shall not be required to meet the minimum requirements set forth in this section or any other provision of law. The State Board of Health shall promulgate minimum standards for temporary tent jails, which standards shall be designed to specifically address and take into consideration the temporary status of the inmate housing needs of the county. As used in this paragraph, "barrack-style" means a single designated space within a city or county jail facility for the purpose of housing three or more inmates;~~

~~6. Inmates to be properly advised of rules of the facility in which they are detained;~~

~~7. Staff members to receive training in order to assist them in performing their assigned tasks, such training to be provided through a program approved by the State Department of Health. All employees who work in direct contact with inmates after the first year of employment shall receive, at a minimum, four (4) hours' review of material as required by the State Department of Health and~~

~~at a maximum, eight (8) hours of detention officer training per year after the first year of employment;~~

~~8. Proper steps to be taken to ensure the safety and segregation of women, the infirm, and minors;~~

~~9. Adequate medical care, provided such medical care shall be limited to illnesses or injuries incurred during the time beginning with the arrest and throughout the time of incarceration. This shall not prevent an inmate from applying for assistance and receiving assistance, provided the inmate meets or exceeds established requirements;~~

~~10. No person to be confined without twenty-four-hour supervision; and~~

~~11. At least one designated exit in the facility that will permit prompt evacuation of inmates and staff in an emergency. A facility in existence on November 1, 1985, shall not be required to construct additional exits if it has one exit which is deemed adequate by the State Fire Marshal. Inspections shall be limited to the specific requirements set forth in the Oklahoma Jail Standards Act or rules promulgated pursuant thereto.~~

D. In the event such inspection shall reveal to the State Department of Health the commission of a crime or crimes incidental to the operations of a ~~city or county jail~~ detention facility, it shall be the duty of the Department to initiate a complaint with the appropriate district attorney, and to cooperate in the prosecution of the alleged offender in the event an information is filed pursuant to such complaint.

~~B.~~ E. The provisions of the Oklahoma Jail Standards Act shall be subject to the following exceptions and limitations:

1. Any county, city, or town may operate a holding facility for the incarceration of persons under arrest who are to be charged with a crime, which holding facility shall not be required to meet the standards established in ~~this section for jails~~ the Oklahoma Jail Standards Act, as long as no person is held therein for a period longer than twelve (12) hours and as long as an employee of the county, city, or town is available to render aid to or to release

any person so confined in the event aid or release is required because of a health or life-endangering emergency-;

~~C.~~ 2. Notwithstanding any other provision of law or rule, any county or municipality that operates a ~~jail~~ detention facility which houses forty or fewer prisoners at all times which:

1.—Provides

- a. provides twenty-four-hour supervision of prisoner activity that is conducted either by direct observation or electronically by ~~closed-circuit television~~, video surveillance, and

2.—Provides

- b. provides an intercommunication system that terminates in a location that is staffed twenty-four (24) hours a day and is capable of providing an emergency response,

shall not be required to have more than one detention officer ~~or~~ dispatcher on-site to provide for the security, custody, and supervision of prisoners. Staff shall be available to perform sensitive functions and procedures as necessary to accommodate inmate gender as required by law;

~~D.~~ 3. Any county or municipality that operates a ~~jail~~ detention facility which houses more than forty and less than seventy-five prisoners at all times which:

1.—Provides

- a. provides twenty-four-hour supervision of prisoner activity that is conducted either by direct observation or electronically by ~~closed-circuit television~~, video surveillance, and

2.—Provides

- b. provides an intercommunication system that terminates in a location that is staffed twenty-four (24) hours a day and is capable of providing an emergency response,

shall be required to have more than one detention officer or one detention officer and at least one other basic CLEET-certified person on the same premises as the ~~jail~~ detention facility to provide for the security, custody, and supervision of prisoners. Staff shall be available to perform sensitive functions and procedures as necessary to accommodate inmate gender as required by law;

~~Within ninety (90) days after June 9, 1994, the State Board of Health shall promulgate new rules governing square footage requirements, double-celling of prisoners and the ratio of showers, toilets, and water basins to prisoners. The rules so promulgated shall be governed by the guidelines enumerated in this section, and shall be designed to carry out the intent and purpose of the guidelines. Each city or county jail facility in this state shall be in compliance with the rules so promulgated on or before January 1, 1995.~~

