

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1442

By: David and Fields of the
Senate

3

and

4

Downing of the House

5

6

7

8 [county jails - facilities reaching maximum capacity
9 - timeframe requirements - procedures - effective
date]

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12 AUTHORS: Add the following House Coauthors: Tadlock and Meredith

13 AMENDMENT NO. 1. Replace the stricken title, enacting clause and
14 entire bill and insert

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"An Act relating to county jails; amending 57 O.S.
2011, Section 37, as last amended by Section 1,
16 Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2017,
17 Section 37), which relates to facilities reaching
maximum capacity; removing certain time-frame
18 requirement; directing the court or court clerk to
transmit certified copies of certain documents;
19 deleting exemptions from housing cost
responsibilities of the Department of Corrections;
and providing an effective date.

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

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

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

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

10 2. Prior to contracting with a private prison operator to
11 provide housing for state inmates, the Department shall send
12 notification to all county jails in this state that bed space is
13 required to house the overflow population of state inmates. Upon
14 receiving notification, the sheriff of a county jail is authorized
15 to enter into agreements with the Department to provide housing for
16 the inmates. Reimbursement for the cost of housing the inmates
17 shall be a negotiated per diem rate for each inmate as contracted
18 but shall in no event be less than the per diem rate provided for in
19 Section 38 of this title.

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

22 ~~Within five (5) business days after the court orders the judgment~~
23 ~~and sentence, the county~~ The court or court clerk shall transmit to
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1 the Department by facsimile, electronic mail, or actual delivery a
2 certified copy of:

3 1. The judgment and sentence certifying that the inmate is
4 sentenced to the Department of Corrections; or

5 2. A notice of judgment and sentence signed by the sentencing
6 judge or court clerk. The notice shall include the name of the
7 defendant, date of birth, case number, county of conviction, name of
8 the sentencing judge, the crime for which the defendant was
9 convicted, the sentence imposed, if multiple sentences whether the
10 sentences run concurrently or consecutively, and whether the
11 defendant is to receive credit for any time served. The notice of
12 judgment and sentence shall be substantially in the form provided
13 for in subsection ~~F~~ G of this section; ~~or~~

14 ~~3. Plea paperwork, Summary of Facts and Sentence on Plea or~~
15 ~~Sentencing After Jury Trial Summary of Facts may be used as~~
16 ~~sentencing documents.~~

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

1 document, as listed in subsection B of this section, is received by
2 the Department of Corrections, the Department shall contact the
3 sheriff when bed space is available to schedule the transfer and
4 reception of the inmate into the Department. The Department shall
5 assume custody of an inmate from a county prior to receiving the
6 certified copy of the judgment and sentence upon receipt by the
7 Department of any of the appropriate judgment and sentence documents
8 as listed in subsection B of this section.

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. ~~If a corrected judgment and sentence document is not~~
13 ~~received by the Department within five (5) business days from the~~
14 ~~date of notification, the Department will not be responsible for the~~
15 ~~cost of housing the inmate in the county jail until such time that~~
16 ~~an accurate judgment and sentence documents is received by the~~
17 ~~Department.~~

18 E. When a county jail has reached its capacity of inmates as
19 provided in the standards set forth in Section 192 of Title 74 of
20 the Oklahoma Statutes, then the county sheriff shall notify the
21 Director of the Oklahoma Department of Corrections, or the
22 Director's designated representative, by facsimile, electronic mail,
23 or actual delivery, that the county jail has reached or exceeded its
24 capacity to hold inmates. The notification shall include copies of

1 any judgment and sentences not previously delivered as required by
2 subsection B of this section. Then within seventy-two (72) hours
3 following such notification, the county sheriff shall transport the
4 designated excess inmate or inmates to a penal facility designated
5 by the Department. The sheriff shall notify the Department of the
6 transport of the inmate prior to the reception of the inmate. The
7 Department shall schedule the reception date and receive the inmate
8 within seventy-two (72) hours of notification that the county jail
9 is at capacity, unless other arrangements can be made with the
10 sheriff.

11 F. The Department will be responsible for the cost of housing
12 the inmate in the county jail including costs of medical care
13 provided from the date the judgment and sentence was ordered by the
14 court until the date of transfer of the inmate from the county jail.
15 The Department shall implement a policy for determination of
16 scheduled dates on which an inmate or multiple inmates are to be
17 transferred from county jails. The policy shall allow for no less
18 than three alternative dates from which the sheriff of a county jail
19 may select and shall provide for weather-related occurrences or
20 other emergencies that may prevent or delay transfers on the
21 scheduled date. The policy shall be available for review upon
22 request by any sheriff of a county jail. ~~If an appropriate judgment~~
23 ~~and sentence document, as listed in subsection B of this section, is~~
24 ~~not received by the Department within five (5) business days, the~~

1 ~~Department will not be responsible for the cost of housing the~~
2 ~~inmate in the county jail until the date the Department receives the~~
3 ~~necessary documentation.~~ Should the inmate not be transferred on
4 the date scheduled by the Department, the Department shall not be
5 responsible for any costs incurred beyond the date scheduled by the
6 Department. The cost of housing shall be the per diem rate
7 specified in Section 38 of this title. In the event the inmate has
8 one or more criminal charges pending in the same Oklahoma
9 jurisdiction and the county jail refuses to transfer the inmate to
10 the Department because of the pending charges, the Department shall
11 not be responsible for the housing costs of the inmate while the
12 inmate remains in the county jail with pending charges. Once the
13 inmate no longer has pending charges in the jurisdiction, the
14 Department shall be responsible for the housing costs of the inmate
15 for the period beginning on the date the judgment and sentence or
16 final order was received by the Department. In the event the inmate
17 has other criminal charges pending in another Oklahoma jurisdiction,
18 the Department shall be responsible for the housing costs while the
19 inmate remains in the county jail awaiting transfer to another
20 jurisdiction or until the date the inmate is scheduled to be
21 transferred to the Department, whichever is earlier. Once the
22 inmate is transferred to another jurisdiction, the Department is not
23 responsible for the housing cost of the inmate until such time that

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1 another judgment and sentence is received by the Department from
2 another Oklahoma jurisdiction.

