

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
BILL NO. 1630

By: Billy of the House

and

Barrington of the Senate

[ prisons and reformatories - clarifying transfer  
procedures and responsibilities relating to housing  
costs - effective date ]

11 AUTHOR: Add the following Senate Coauthor: Boggs

12 AUTHOR: Add the following House Coauthor: Cannaday

14 AMENDMENT NO. 1. Page 1, substitute the following for the title,  
enacting clause and the entire body of the bill:

"An Act relating to prisons and reformatories;  
amending 57 O.S. 2011, Sections 37 and 38, which  
relate to the capacity of correctional facilities and  
jail reimbursement rates; providing notification  
procedure for certain purpose; clarifying transfer  
procedures and responsibilities relating to housing  
costs; deleting obsolete language; updating statutory  
reference; and providing an effective date.

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

23 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, is  
24 amended to read as follows:

1 Section 37. A. If all correctional facilities reach maximum  
2 capacity and the Department of Corrections is required to contract  
3 for bed space to house state inmates, ~~then the~~ :

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

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

17 B. No inmate may be received by a penal facility from a county  
18 jail without first scheduling a transfer with the Department. ~~The~~  
19 ~~sheriff or court clerk~~ Within three (3) business days after the  
20 court orders the judgment and sentence, the county shall transmit to  
21 the Department by facsimile, electronic mail, or actual delivery a  
22 certified copy of ~~the~~ :

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

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

10        3. Plea paperwork, Summary of Facts and Sentence on Plea or  
11 Sentencing After Jury Trial Summary of Facts may be used as  
12 sentencing documents.

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. Once ~~the~~ an appropriate judgment  
19 and sentence document, as listed in subsection B of this section, is  
20 received by the Department of Corrections, the Department shall  
21 contact the sheriff when bed space is available to schedule the  
22 transfer and reception of the inmate into the Department. The  
23 Department shall assume custody of an inmate from a county prior to  
24 receiving the certified copy of the judgment and sentence upon

1 receipt by the Department of any of the appropriate judgment and  
2 sentence documents as listed in subsection B of this section.

3 ~~C.~~ D. When a county jail has reached its capacity of inmates as  
4 ~~defined~~ provided in the standards set forth in Section 192 of Title  
5 74 of the Oklahoma Statutes, then the county sheriff shall notify  
6 the Director of the Oklahoma Department of Corrections, or the  
7 Director's designated representative, by facsimile, electronic mail,  
8 or actual delivery, that the county jail has reached or exceeded its  
9 capacity to hold inmates. The notification shall include copies of  
10 any judgment and sentences not previously delivered as required by  
11 subsection B of this section. Then within seventy-two (72) hours  
12 following such notification, the county sheriff shall transport the  
13 designated excess inmate or inmates to a penal facility designated  
14 by the Department. The sheriff shall notify the Department of the  
15 transport of the inmate prior to the reception of the inmate. The  
16 Department shall schedule the reception date and receive the inmate  
17 within seventy-two (72) hours of notification that the county jail  
18 is at capacity, unless other arrangements can be made with the  
19 sheriff.

20 ~~D.~~ E. ~~Once the judgment and sentence is transmitted to the~~  
21 ~~Department of Corrections, the~~ The Department will be responsible  
22 for the cost of housing the inmate in the county jail including  
23 costs of medical care provided from the date the judgment and  
24 sentence was ordered by the court until the date ~~of transfer of the~~

1 inmate is scheduled to be transferred to the Department from the  
2 county jail. The Department shall implement a policy for  
3 determination of scheduled dates on which an inmate or multiple  
4 inmates are to be transferred from county jails. The policy shall  
5 allow for no less than three alternative dates from which the  
6 sheriff of a county jail may select and shall provide for weather-  
7 related occurrences or other emergencies that may prevent or delay  
8 transfers on the scheduled date. The policy shall be available for  
9 review upon request by any sheriff of a county jail. If an  
10 appropriate judgment and sentence document, as listed in subsection  
11 B of this section, is not received by the Department within three  
12 (3) business days, the Department will not be responsible for the  
13 cost of housing the inmate in the county jail until the date the  
14 Department receives the necessary documentation. Should the inmate  
15 not be transferred on the date scheduled by the Department, the  
16 Department shall not be responsible for any costs incurred beyond  
17 the date scheduled by the Department. The cost of housing shall be  
18 the per diem rate specified in Section 38 of this title. In the  
19 event the inmate has one or more criminal charges pending in the  
20 same Oklahoma jurisdiction and the county jail refuses to transfer  
21 the inmate to the Department because of the pending charges, the  
22 Department shall not be responsible for the housing costs of the  
23 inmate while the inmate remains in the county jail with pending  
24 charges. Once the inmate no longer has pending charges in the