~~E.~~ 4. A county, municipality, or public trust that operates a detention facility may request a waiver, including a waiver for a temporary emergency resulting from a natural or man-made disaster, from provisions of the Oklahoma Jail Standards Act or rules promulgated pursuant thereto upon a showing that application of such provision would impose undue hardship upon the county, municipality, or public trust, or upon the inmates held at such facility. All requests shall be filed with the Department and shall include justification demonstrating the undue hardship. The waiver application shall also include a plan for the housing and care of detention facility inmates for the duration of the waiver and identification of all specific provisions of the Oklahoma Jail Standards Act requested to be waived. The Department may grant the waiver request in whole or in part and may, as a condition of granting the waiver, require the county, municipality, or public trust to submit a plan and timetable for compliance with the standards. The Commissioner shall promulgate rules to implement the waiver process established by this paragraph; and

5. Any detention facility that is constructed or substantially remodeled shall be required to be in compliance with the requirements and standards in effect at the time of such construction or remodeling. Plans for the construction of a new

detention facility or the substantial remodeling of an existing detention facility shall be submitted to the Department for review and approval.

F. The ~~State Department of Health~~ shall employ inspectors and other personnel as necessary and specifically authorized by the Legislature in order to carry out the provisions of ~~this section~~ the Oklahoma Jail Standards Act and may rent or purchase premises or equipment in order to assist inspectors in the performance of their functions.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Jail Standards Act:

1. "Available" means that the subject individual is either on site or on the premises;
2. "Barrack-style" means a single designated space within a detention facility for the purpose of housing three or more inmates;
3. "Bodily search" means any invasive examination by hand of an inmate or clothing of an inmate. Bodily searches shall not include pat-downs;
4. "Central control" means the central point within the facility where security activities are monitored and controlled;
5. "Contraband" means anything not authorized to be in the possession of an inmate;
6. "Dayroom" means a space for activities that is situated immediately adjacent to the sleeping area of inmates and is separated from the sleeping area by a wall;
7. "Department" means the State Department of Health;
8. "Detention facility" means a facility that may hold a person for an indefinite period of time including, but not limited to, a city or county jail;

9. "Detention officer" means a person whose training, education, or experience specifically qualifies him or her to perform the duties indicated in the job description and the Oklahoma Jail Standards Act or a person who holds a certification accorded pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes. The individual performing the duties shall be trained in appropriate laws, codes, standards, policies, and procedures;

10. "Direct supervision" means the detention officer is in direct contact with inmates and is in a position to constantly monitor behaviors and interact with inmates;

11. "Emergency care" means medical or surgical care necessary to treat the sudden onset of a potentially life-threatening or limb-threatening condition;

12. "Facility administrator" means a sheriff, police chief, city manager, private contractor, or a designee thereof, charged with maintaining and operating a lockup facility or detention facility;

13. "Fixed sleeping surface" refers to a stationary or installed bed or slab designed to support a mattress or some other comparable padding on which an inmate can lie down off of the floor;

14. "Grievance" means a circumstance or action considered unjust;

15. "Holding facility" means a facility that shall hold persons under arrest who are charged with a crime for a period of no longer than twelve (12) hours;

16. "Hot meal" means a measure of food served and eaten at one sitting, prepared and served at a palatable temperature range of one hundred ten degrees Fahrenheit (110° F) to one hundred twenty degrees Fahrenheit (120° F);

17. "Inmate" means any individual, whether in pretrial, sentenced, or unsentenced status, who is confined in a detention facility;



18. "Juvenile" means a person who is subject solely to the jurisdiction of a juvenile court or who is subject to the provisions of Section 2-5-205 of Title 10A of the Oklahoma Statutes;

19. "Last locked/secure door" means the last secure barrier between staff and an inmate;

20. "Life-endangering situation" includes, but is not limited to, a suicide attempt or obvious serious injury or illness, which in the evaluation of the staff requires an immediate response;

21. "Life-threatening" means a situation in which life-saving measures are taken;

22. "Living area" means those areas of a detention facility utilized for the day-to-day housing and activities of inmates. These areas do not include reception and release areas and special-use cells such as sobering, safety, and holding or staging cells normally located in receiving areas;

