

1 ENGROSSED HOUSE  
2 BILL NO. 2589

By: Humphrey of the House

3 and

4 Bullard of the Senate

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6  
7 An Act relating to prisons and reformatories;  
8 amending 57 O.S. 2021, Section 37, which relates to  
9 maximum capacity of facilities; authorizing immediate  
10 transfer of inmates upon request; establishing time  
11 limit after notification; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY 57 O.S. 2021, Section 37, is  
15 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  
required to house the overflow population of state inmates. Upon

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

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

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

13 C. The receipt of the certified copy of the judgment and  
14 sentence shall be certification that the sentencing court has  
15 entered a judgment and sentence and all other necessary commitment  
16 documents. The Department of Corrections is authorized to determine  
17 the appropriate method of delivery from each county based on  
18 electronic or other capabilities, and establish a method for issuing  
19 receipts certifying that the Department has received the judgment  
20 and sentence document. The Department shall establish a dedicated  
21 electronic address location for receipt of all electronically  
22 submitted judgment and sentence documents. The electronic address  
23 location shall provide written receipt verification of each received  
24 judgment and sentence document. Once an appropriate judgment and

1 sentence document is received by the Department of Corrections, the  
2 Department shall contact the sheriff or jail trust administrator  
3 when bed space is available to schedule the transfer and reception  
4 of the inmate into the Department or the sheriff or jail trust  
5 administrator may request an immediate transfer in which the  
6 Department shall schedule delivery of the inmate within three (3)  
7 working days after said request.

8 D. If the Department receives a judgment and sentence document  
9 from a county that includes inaccurate information from the  
10 sentencing court the Department shall notify the county within a  
11 timely manner.

12 E. When a county jail has reached its capacity of inmates as  
13 provided in the standards set forth in Section 192 of Title 74 of  
14 the Oklahoma Statutes, then the county sheriff or jail trust  
15 administrator shall notify the Director of the Oklahoma Department  
16 of Corrections, or the Director's designated representative, by  
17 facsimile, electronic mail, or actual delivery, that the county jail  
18 has reached or exceeded its capacity to hold inmates. The  
19 notification shall include copies of any judgment and sentences not  
20 previously delivered as required by subsection B of this section.  
21 Then within ~~seventy-two (72) hours~~ three (3) working days following  
22 such notification, the county sheriff or jail trust administrator  
23 shall transport the designated excess inmate or inmates to a penal  
24 facility designated by the Department. The sheriff or jail trust

1 administrator shall notify the Department of the transport of the  
2 inmate prior to the reception of the inmate. The Department shall  
3 schedule the reception date and receive the inmate within ~~seventy-~~  
4 ~~two (72) hours~~ three (3) working days of notification that the  
5 county jail is at capacity, unless other arrangements can be made  
6 with the sheriff or jail trust administrator.

7 F. The Department will be responsible for the cost of housing  
8 the inmate in the county jail including costs of medical care  
9 provided from the date the judgment and sentence was ordered by the  
10 court until the date of transfer of the inmate from the county jail.  
11 The Department shall implement a policy for determination of  
12 scheduled dates on which an inmate or multiple inmates are to be  
13 transferred from county jails. The policy shall allow for no less  
14 than three alternative dates from which the sheriff or jail trust  
15 administrator of a county jail may select and shall provide for  
16 weather-related occurrences or other emergencies that may prevent or  
17 delay transfers on the scheduled date. The policy shall be  
18 available for review upon request by any sheriff or jail trust  
19 administrator of a county jail. The cost of housing shall be the  
20 per diem rate specified in Section 38 of this title. In the event  
21 the inmate has one or more criminal charges pending in the same  
22 Oklahoma jurisdiction and the county jail refuses to transfer the  
23 inmate to the Department because of the pending charges, the  
24 Department shall not be responsible for the housing costs of the

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

15 The sheriff or jail trust administrator 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 SECTION 2. This act shall become effective November 1, 2023.  
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1 Passed the House of Representatives the 8th day of March, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

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9 Presiding Officer of the Senate