

1 STATE OF OKLAHOMA

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

3 SENATE BILL 59

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to corrections; amending 57 O.S.
8 2011, Section 38, as last amended by Section 2,
9 Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2020, Section
10 38), which relates to jail reimbursement rate;
11 providing certain consideration by the State Auditor;
12 providing definition; prohibiting certain
13 consideration; assigning burden of proof; permitting
14 necessary procedures; providing an effective date;
15 and declaring an emergency.

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

17 SECTION 1. AMENDATORY 57 O.S. 2011, Section 38, as last
18 amended by Section 2, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2020,
19 Section 38), is amended to read as follows:

20 Section 38. A. The Department of Corrections shall reimburse
21 any county which is required to retain an inmate pursuant to
22 subsection E of Section 37 of this title in an amount not to exceed
23 Twenty-seven Dollars (\$27.00) per day for each inmate during such
24 period of retention, unless the actual daily cost as determined by
25 the Department of Corrections ~~Daily Rate as defined~~ or the State
Auditor, in accordance with the procedures set forth in this
section, exceeds Twenty-seven Dollars (\$27.00). If a county

1 calculates that the actual daily cost as determined by the
2 Department of Corrections Daily Rate exceeds Twenty-seven Dollars
3 (\$27.00), the county shall notify the Department of Corrections of
4 the actual daily cost no later than September 30. If the county's
5 calculation of the actual daily cost is accepted by the Department
6 that shall be the reimbursement rate for the county beginning the
7 next fiscal year. If the Department rejects the county's actual
8 daily cost application, then the actual daily cost reimbursement
9 shall be determined by the State Auditor and shall be imposed
10 beginning the next fiscal year.

11 B. For purposes of this section, the "actual daily cost" is
12 defined as the costs of feeding, housing, clothing and providing
13 medical treatment to the inmate retained under subsection E of
14 Section 37 of this title. Actual daily cost shall refer only to the
15 incremental cost attributable to the presence of Department of
16 Corrections inmates in the county jail and shall not include any
17 jail-related or staffing-related fixed cost or expense incurred by
18 the county regardless of the presence of the Department of
19 Corrections inmates.

20 C. The applicant county bears the burden to provide the State
21 Auditor with sufficient information to allow the State Auditor to
22 determine the county's actual daily cost. The State Auditor may
23 specify additional procedures as necessary, provided such procedures
24 comply with the Oklahoma Administrative Procedures Act.

1 D. The Department shall distribute the reimbursement on a
2 monthly basis upon receipt and approval of a billing statement from
3 the county. The county shall use the reimbursement to defray
4 expenses of equipping and maintaining the jail and payment of
5 personnel. ~~The provisions in this act shall be implemented by the~~
6 ~~Department to allow sufficient time for application to FY-2019.~~ The
7 Department of Corrections shall reimburse the county for the
8 emergency medical care for physical injury or illness of the inmate
9 retained under this act if the injury or illness is directly related
10 to the incarceration and the county is required by law to provide
11 such care for inmates in the jail. The Department shall not pay
12 fees for medical care in excess of the rates established for
13 Medicaid providers. The state shall not be liable for medical
14 charges in excess of the Medicaid scheduled rate. The Director may
15 accept any inmate required to have extended medical care upon
16 application of the county.

17 SECTION 2. This act shall become effective July 1, 2021.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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