23. "Lockup facility" means a facility that may hold a person no longer than ten (10) days. Such a facility may be operated by a municipality for the temporary detention of persons awaiting arraignment. Persons who require detention for a period longer than ten (10) days shall be transferred to a detention facility;

24. "Nonsecure areas" means those areas where a youth or juvenile is in the custody of law enforcement and may not be able to leave or depart from the presence of law enforcement, yet the youth or juvenile is not detained in a facility which limits movement;

25. "On site" means a detention officer is physically present within the detention facility;

26. "On the premises" means a detention officer is physically present within the structure incorporating the detention facility, or within a building or structure sharing the same realty or located on realty that is contiguous to the realty upon which the structure incorporating the detention facility is located, provided that such remote building or structure is not located farther than five hundred (500) feet from the detention facility;

27. "Pat-down" means a noninvasive search of an inmate by hand performed by lightly skimming the exterior surface of the clothing covering the legs and torso;

28. "Physician or other licensed medical personnel" means a psychiatrist, medical doctor, osteopathic physician, physician assistant, Registered Nurse (RN), Licensed Practical Nurse (LPN), emergency medical technician at the paramedic level, or Clinical Nurse Specialist (CNS);

29. "Sensitive functions and procedures" means any bodily search or the visual supervision of any activity requiring an inmate to partially or fully disrobe;

30. "Safety check" means direct, visual observation performed at random intervals within time frames prescribed in the regulations pursuant to this act to provide for the health and welfare of inmates;

31. "Sight contact" means clear visibility within close proximity;

32. "Sound contact" means direct oral communication;

33. "Substantial remodeling" means remodeling for which the cost to repair is at least fifty percent (50%) of the cost to replace the facility;

34. "Sustained contact" means sight or sound contact that is not brief and inadvertent;

35. "Temporary sleeping surface" means any appropriate item used in overcrowding situations on which an inmate can lie down and be kept off of the floor on an interim basis;

36. "Waiver" is a long-term deviation from a standard in extenuating circumstances which are not likely to be overcome in a reasonable period of time; and

37. "Variance" is a temporary deviation from a standard in extenuating circumstances which can be overcome in a reasonable period of time.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

Policies developed based on requirements in this act shall identify the following:

1. The rule or law addressed by the policy;
2. The staff position or personnel responsible for implementation and oversight of the policy;
3. The actions to be taken or procedures to be followed by facility personnel;
4. The staff position or personnel responsible for reviewing the policy;
5. A schedule for reviewing the policy that identifies the frequency at which the policy will be reviewed; and
6. A signature page to capture the signature and date that the responsible official adopted the policy and the dates that review of the policy were completed.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The standards for detention facilities shall provide for:

1. Uniform admission and release procedures;
2. Uniform, safe, and sensible security measures;
3. Proper, fit, and sanitary conditions;
4. Inmates to be fed a wholesome and adequate diet;

5. Inmates to have adequate clothing and a usable bed.

Such detention facilities shall have showers with hot and cold running water, toilets, and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may build barrack-style jails, with single or double cells, to meet the security needs of the county for minimum security prisoners. These jails shall meet all the minimum requirements set forth in this section or any other provision of law. Counties may also build tent jails, which shall be temporary in nature, to meet the security needs of the county for minimum security prisoners. The temporary tent jails shall not be required to meet the minimum requirements set forth in this section or any other provision of law. The State Commissioner of Health shall promulgate minimum standards for temporary tent jails, which standards shall be designed to specifically address and take into consideration the temporary status of the inmate housing needs of the county;

6. Inmates to be properly advised of rules of the detention facility in which they are detained;

7. Staff members to receive training in order to assist them in performing their assigned tasks, such training to be provided through a program approved by the State Department of Health;

8. All employees, including the detention facility administrator and all supervisors, whose primary responsibilities include supervision of inmates to receive at least twenty-four (24) hours of training during the first year of their employment that covers at least the following:

- a. security procedures,
- b. supervision of inmates,
- c. report writing and documentation,
- d. inmate rules and regulations,
- e. grievance and disciplinary procedures,

- f. rights and responsibilities of inmates,
- g. emergency procedures, and
- h. first aid and cardiopulmonary resuscitation;

9. All employees who work in direct contact with inmates to receive after the first year of employment at least four (4) hours of review of material as required by the State Department of Health and at maximum eight (8) hours of detention officer training per year to include renewal training as required for first aid and cardiopulmonary resuscitation skills after the first year of employment;

