

1 ENGROSSED SENATE
2 BILL NO. 244

By: Bergstrom of the Senate

3 and

4 Taylor of the House
5

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

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

22 2. Prior to contracting with a private prison operator to
23 provide housing for state inmates, the Department shall send
24 notification to all county jails in this state that bed space is

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

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

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

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

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

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

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

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

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

1 is at capacity, unless other arrangements can be made with the
2 sheriff.

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

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

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

22 G. Form for Notice of Judgment and Sentencing.

23 In the District Court of _____ County

24 The State of Oklahoma

1 State of Oklahoma,)
2 _____)
3 Plaintiff)
4)
5 vs.) Case No. _____
6 _____,) The Honorable Judge _____
7 Defendant)
8 D.O.B. _____)

9 NOTICE OF JUDGMENT AND SENTENCE

10 On this ____ day of _____, _____, to the best
11 knowledge and belief of the undersigned, the conviction(s) and
12 sentence(s) of the above-captioned defendant was/were announced and
13 ordered as follow:

14 Count 1: _____ O.S. _____
15 Count 1 Sentence: _____
16 Count 2: _____ O.S. _____
17 Count 2 Sentence: _____
18 Running Concurrently _____ or Running Consecutively _____
19 With Count _____
20 Count 3: _____ O.S. _____
21 Count 3 Sentence: _____
22 Running Concurrently _____ or Running Consecutively _____
23 With Count _____
24 Count 4: _____ O.S. _____

1 Count 4 Sentence: _____

2 Running Concurrently _____ or Running Consecutively _____

3 With Count _____

4 Credit for time served: _____

5 _____
6 Judge of the District Court

7 or

8 _____
9 Clerk of the District Court

10 SECTION 2. This act shall become effective in accordance with
11 the provisions of Section 58 of Article V of the Oklahoma
12 Constitution.

13 Passed the Senate the 12th day of March, 2019.

14 _____
15 Presiding Officer of the Senate

16
17 Passed the House of Representatives the _____ day of _____,
18 2019.

19
20 _____
21 Presiding Officer of the House
22 of Representatives