

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2282

By: Hill and Meredith of the
House

4 and

5 Rosino of the Senate

6
7
8 [prisons and reformatories - removing time
9 limitation for transmitting sentencing
10 documentation to the Department of Corrections -
11 effective date]

12
13
14 AUTHOR: Add the following Senate Coauthors: Murdock, Weaver,
15 Boggs, Kidd, Sharp, Standridge, Simpson, Pederson, Paxton,
Bergstrom and Scott

16 AUTHOR: remove Hill as Principal House Author and substitute with
17 Pfeiffer and add as House Coauthors: West (Kevin), Tadlock
and Hill

18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
19 entire bill and insert

20 "An Act relating to corrections; amending 57 O.S.
21 2011, Section 54, which relates to persons authorized
22 to act as jailers; modifying qualifying jailers; and
23 declaring an emergency.
24

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

2 SECTION 1. AMENDATORY 57 O.S. 2011, Section 54, is
3 amended to read as follows:

4 Section 54. The jailer, jail director or keeper of the jail
5 shall, unless the sheriff elects to act as jailer in person, be a
6 deputy appointed by the sheriff; provided, that the sheriff may,
7 with approval as provided in Section 162 of Title 19 of the Oklahoma
8 Statutes, appoint civilian employees as the sheriff may require to
9 operate the county jail. Those persons hired as civilian employees
10 need not complete the training prescribed for peace officers, as
11 provided by Section 3311 of Title 70 of the Oklahoma Statutes, but
12 need only complete such training as the sheriff deems necessary for
13 the civilians to properly perform the duties assigned to them, or
14 such training as may otherwise be prescribed by law. The jailer
15 shall take the necessary oaths before entering upon the duties of
16 the office. A jailer ~~in a county having a population of greater~~
17 ~~than four hundred thousand (400,000), according to the latest~~
18 ~~Federal Decennial Census,~~ may be authorized by the sheriff of the
19 county to use nonlethal weaponry upon completion of appropriate
20 training. The sheriff shall in all cases be liable for the
21 negligence and misconduct of the jailer as of other deputies.

22 The provisions of this section shall not apply to jails operated
23 by private prison contractors pursuant to a contract with the board
24 of county commissioners.

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

14 SECTION 3. AMENDATORY 57 O.S. 2011, Section 37, as last
15 amended by Section 1, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2018,
16 Section 37), is amended to read as follows:

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

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

23 2. Prior to contracting with a private prison operator to
24 provide housing for state inmates, the Department shall send

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

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

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

15 1. The judgment and sentence certifying that the inmate is
16 sentenced to the Department of Corrections; or

17 2. A notice of judgment and sentence signed by the sentencing
18 judge or court clerk. The notice shall include the name of the
19 defendant, date of birth, case number, county of conviction, name of
20 the sentencing judge, the crime for which the defendant was
21 convicted, the sentence imposed, if multiple sentences whether the
22 sentences run concurrently or consecutively, and whether the
23 defendant is to receive credit for any time served. The notice of
24

1 judgment and sentence shall be substantially in the form provided
2 for in subsection ~~F~~ G of this section; ~~or~~

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

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

22 D. If the Department receives a judgment and sentence document
23 from a county that includes inaccurate information from the
24 sentencing court, the Department shall notify the county within a

1 | ~~timely manner. If a corrected judgment and sentence document is not~~
2 | ~~received by the Department within five (5) business days from the~~
3 | ~~date of notification, the Department will not be responsible for the~~
4 | ~~cost of housing the inmate in the county jail until such time that~~
5 | ~~an accurate judgment and sentence documents is received by the~~
6 | ~~Department.~~

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

24 |

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

1 not be responsible for the housing costs of the inmate while the
2 inmate remains in the county jail with pending charges. Once the
3 inmate no longer has pending charges in the jurisdiction, the
4 Department shall be responsible for the housing costs of the inmate
5 for the period beginning on the date the judgment and sentence or
6 final order was received by the Department. In the event the inmate
7 has other criminal charges pending in another Oklahoma jurisdiction,
8 the Department shall be responsible for the housing costs while the
9 inmate remains in the county jail awaiting transfer to another
10 jurisdiction or until the date the inmate is scheduled to be
11 transferred to the Department, whichever is earlier. Once the
12 inmate is transferred to another jurisdiction, the Department is not
13 responsible for the housing cost of the inmate until such time that
14 another judgment and sentence is received by the Department from
15 another Oklahoma jurisdiction. The sheriff may submit invoices for
16 the cost of housing the inmate on a monthly basis. Final payment
17 for housing an offender will be made only after the official
18 judgment and sentence is received by the Department of Corrections.

19 G. Form for Notice of Judgment and Sentencing.

20 In the District Court of _____ County

21 The State of Oklahoma

22 State of Oklahoma,)

23 _____)

24 Plaintiff)

1)
2 vs.) Case No. _____
3 _____,) The Honorable Judge _____
4 Defendant)
5 D.O.B. _____)

6 NOTICE OF JUDGMENT AND SENTENCE

7 On this _____ day of _____, _____, to the best
8 knowledge and belief of the undersigned, the conviction(s) and
9 sentence(s) of the above-captioned defendant was/were announced and
10 ordered as ~~follow~~ follows:

11 Count 1: _____ O.S. _____

12 Count 1 Sentence: _____

13 Count 2: _____ O.S. _____

14 Count 2 Sentence: _____

15 Running Concurrently _____ or Running Consecutively _____

16 With Count _____

17 Count 3: _____ O.S. _____

18 Count 3 Sentence: _____

19 Running Concurrently _____ or Running Consecutively _____

20 With Count _____

21 Count 4: _____ O.S. _____

22 Count 4 Sentence: _____

23 Running Concurrently _____ or Running Consecutively _____

24 With Count _____

1 Credit for time served: _____

2 _____
3 Judge of the District Court

4 or

5 _____
6 Clerk of the District Court

7 SECTION 4. This act shall become effective November 1, 2019.

8 Passed the House of Representatives the 12th day of March, 2019.

9
10 _____
11 Presiding Officer of the House
12 of Representatives

13 Passed the Senate the ___ day of _____, 2019.

14
15 _____
16 Presiding Officer of the Senate
17
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21
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23
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