

1 ENGROSSED HOUSE
2 BILL NO. 2922

By: Trebilcock of the House

3 and

4 Jolley of the Senate

5
6
7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2001, Section 37, as last amended by
9 Section 7, Chapter 366, O.S.L. 2008 (57 O.S. Supp.
10 2009, Section 37), which relates to capacity of
11 correctional facilities; clarifying inmate capacity
12 notification process; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2001, Section 37, as last
16 amended by Section 7, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2009,
17 Section 37), is amended to read as follows:

18 Section 37. A. If all correctional facilities reach maximum
19 capacity and the Department of Corrections is required to contract
20 for bed space to house state inmates, then the Pardon and Parole
21 Board shall consider all nonviolent offenders for parole who are
22 within six (6) months of their scheduled release from a penal
23 facility.

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

1 sheriff or court clerk shall transmit by facsimile, electronic mail,
2 or actual delivery a certified copy of the judgment and sentence
3 certifying that the inmate is sentenced to the Department of
4 Corrections. The receipt of the certified copy of the judgment and
5 sentence shall be certification that the sentencing court has
6 entered a judgment and sentence and all other necessary commitment
7 documents. The Department of Corrections is authorized to determine
8 the appropriate method of delivery from each county based on
9 electronic or other capabilities. Once the judgment and sentence is
10 received by the Department of Corrections, the Department shall
11 contact the sheriff when bed space is available to schedule the
12 transfer and reception of the inmate into the Department.

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

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

7 D. Once the judgment and sentence is transmitted to the
8 Department of Corrections, the Department will be responsible for
9 the cost of housing the inmate in the county jail from the date the
10 sentence was ordered by the court until the date of transfer of the
11 inmate from the county jail. The cost of housing shall be the per
12 diem rate specified in Section 38 of this title. In the event the
13 inmate has other criminal charges pending in another Oklahoma
14 jurisdiction the Department shall be responsible for the housing
15 costs while the inmate remains in the county jail awaiting transfer
16 to another jurisdiction. Once the inmate is transferred to another
17 jurisdiction, the Department is not responsible for the housing cost
18 of the inmate until such time that another judgment and sentence is
19 received from another Oklahoma jurisdiction. The sheriff shall be
20 reimbursed by the Department for the cost of housing the inmate in
21 one of two ways:

22 1. The sheriff may submit invoices for the cost of housing the
23 inmate on a monthly basis; or
24

