

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2589

 By: Humphrey

7 AS INTRODUCED

8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2021, Section 37, which relates to
10 maximum capacity of facilities; authorizing immediate
11 transfer of inmates upon request; establishing time
12 limit after notification; and providing an effective
13 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

1 required to house the overflow population of state inmates. Upon
2 receiving notification, the sheriff or jail trust administrator of a
3 county jail is authorized to enter into agreements with the
4 Department to provide housing for the inmates. Reimbursement for
5 the cost of housing the inmates shall be a negotiated per diem rate
6 for each inmate as contracted but shall in no event be less than the
7 per diem rate provided for in 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 court clerk shall transmit to the Department by
12 facsimile, electronic mail, or actual delivery a certified copy of
13 the judgment and sentence.

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

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

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

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

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

8 F. The Department will be responsible for the cost of housing
9 the inmate in the county jail including costs of medical care
10 provided from the date the judgment and sentence was ordered by the
11 court until the date of transfer of the inmate from the county jail.
12 The Department shall implement a policy for determination of
13 scheduled dates on which an inmate or multiple inmates are to be
14 transferred from county jails. The policy shall allow for no less
15 than three alternative dates from which the sheriff or jail trust
16 administrator of a county jail may select and shall provide for
17 weather-related occurrences or other emergencies that may prevent or
18 delay transfers on the scheduled date. The policy shall be
19 available for review upon request by any sheriff or jail trust
20 administrator of a county jail. The cost of housing shall be the
21 per diem rate specified in Section 38 of this title. In the event
22 the inmate has one or more criminal charges pending in the same
23 Oklahoma jurisdiction and the county jail refuses to transfer the
24 inmate to the Department because of the pending charges, the

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

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

20 SECTION 2. This act shall become effective November 1, 2023.

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22 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
23 dated 03/01/2023 - DO PASS.

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