10. A documentation log to be maintained by the administrator to record the courses completed by each employee for his or her initial and annual training and include test results;

11. Proper steps to be taken to ensure the safety and segregation of women, the infirm, and minors;

12. Adequate medical care, provided such medical care shall be limited to illnesses or injuries incurred during the time beginning with the arrest and throughout the time of incarceration. This shall not prevent an inmate from applying for assistance and receiving assistance, provided the inmate meets or exceeds established requirements;

13. No person to be confined without twenty-four-hour supervision; and

14. At least one designated exit in the facility that will permit prompt evacuation of inmates and staff in an emergency.

B. All cells and living areas shall have at least forty (40) square feet of floor space for the initial inmate and at least twenty (20) square feet of floor space for each additional inmate occupying the same cell. Inmates may be provided temporary sleeping surfaces during times of overcrowding.

C. The facility shall have at least one special-purpose cell to provide for the temporary detention of inmates under the influence

of alcohol or dangerous substances or for persons who are uncontrollably violent or self-destructive. These cells shall be designed to prevent injury to the inmate.

D. The housing and activity areas shall provide at least the following:

1. Lighting of at least twenty (20) foot-candles;
2. A shower with non-skid floors; and
3. Sufficient floor drains to ensure a sanitary facility.

E. There shall be designated and marked emergency evacuation exits that comply with the requirements of the State Fire Marshal and that permit prompt evacuation of inmates and staff in an emergency.

F. A county may provide a dormitory-style detention facility to accommodate up to medium-security level inmates. It shall be equipped with washbasins, toilets, and showers with hot and cold running water at a ratio of at least one washbasin, one toilet, and one shower to every twenty inmates. A dormitory-style detention facility shall meet all requirements for a detention facility.

G. A county may provide a temporary tent detention facility subject to the approval of the Department.

H. Inmates may be provided temporary sleeping surfaces during times of overcrowding. A fire-safe cot and industry products such as those referred to as "boats" are examples of suitable temporary sleeping surfaces that ensure the mattress does not have direct contact with the floor. These items do not meet the requirement to provide a fixed sleeping surface for each inmate.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The facility administrator shall develop and implement written policies pertaining to the daily management and operation of the detention facility including, but not limited to, an operations

manual sufficient to demonstrate compliance with the standards set forth in the Oklahoma Jail Standards Act and rules promulgated pursuant thereto.

B. The facility administrator shall develop and implement written policies for the operation of a lockup facility which shall include requirements that:

1. Arrest and commitment papers shall be verified;

2. An inmate shall be searched during admission;

3. Property of the inmate shall be inventoried and shall be stored in a secure location;

4. Medical reception information shall be recorded in the file of the inmate and shall include, but not be limited to, the following information:

a. current illnesses and health problems,

b. behavioral observation, including state of consciousness and mental status, and history of alcohol or drug abuse and treatment,

c. body deformities and trauma markings such as bruises, lesions, jaundice, and ease of body movement,

d. condition of skin and visible body orifices, including infestations,

e. medications taken and any special health requirements,

f. whether the inmate may be in need of mental health or substance abuse services including, but not limited to, whether the inmate is at risk for or has attempted suicide, and

g. disposition or referral of the inmate to qualified medical personnel on an emergency basis as provided in Section 4.1 of Title 57 of the Oklahoma Statutes;

5. A first aid kit shall be available at locations designated by the facility administrator;

6. Two completed, documented, local or collect telephone calls shall be allowed at the time of booking or after a reasonable length of time, as determined by the administrator or designee. The administrator or designee shall document the refusal of an inmate to make a telephone call. In facilities where inmates have unlimited access to operational telephones, the refusal of an inmate to make telephone calls is not required to be documented;

7. Clean bedding and personal hygiene items shall be available and provided at the facility;

8. Shower facilities shall be available with hot and cold running water at a ratio of at least one shower for every twenty inmates;

9. Continual supervision shall be provided by a trained detention officer;

10. Inmate counts shall be taken at the beginning of each shift and recorded in the detention facility log. At least one of the counts each day shall be a full lockdown count when all inmates are required to be immobilized and visually inspected;