1 jurisdiction, the Department shall be responsible for the housing  
2 costs of the inmate for the period beginning on the date the  
3 judgment and sentence or final order was ordered in the pending case  
4 and ending on the date the inmate is scheduled to be transferred to  
5 the Department. In the event the inmate has other criminal charges  
6 pending in another Oklahoma jurisdiction, the Department shall be  
7 responsible for the housing costs while the inmate remains in the  
8 county jail awaiting transfer to another jurisdiction or until the  
9 date the inmate is scheduled to be transferred to the Department,  
10 whichever is earlier. Once the inmate is transferred to another  
11 jurisdiction, the Department is not responsible for the housing cost  
12 of the inmate until such time that another judgment and sentence is  
13 received by the Department from another Oklahoma jurisdiction. The  
14 sheriff shall be reimbursed by the Department for the cost of  
15 housing the inmate in one of two ways:

16 1. The sheriff may submit invoices for the cost of housing the  
17 inmate on a monthly basis; or

18 2. The sheriff may submit one invoice for the total amount due  
19 for the inmate after the Department has received the inmate. Final  
20 payment for housing an offender will be made only after the official  
21 judgment and sentence is received by the Department of Corrections.

22 F. Form for Notice of Judgment and Sentencing.

23 In the District Court of \_\_\_\_\_ County

24 The State of Oklahoma

1 State of Oklahoma, )

2 Plaintiff )

3 )

4 vs. ) Case No. \_\_\_\_\_

5 , ) The Honorable Judge \_\_\_\_\_

6 Defendant. )

7 D.O.B. )

8 NOTICE OF JUDGMENT AND SENTENCE

9 On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to the best  
10 knowledge and belief of the undersigned, the conviction(s) and  
11 sentence(s) of the above-captioned defendant was/were announced and  
12 ordered as follow:

13 Count 1: \_\_\_\_\_ O.S. \_\_\_\_\_

14 Count 1 Sentence: \_\_\_\_\_

15 Count 2: \_\_\_\_\_ O.S. \_\_\_\_\_

16 Count 2 Sentence: \_\_\_\_\_

17 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

18 With Count \_\_\_\_\_

19 Count 3: \_\_\_\_\_ O.S. \_\_\_\_\_

20 Count 3 Sentence: \_\_\_\_\_

21 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

22 With Count \_\_\_\_\_

23 \_\_\_\_\_

24 Count 4: \_\_\_\_\_ O.S. \_\_\_\_\_

1 Count 4 Sentence:

2 Running Concurrently or Running Consecutively

3 With Count

4 Credit for time served:

5 \_\_\_\_\_  
6 Judge of the District Court

7 or

8 \_\_\_\_\_  
9 Clerk of the District Court

10 SECTION 2. AMENDATORY 57 O.S. 2011, Section 38, is

11 amended to read as follows:

12 Section 38. ~~Until January 1, 2007, the Department of~~  
13 ~~Corrections shall reimburse any county, which is required to retain~~  
14 ~~an inmate pursuant to paragraph 2 of Section 37 of this title, in an~~  
15 ~~amount not to exceed Twenty four Dollars (\$24.00) per day for each~~  
16 ~~inmate during such period of retention. The proceeds of this~~  
17 ~~reimbursement shall be used to defray expenses of equipping and~~  
18 ~~maintaining the jail and payment of personnel. The Department of~~  
19 ~~Corrections shall reimburse the county for the emergency medical~~  
20 ~~care for physical injury or illness of the inmate retained under~~  
21 ~~this act if the injury or illness is directly related to the~~  
22 ~~incarceration and the county is required by law to provide such care~~  
23 ~~for inmates in the jail. The Department shall not pay fees for~~  
24 ~~medical care in excess of the rates established for Medicaid~~



