

An Act

ENROLLED HOUSE
BILL NO. 1374

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

and

Rosino and Bergstrom of the
Senate

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.

SUBJECT: Transporting sentenced persons

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:

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

B. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail and who is not housed in a county jail shall be transported by the detention center, or transported by a designated representative of the detention center, to the Department of

Corrections at the Lexington Assessment and Reception Center or other location designated by the Director of the Department of Corrections.

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

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

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

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

4. Any medication or medical or dental device prescribed for the defendant while in the custody of the sheriff or for a ~~pre-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.

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

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

2. Hourly wage reimbursement for the transporting officer for the hours of transport travel and time spent at the reception center based on the transporting officer's normal hourly wage. Reimbursement shall not exceed Thirty Dollars (\$30.00) an hour per officer. Documentation of the officer's hourly wage shall accompany all reimbursement requests to the Department.

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

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

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

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

SECTION 3. 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 House of Representatives the 1st day of May, 2019.

Presiding Officer of the House
of Representatives

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

Presiding Officer of the Senate

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: _____