11. Hourly visual safety checks shall be conducted at no more than sixty-minute intervals and on an irregular basis. Detention officers shall visually check all security features of the cell area and account for all detainees. Visual safety checks may include video surveillance provided that it has an unobstructed view of the entire cell;

12. Male and female inmates shall be housed in separated living areas with visual separation between the two genders. Housing of inmates with mixed gender identification will be administered in a manner to maximize inmate safety;

13. Each inmate shall be provided at least three meals that meet the national recommended allowance for basic nutrition every twenty-four (24) hours. At least two hot meals shall be provided



daily. There shall not be more than fourteen (14) hours between the breakfast and the evening meals;

14. The following minimum fire safety requirements shall be implemented:

- a. the facility shall be equipped with a smoke detection system and a sprinkler system that is approved by the State Fire Marshal,
- b. polyurethane foam mattresses, pads, and pillows are prohibited. Mattresses that are in compliance with the requirements of the State Fire Marshal shall be used,
- c. each facility shall have emergency lighting that meets the minimum standards as determined by the State Fire Marshal,
- d. detention officer posts shall be located and staffed close enough to the lockup area to permit detention officers to hear and respond promptly to calls for assistance and provide immediate response to emergencies,
- e. there shall be designated and marked emergency evacuation exits that comply with the requirements of the State Fire Marshal, and
- f. each facility shall comply with any other applicable building and fire safety codes as determined by the State Fire Marshal pursuant to Section 317 et seq. of Title 74 of the Oklahoma Statutes;

15. Inmates held for over twenty-four (24) hours shall be issued a clean set of detention facility clothing to include at least a shirt, trousers or coveralls, and footwear. An inmate shall receive a complete change of clothing at least once per week. Inmate street clothing shall be inventoried and shall be stored in a secure location;

16. A detention officer shall be on duty on each floor where inmates are confined unless the facility is equipped with:

- a. viewing access to all areas of the facility through a video surveillance system, and
- b. an intercommunication system between the cell or living area and detention officer post or control center to communicate with and monitor inmates; and

17. Smoking policies in lockup facilities shall conform to the requirements set forth in Section 1247 of Title 21 of the Oklahoma Statutes.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Each detention facility shall have written policies subject to the provisions of the Oklahoma Jail Standards Act and rules promulgated pursuant thereto for the following:

1. The reception, orientation, and release of inmates;
2. The safety, security, and control of staff, inmates, and visitors;
3. Escapes or other breaches of security of the detention facility;
4. Actions to be taken in emergency situations;
5. The use of physical force by staff and the use of instruments of restraint against an inmate;

6. Conduct of inmates, which shall include offenses for which charges may be imposed, and the range of sanctions and disciplinary procedures to be followed. Such information shall be made available to inmates. Such policies shall ensure that inmates are afforded administrative due process as required by law;

7. Inmate requests of staff and grievance procedures, including procedures for appeal;

8. Safety and maintenance of sanitation throughout the facility;

9. Fire prevention and evacuation plans;

10. Food services and dietary requirements including accommodation of medical needs and religious beliefs;

11. Inmate correspondence and visitation; and

12. Staff training, development, and evaluation.

B. The State Department of Health shall be notified no later than the next working day if any of the following incidents occur:

1. Extensive damage to detention facility property;

2. Serious injury to staff or an inmate defined as life-threatening or that requires transfer to an outside medical facility;

3. Escape;

4. Serious suicide attempts defined as life-threatening or that require transfer to an outside medical facility; or

5. Death.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The movement of inmates from one location to another shall be controlled and supervised by staff.

B. Staff shall provide twenty-four-hour supervision of inmates.

C. Detention officer posts shall be located and staffed to monitor all inmate activity either physically or electronically and

in close enough proximity to the living areas to allow for immediate response to calls for assistance or emergency situations. A detention officer shall be on duty at all times at each location where inmates are confined, or the observation of inmates shall be conducted by electronic means. The location shall be equipped with an intercommunication system in a location that is staffed twenty-four (24) hours a day with personnel capable of providing an emergency response.

D. There shall be sufficient staff to perform all assigned functions relating to security, custody, and supervision of inmates. Staff assignments shall provide for backup assistance for all employees entering locations where inmates are confined as required in the Oklahoma Jail Standards Act.