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

7 G. Form for Notice of Judgment and Sentencing.

8 In the District Court of _____ County

9 The State of Oklahoma

10 State of Oklahoma,)

11 _____)

12 Plaintiff)

13)

14 vs.) Case No. _____

15 _____,) The Honorable Judge _____

16 Defendant)

17 D.O.B. _____)

18 NOTICE OF JUDGMENT AND SENTENCE

19 On this _____ day of _____, _____, to the best
20 knowledge and belief of the undersigned, the conviction(s) and
21 sentence(s) of the above-captioned defendant was/were announced and
22 ordered as ~~follow~~ follows:

23 Count 1: _____ O.S. _____

24 Count 1 Sentence: _____

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Count 2: _____ O.S. _____

Count 2 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

Count 3: _____ O.S. _____

Count 3 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

Count 4: _____ O.S. _____

Count 4 Sentence: _____

Running Concurrently _____ or Running Consecutively _____

With Count _____

Credit for time served: _____

Judge of the District Court

or

Clerk of the District Court

SECTION 2. This act shall become effective November 1, 2018."

1 ENGROSSED SENATE
2 BILL NO. 1442

By: David and Fields of the
Senate

3 and

4 Downing of the House

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6
7 [county jails - facilities reaching maximum capacity
8 - timeframe requirements - procedures - effective
9 date]
10

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

12 SECTION 3. AMENDATORY 57 O.S. 2011, Section 37, as last
13 amended by Section 1, Chapter 260, O.S.L. 2017 (57 O.S. Supp. 2017,
14 Section 37), is amended to read as follows:

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

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

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

1 receiving notification, the sheriff of a county jail is authorized
2 to enter into agreements with the Department to provide housing for
3 the inmates. Reimbursement for the cost of housing the inmates
4 shall be a negotiated per diem rate for each inmate as contracted
5 but shall in no event be less than the per diem rate provided for in
6 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 county~~ The sheriff or court clerk shall transmit
11 to the Department by facsimile, electronic mail, or actual delivery
12 a certified copy of:

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

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

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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
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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. Once ~~an appropriate~~ the judgment and
12 sentence document, as listed in subsection B of this section, is
13 received by the Department of Corrections, the Department shall
14 contact the sheriff when bed space is available to schedule the
15 transfer and reception of the inmate into the Department. The
16 Department shall assume custody of an inmate from a county prior to
17 receiving the certified copy of the judgment and sentence upon
18 receipt by the Department of any of the appropriate judgment and
19 sentence documents as listed in subsection B of this section.

20 D. If the Department receives a judgment and sentence document
21 from a county that includes inaccurate information from the
22 sentencing court the Department shall notify the county within a
23 timely manner. ~~If a corrected judgment and sentence document is not~~
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11 capacity to hold inmates. The notification shall include copies of
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14 following such notification, the county sheriff shall transport the
15 designated excess inmate or inmates to a penal facility designated
16 by the Department. The sheriff shall notify the Department of the
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18 Department shall schedule the reception date and receive the inmate
19 within seventy-two (72) hours of notification that the county jail
20 is at capacity, unless other arrangements can be made with the
21 sheriff.

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4 transferred from county jails. The policy shall allow for no less
5 than three alternative dates from which the sheriff of a county jail
6 may select and shall provide for weather-related occurrences or
7 other emergencies that may prevent or delay transfers on the
8 scheduled date. The policy shall be available for review upon
9 request by any sheriff of a county jail. ~~If an appropriate judgment
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24 inmate no longer has pending charges in the jurisdiction, the~~

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5 the Department shall be responsible for the housing costs while the
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8 transferred to the Department, whichever is earlier. ~~Once the~~
9 ~~inmate is transferred to another jurisdiction, the Department is not~~
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17 G. Form for Notice of Judgment and Sentencing.

18 In the District Court of _____ County

19 The State of Oklahoma

20 State of Oklahoma,)

21 _____)

22 Plaintiff)

23)

24 vs.) Case No. _____

1 _____,) The Honorable Judge _____

2 Defendant)

3 D.O.B. _____)

4 NOTICE OF JUDGMENT AND SENTENCE

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

9 Count 1: _____ O.S. _____

10 Count 1 Sentence: _____

11 Count 2: _____ O.S. _____

12 Count 2 Sentence: _____

13 Running Concurrently _____ or Running Consecutively _____

14 With Count _____

15 Count 3: _____ O.S. _____

16 Count 3 Sentence: _____

17 Running Concurrently _____ or Running Consecutively _____

18 With Count _____

19 Count 4: _____ O.S. _____

20 Count 4 Sentence: _____

21 Running Concurrently _____ or Running Consecutively _____

22 With Count _____

23 Credit for time served: _____

24 _____

1 Judge of the District Court

2 or

3 _____
4 Clerk of the District Court

5 SECTION 4. This act shall become effective November 1, 2018.

6 Passed the Senate the 15th day of March, 2018.

7
8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,

11 2018.

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13 _____
14 Presiding Officer of the House
15 of Representatives