1 ~~providers. The state shall not be liable for medical charges in~~  
2 ~~excess of the Medicaid scheduled rate. The Director may accept any~~  
3 ~~inmate required to have extended medical care upon application of~~  
4 ~~the county. Effective January 1, 2007, the The Department of~~  
5 Corrections shall reimburse any county, which is required to retain  
6 an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this  
7 title, in an amount not to exceed Twenty-seven Dollars (\$27.00) per  
8 day for each inmate during such period of retention. The proceeds  
9 of this reimbursement shall be used to defray expenses of equipping  
10 and maintaining the jail and payment of personnel. The Department  
11 of Corrections shall reimburse the county for the emergency medical  
12 care for physical injury or illness of the inmate retained under  
13 this act if the injury or illness is directly related to the  
14 incarceration and the county is required by law to provide such care  
15 for inmates in the jail. The Department shall not pay fees for  
16 medical care in excess of the rates established for Medicaid  
17 providers. The state shall not be liable for medical charges in  
18 excess of the Medicaid scheduled rate. The Director may accept any  
19 inmate required to have extended medical care upon application of  
20 the county.

21 SECTION 3. This act shall become effective November 1, 2015."  
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23  
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1 Passed the Senate the 22nd day of April, 2015.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2015.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 1630

By: Billy of the House

3 and

4 Barrington of the Senate

5  
6  
7 [ prisons and reformatories - clarifying transfer  
8 procedures and responsibilities relating to housing  
9 costs - effective date ]  
10  
11  
12

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

14 SECTION 4. AMENDATORY 57 O.S. 2011, 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, ~~then the:~~

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 of a county jail is authorized  
3 to enter into agreements with the Department to provide housing for  
4 said inmates. Reimbursement for the cost of housing the inmates  
5 shall be a negotiated per diem rate for each inmate as contracted  
6 but shall in no event be less than the per diem rate provided for in  
7 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. ~~The~~  
10 ~~sheriff or~~ Within three (3) business days after the court orders the  
11 judgment and sentence, the court clerk shall transmit to the  
12 Department by facsimile, electronic mail, or actual delivery a  
13 certified copy of the:

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

16 2. A notice of judgment and sentence signed by the sentencing  
17 judge or the court clerk. The notice shall include the name of the  
18 defendant, the crime for which the defendant was convicted and the  
19 sentence imposed. The notice of judgment and sentence shall be  
20 substantially in the form provided for in subsection F of this  
21 section.

22 C. In the event the court clerk transmits to the Department a  
23 notice of judgment and sentence in lieu of a certified copy of the  
24 judgment and sentence, the court clerk shall subsequently transmit a

1 certified copy of the judgment and sentence within sixty (60) days  
2 after the court orders the judgment and sentence. The terms and  
3 conditions of the judgment and sentence shall supersede and govern  
4 any inconsistent provision contained within the notice of judgment  
5 and sentence. The receipt of the certified copy of the judgment and  
6 sentence shall be certification that the sentencing court has  
7 entered a judgment and sentence and all other necessary commitment  
8 documents. The Department of Corrections is authorized to determine  
9 the appropriate method of delivery from each county based on  
10 electronic or other capabilities. Once the judgment and sentence is  
11 received by the Department of Corrections, the Department shall  
12 contact the sheriff when bed space is available to schedule the  
13 transfer and reception of the inmate into the Department. The  
14 Department shall assume custody of an inmate from a county prior to  
15 receiving the certified copy of the judgment and sentence upon  
16 receipt by the Department of a notice of judgment and sentence.

17 ~~C.~~ D. When a county jail has reached its capacity of inmates as  
18 defined in Section 192 of Title 74 of the Oklahoma Statutes, then  
19 the county sheriff shall notify the Director of the Oklahoma  
20 Department of Corrections, or the Director's designated  
21 representative, by facsimile, electronic mail, or actual delivery,  
22 that the county jail has reached or exceeded its capacity to hold  
23 inmates. The notification shall include copies of any judgment and  
24 sentences not previously delivered as required by subsection B of

1 this section. Then within seventy-two (72) hours following such  
2 notification, the county sheriff shall transport the designated  
3 excess inmate or inmates to a penal facility designated by the  
4 Department. The sheriff shall notify the Department of the  
5 transport of the inmate prior to the reception of the inmate. The  
6 Department shall schedule the reception date and receive the inmate  
7 within seventy-two (72) hours of notification that the county jail  
8 is at capacity, unless other arrangements can be made with the  
9 sheriff.

