

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 304

6 By: Jech

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Department of Corrections;
9 amending 57 O.S. 2011, Section 37, as last amended by
10 Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp.
11 2020, Section 37), which relates to correctional
12 facilities; clarifying language; modifying certain
13 required documentation; modifying assumption of
14 custody; and providing an effective date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as last
17 amended by Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp. 2020,
18 Section 37), is amended to read as follows:

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

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

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

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

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

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

1 ~~judgment and sentence shall be substantially in the form provided~~
2 ~~for in subsection F 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. The Department shall establish a dedicated
14 electronic address location for receipt of all electronically
15 submitted judgment and sentence documents. The electronic address
16 location shall provide written receipt verification of each received
17 judgment and sentence document. Once an appropriate judgment and
18 sentence document, ~~as listed in subsection B of this section,~~ is
19 received by the Department of Corrections, the Department shall
20 contact the sheriff or jail trust administrator when bed space is
21 available to schedule the transfer and reception of the inmate into
22 the Department. ~~The Department shall assume custody of an inmate~~
23 ~~from a county prior to receiving the certified copy of the judgment~~
24 ~~and sentence upon receipt by the Department of any of the~~

1 ~~appropriate judgment and sentence documents as listed in subsection~~
2 ~~B of this section.~~

3 D. If the Department receives a judgment and sentence document
4 from a county that includes inaccurate information from the
5 sentencing court the Department shall notify the county within a
6 timely manner.

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

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 or jail trust
11 administrator of a county jail may select and shall provide for
12 weather-related occurrences or other emergencies that may prevent or
13 delay transfers on the scheduled date. The policy shall be
14 available for review upon request by any sheriff or jail trust
15 administrator of a county jail. The cost of housing shall be the
16 per diem rate specified in Section 38 of this title. In the event
17 the inmate has one or more criminal charges pending in the same
18 Oklahoma jurisdiction and the county jail refuses to transfer the
19 inmate to the Department because of the pending charges, the
20 Department shall not be responsible for the housing costs of the
21 inmate while the inmate remains in the county jail with pending
22 charges. Once the inmate no longer has pending charges in the
23 jurisdiction, the Department shall be responsible for the housing
24 costs of the inmate for the period beginning on the date the

1 judgment and sentence or final order was ordered by the Court. In
2 the event the inmate has other criminal charges pending in another
3 Oklahoma jurisdiction, the Department shall be responsible for the
4 housing costs while the inmate remains in the county jail awaiting
5 transfer to another jurisdiction or until the date the inmate is
6 scheduled to be transferred to the Department, whichever is earlier.
7 Once the inmate is transferred to another jurisdiction, the
8 Department is not responsible for the housing cost of the inmate
9 until such time that another judgment and sentence is received by
10 the Department from another Oklahoma jurisdiction.

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

15 ~~G. Form for Notice of Judgment and Sentencing.~~

16 ~~In the District Court of _____ County~~

17 ~~The State of Oklahoma~~

18 ~~State of Oklahoma,)~~

19 ~~_____)~~

20 ~~Plaintiff _____)~~

21 ~~_____)~~

22 ~~vs. _____) Case No. _____~~

23 ~~_____,) The Honorable Judge _____~~

24 ~~Defendant _____)~~

1 D.O.B. _____ }
2

3 ~~NOTICE OF JUDGMENT AND SENTENCE~~

4 On this _____ day of _____, _____, to the best
5 knowledge and belief of the undersigned, the conviction(s) and
6 sentence(s) of the above-captioned defendant was/were announced and
7 ordered as follow:

8 Count 1: _____ O.S. _____

9 Count 1 Sentence: _____

10 Count 2: _____ O.S. _____

11 Count 2 Sentence: _____

12 Running Concurrently _____ or Running Consecutively _____

13 With Count _____

14 Count 3: _____ O.S. _____

15 Count 3 Sentence: _____

16 Running Concurrently _____ or Running Consecutively _____

17 With Count _____

18 Count 4: _____ O.S. _____

19 Count 4 Sentence: _____

20 Running Concurrently _____ or Running Consecutively _____

21 With Count _____

22 Credit for time served: _____

23 _____

24 _____ Judge of the District Court

_____ or

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Clerk of the District Court

SECTION 2. This act shall become effective November 1, 2021.

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