E. All inmates shall be searched when entering or leaving the security area.

F. Policies shall specify a system for the supervision of female inmates by male staff and supervision of male inmates by female staff.

G. When both male and female inmates are housed in a detention facility, at least one male and one female detention officer shall be available to perform sensitive functions and procedures as necessary to accommodate inmate gender.

H. An inmate shall be prohibited from supervising, controlling, or exerting or assuming any authority over another inmate.

I. The name and telephone number of the practicing attorneys and bonds persons in the area shall be posted conspicuously near the telephone used by the inmates.

J. Direct supervision of inmates shall be permitted if the facility has policies in place to ensure the safety of employees, inmates, and visitors and if the design of the physical facility lends itself to direct supervision operations.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.7 of Title 74, unless there is created a duplication in numbering, reads as follows:

The facility administrator shall develop and implement written policies for the classification and segregation of inmates to ensure the safety of inmates and staff. The following criteria shall be implemented to ensure an adequate classification and segregation system:

1. Inmates of opposite genders shall be housed in separated living areas. Separation shall be by substantial architectural arrangements which permit no sustained sight contact. Housing of inmates with mixed gender identification will be administered in a manner to maximize inmate safety;

2. Inmates considered to be a threat to other inmates or staff shall be housed separately from other inmates based upon the following criteria:

- a. the past criminal history of the inmate,
- b. the nature and severity of the charges pending against the inmate,
- c. the behavior of the inmate while in the facility, and
- d. other relevant reasons as directed by the administrator;

3. Inmates may be double-celled or confined to dormitory-style housing if the floor space meets the square footage requirements. Such inmates shall be afforded temporary sleeping surfaces on an interim basis and shall receive the same living conditions and privileges as those occupying the general population. A fire-safe cot and industry products such as those referred to as "boats" are examples of suitable temporary sleeping surfaces. Any exceptions regarding conditions and privileges shall be defined by the administrator;

4. Inmates who are intoxicated or under the influence of a controlled substance shall be housed separately from other inmates until such time as the medical authority or the facility administrator determines their suitability for placement into the general population or other appropriate housing;

5. Inmates who appear to have a significant medical or psychiatric problem may be separated from other inmates;

6. Unsentenced inmates shall be separated from sentenced inmates to the extent possible and shall be permitted whatever confinement is least restrictive unless inmate behavior or other security considerations dictate otherwise; and

7. Classification and segregation shall not be determined solely on the basis of race, color, creed, or national origin.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.8 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Adequate medical care shall be provided in a detention facility. The facility administrator shall develop and implement written policies for emergency medical and health care services. The facility administrator shall be responsible for the medical services of the detention facility and shall develop, with the assistance of a designated medical authority, the health care plan for the detention facility. With appropriately credentialed on-site or off-site supervision, a detention facility may utilize physicians or other licensed medical personnel, Certified Nurse Practitioners (CNP's), psychologists, licensed professional counselors, licensed clinical social workers, licensed masters social workers, licensed alcohol and drug counselors, emergency medical technicians, certified medical assistants, or certified nursing assistants for the provision of medical care. Security restrictions shall be considered in the development of the plan and any medical personnel included in the plan shall have their responsibilities regulated by written job descriptions. The health care plan shall cover, at a minimum, the following:

1. Intake screening procedures;
2. Medications in the possession of the inmate;
3. Medications prescribed or administered to the inmate;

4. Documentation of information relevant to the health or medical care of the inmate, including current illnesses and health problems, as well as observation of the behavior and physical condition of the inmate;

5. Disposition and referral of inmates to qualified medical personnel on an emergency basis;

6. Retention and disposition of inmate medical records; and

7. Such other procedures as may be necessary for the protection of facility employees, visitors, and inmates.

B. A detention facility operated by a county, with permission from the county sheriff, may deduct monies collected from an inmate as a medical payment on account for medical services received by the inmate while incarcerated in the detention facility pursuant to the provisions of Section 531 of Title 19 of the Oklahoma Statutes.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 192.9 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. A juvenile shall be incarcerated only in a detention facility authorized by the appropriate judicial or juvenile bureau authority. A juvenile shall not be detained in any holding facility or lockup facility. This requirement shall not preclude juveniles from being held in nonsecure areas until a parent or other responsible party arrives to take custody of the juvenile.