10 ~~D. Once the judgment and sentence is transmitted to the~~  
11 ~~Department of Corrections, the~~ E. The Department will be  
12 responsible for the cost of housing the inmate in the county jail  
13 from the date the judgment and sentence was ordered by the court  
14 until the date ~~of transfer of~~ the inmate is scheduled to be  
15 transferred to the Department from the county jail. The Department  
16 shall implement a policy for determination of scheduled dates on  
17 which inmates are to be transferred from county jails. The policy  
18 shall allow for no less than three alternative dates for the sheriff  
19 of a county jail to select from and shall provide for weather-  
20 related occurrences or other emergencies that may prevent or delay  
21 transfers on the scheduled date. The policy shall be available for  
22 review upon request by any sheriff of a county jail. Should the  
23 inmate not be transferred on the date scheduled, the Department  
24 shall not be responsible for any costs incurred beyond the date

1 scheduled. The cost of housing shall be the per diem rate specified  
2 in Section 38 of this title. In the event the inmate has one or  
3 more criminal charges pending in the same Oklahoma jurisdiction and  
4 the county jail refuses to transfer the inmate to the Department  
5 because of said pending charges, the Department shall not be  
6 responsible for the housing costs of the inmate while the inmate  
7 remains in the county jail with pending charges. Once the inmate no  
8 longer has pending charges in said jurisdiction, the Department  
9 shall be responsible for the housing costs of the inmate for the  
10 period beginning on the date the judgment and sentence or final  
11 order was ordered in said pending case and ending on the date the  
12 inmate is scheduled to be transferred to the Department. In the  
13 event the inmate has other criminal charges pending in another  
14 Oklahoma jurisdiction, the Department shall be responsible for the  
15 housing costs while the inmate remains in the county jail awaiting  
16 transfer to another jurisdiction or until the date the inmate is  
17 scheduled to be transferred to the Department, whichever is earlier.  
18 Once the inmate is transferred to another jurisdiction, the  
19 Department is not responsible for the housing cost of the inmate  
20 until such time that another judgment and sentence is received by  
21 the Department from another Oklahoma jurisdiction. The sheriff  
22 shall be reimbursed by the Department for the cost of housing the  
23 inmate in one of two ways:  
24

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

3 2. The sheriff may submit one invoice for the total amount due  
4 for the inmate after the Department has received the inmate.

5 F. Form for Notice of Judgment and Sentencing.

6 In the District Court of \_\_\_\_\_ County

7 The State of Oklahoma

8 State of Oklahoma, )

9 plaintiff )

10 v. )

Case No. \_\_\_\_\_

11 \_\_\_\_\_, )

12 Defendant. )

13 S.S.# )

14 D.O.B. )

15 NOTICE OF JUDGMENT AND SENTENCE

16 On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to the best knowledge  
17 and belief of the undersigned, the conviction and sentence of the  
18 above-captioned defendant was announced and ordered as follows:

19 Count 1: \_\_\_\_\_ O.S.

20 Count 1 Sentence: \_\_\_\_\_

21 Count 2: \_\_\_\_\_ O.S.

22 Count 2 Sentence: \_\_\_\_\_

23 Count 3: \_\_\_\_\_ O.S.

24 Count 3 Sentence: \_\_\_\_\_





1 ~~excess of the Medicaid scheduled rate. The Director may accept any~~  
2 ~~inmate required to have extended medical care upon application of~~  
3 ~~the county. Effective January 1, 2007, the~~ The Department of  
4 Corrections shall reimburse any county, which is required to retain  
5 an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this  
6 title, in an amount not to exceed Twenty-seven Dollars (\$27.00) per  
7 day for each inmate during such period of retention. The proceeds  
8 of this reimbursement shall be used to defray expenses of equipping  
9 and maintaining the jail and payment of personnel. The Department  
10 of Corrections shall reimburse the county for the emergency medical  
11 care for physical injury or illness of the inmate retained under  
12 this act if the injury or illness is directly related to the  
13 incarceration and the county is required by law to provide such care  
14 for inmates in the jail. The Department shall not pay fees for  
15 medical care in excess of the rates established for Medicaid  
16 providers. The state shall not be liable for medical charges in  
17 excess of the Medicaid scheduled rate. The Director may accept any  
18 inmate required to have extended medical care upon application of  
19 the county.

20 SECTION 6. This act shall become effective November 1, 2015.  
21  
22  
23  
24

1 Passed the House of Representatives the 11th day of March, 2015.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

6  
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8 \_\_\_\_\_  
9 Presiding Officer of the Senate