B. Prior to a juvenile being placed in an eligible detention facility, permission shall be obtained from the appropriate judicial or juvenile bureau authority. A record of permission shall be maintained at the facility.

C. Sight checks of juvenile inmate living areas shall be performed at least one time each hour. The check shall include all areas of each cell and the juvenile inmates shall be visually observed. Checks shall be documented in writing on a form provided by the facility administrator.

D. An adult inmate who is assigned trustee status shall not be permitted sustained contact with a juvenile inmate. A staff member shall serve all meals to a juvenile inmate.

E. In addition to existing visitation privileges, juvenile inmates shall be permitted visits from authorized juvenile agency personnel. Visits from family members who are unable to visit during normal visiting hours shall be allowed so long as arrangements are made in advance with the administrator and provided the visit does not jeopardize facility security. Each facility that holds a juvenile shall have written policies for such visits.

F. A juvenile inmate shall be able to communicate with staff members at all times. Such communication may be either by voice or electronic means. If electronic systems are used, there shall be a backup plan to insure communication ability is maintained.

G. No staff member shall be permitted to enter a juvenile inmate living area without backup assistance being available from another staff member. At least one staff member shall be of the same gender as the juvenile inmate except in life-endangering or life-threatening situations. Any time a decision is made to enter the living area without appropriate backup assistance as defined herein, the action shall be documented. Documentation shall show the reason for the decision and a permanent record shall be maintained.

H. A juvenile charged with a crime which would constitute a felony if committed by an adult or a juvenile who is an escapee from a juvenile training school or from a Department of Human Services group home may be detained in any detention facility authorized by the appropriate judicial or juvenile bureau authority, police station, or similar law enforcement office not approved for long-term detention, for a period of six (6) hours or less for identifying, processing, or arranging for transfer to a juvenile detention facility or alternative program. In no other circumstances shall a juvenile be securely detained in an adult detention facility.

I. The State Department of Health shall coordinate with the Office of Juvenile Affairs to certify detention facilities for holding juvenile offenders based on the compliance of the detention



facility with the Oklahoma Jail Standards Act and the provisions of Section 2-3-103 of Title 10A of the Oklahoma Statutes.

J. The designation of a detention facility as a place for the detention of juveniles shall be made from a list of eligible detention facilities supplied by the Department. Eligible detention facilities shall be those detention facilities deemed by the Department as compliant with the Oklahoma Jail Standards Act.

K. Any adult detention, holding, or lockup facility shall record and report the detention of any person eighteen (18) years of age or younger in a manner consistent with the requirements of the Office of Juvenile Affairs.

L. Records of detention for persons eighteen (18) years of age or younger and detained in the last year shall be subject to review during the annual inspection conducted by the Department.

M. If detention of a juvenile is authorized, such juvenile shall be housed separately from adults in order to prohibit sustained sight and sound contact. Inadvertent contact with incarcerated adults outside of detention facility living areas not dedicated for use by juvenile offenders should be minimized.

N. A juvenile may be held for up to six (6) hours for the purpose of identification, investigation, processing, release to a parent, transfer to court, or transfer to a juvenile facility following the initial custody of the juvenile.

O. A juvenile arrested for or charged with a criminal offense may be securely detained in an adult detention or lockup facility for up to six (6) hours immediately before or immediately after a court appearance, provided sight and sound separation is maintained. This period may be extended to twenty-four (24) hours, excluding weekends and holidays, if the jurisdiction is outside the metropolitan statistical area where:

1. State law requires an initial court appearance within twenty-four (24) hours after being taken into custody;

2. There is no acceptable alternative placement; and

3. The detention facility has been determined by the Department to provide for sight and sound separation.

SECTION 11. 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.

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~~ the Oklahoma Jail Standards Act, 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~~ 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~~ shall 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.

SECTION 12. AMENDATORY 57 O.S. 2021, Section 47, is amended to read as follows:

Section 47. The sheriff, or such person designated by law in ~~his place of the sheriff~~, shall have charge of the county jail of his or her county and of all persons by law confined therein, and such sheriff or other officer is hereby required to conform, in all respects, to the rules and directions promulgated pursuant to ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act and of the district judge and communicated to ~~him~~ the sheriff by the proper authority.

SECTION 13. AMENDATORY 57 O.S. 2021, Section 52, is amended to read as follows:

Section 52. It shall be the duty of the sheriff of each county to provide bed clothing, washing, board, and medical care when required, and all necessities for the comfort and welfare of prisoners as specified by the standards promulgated pursuant to ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act and ~~he~~ the sheriff shall be allowed such compensation for services required by the provisions of Sections 41 through 64 of this title, as may be prescribed by the county commissioners. All purchases made pursuant to the provisions of this section shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1505 of Title 19 of the Oklahoma Statutes, including the use of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.

SECTION 14. AMENDATORY 57 O.S. 2021, Section 53, is amended to read as follows:

Section 53. The sheriff or designated employee shall visit the county jail in person and inquire into the condition of each prisoner at least once each month and it shall be ~~his~~ the duty of the sheriff or designated employee to comply with all standards promulgated pursuant to ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act.

SECTION 15. AMENDATORY 57 O.S. 2021, Section 55, is amended to read as follows:

Section 55. If the sheriff or jailer in charge of any county jail shall neglect or refuse to comply with any of the rules and regulations established by the district judge, or pursuant to ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act, or to any other duties required ~~of him by~~ pursuant to Sections 41 through 64 of this title, ~~he~~ the sheriff or jailer in charge shall, on conviction thereof, by indictment for each case of such failure or neglect of duty as aforesaid, pay into the county treasury of the proper county, for the use of such county, a fine not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) to be assessed by the district court of the proper district.

SECTION 16. AMENDATORY 57 O.S. 2021, Section 57, as amended by Section 1, Chapter 35, O.S.L. 2023 (57 O.S. Supp. 2024, Section 57), is amended to read as follows:

Section 57. A. In the city and county jails in this state, there shall be provided sufficient and convenient apartments for confining prisoners of different ~~sexes~~ genders and classification separate and apart from each other. ~~The sheriff of each county of this state shall notify the Department of Corrections of the prisoner capacity of the county jail by July 1, 2003. After that date, changes~~ Changes in prisoner capacity shall be reported by the sheriff within thirty (30) days of the change to the Department of Corrections. For purposes of this section, "prisoner capacity" means the capacity determined by the State Fire Marshal pursuant to Section 317 of Title 74 of the Oklahoma Statutes.

B. In the city and county jails in this state, there shall be a system of classifying prisoners, based upon the severity of the charges, past criminal history, and other relevant factors.

C. In the city and county jails in this state, prisoners classified pursuant to subsection B of this section may be confined two per cell or barrack-style, provided the living space meets the square footage requirements set forth in ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act.

D. All funds used by the Department of Corrections to contract with private contractors for the building of prisons and pre-release centers will be subject to appropriations by the Legislature.

E. Nothing in this section shall authorize contracts with private contractors for construction of prison facilities, unless authorized by the Legislature.

F. As used in this section, "barrack-style" means a single designated space within a city or county jail facility for the purpose of housing three or more inmates.

SECTION 17. AMENDATORY 63 O.S. 2021, Section 472, is amended to read as follows:

Section 472. It shall be the duty of the governing bodies of all municipalities to insure compliance with standards governing conditions in municipal jails as prescribed in ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act.

SECTION 18. AMENDATORY 69 O.S. 2021, Section 617, is amended to read as follows:

Section 617. The board of county commissioners shall furnish wholesome food in sufficient quantity and variety to all convicts working upon the public roads to maintain them in good health and vigor, and shall furnish medical attention when required in accordance with the standards promulgated pursuant to ~~Section 192 of Title 74 of the Oklahoma Statutes~~ the Oklahoma Jail Standards Act.

SECTION 19. AMENDATORY 74 O.S. 2021, Section 193, is amended to read as follows:

Section 193. A. Inspectors employed by the State Department of Health shall be permitted to enter all jail premises and administrative offices for the purpose of performing their assigned duties.

B. The results of these inspections shall be presented in the form of a written report to the person immediately responsible for the administration of the facility inspected and such other offices the Department deems appropriate. The report shall contain:

1. A list of deficiencies in the condition or operation of the facility and specific proposals for their solution; and

2. A statement as to whether or not the facility inspected is in substantial compliance with the jail standards established pursuant to ~~Section 192 of this title~~ the Oklahoma Jail Standards Act.

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

Passed the Senate the 24th day of March, 2025.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2025.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_