

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1196

By: Kirby

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6 AS INTRODUCED

7 An Act relating to county jail commissaries; amending
8 7 O.S. 2011, Section 73, as amended by Section 1,
9 Chapter 91, O.S.L. 2016 (7 O.S. Supp. 2016, Section
10 73), which relates to operation of vending facilities
11 on state or county property; exempting county jail
12 commissaries from requirement to have licensed blind
13 operators operate vending facilities; amending 19
14 O.S. 2011, Section 180.43, which relates to upkeep of
15 prisoners; eliminating applicability of certain
16 vending facility operating requirement; and providing
17 an effective date.

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

21 SECTION 1. AMENDATORY 7 O.S. 2011, Section 73, as
22 amended by Section 1, Chapter 91, O.S.L. 2016 (7 O.S. Supp. 2016,
23 Section 73), is amended to read as follows:

24 Section 73. A. It shall be the duty of the board of county
commissioners of each county and the governing boards of all state
institutions, state agencies and state or county public trust
authorities, with regard to the premises of county or state property
under their respective jurisdictions or the premises of property
leased by them in whole or in part, to give priority to vending

1 facilities operated by licensed blind operators and established by
2 the State Department of Rehabilitation Services. Governing boards
3 shall observe such priority by entering into an agreement with the
4 Department. Operators shall be licensed by the Department.

5 B. Governing boards shall make available free of any charge,
6 fee, assessment or commission on sales adequate space with
7 sufficient electrical, plumbing, heating and ventilation outlets for
8 the operation of a vending facility on satisfactory sites.

9 Governing boards shall provide free of any charge, fee, assessment
10 or commission on sales the use of utilities needed to operate a
11 vending facility.

12 C. The provisions of this section shall not apply to the
13 operation of fairgrounds, exposition centers, trade/consumer show
14 facilities, pari-mutuel horse racing facilities as licensed by the
15 Oklahoma Horse Racing Commission, parks, golf courses, hospitals
16 operated by county trust authorities, commissaries for the benefit
17 of persons lawfully confined in the county jail under the custody of
18 the county sheriff or the State Capitol Building and grounds;
19 provided, that vending machines within the State Capitol Building
20 shall be subject to the provisions of subsections A and B of this
21 section.

22 SECTION 2. AMENDATORY 19 O.S. 2011, Section 180.43, is
23 amended to read as follows:

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1 Section 180.43 A. Each county sheriff may contract with the
2 Department of Justice of the United States of America, the
3 Department of Corrections, or any municipality of this state for the
4 feeding, care, housing, and upkeep of federal, state, or municipal
5 prisoners, or alien detainees incarcerated in the county jail. Any
6 funds received pursuant to said contract shall be the funds of the
7 county where the federal, state, or municipal prisoners, or alien
8 detainees are incarcerated and shall be deposited in a separate
9 revolving fund with the county treasurer. All purchases made
10 pursuant to the provisions of this subsection shall be made pursuant
11 to the purchasing procedures specified in Sections 1500 through 1505
12 of this title, including the use of blanket purchase orders as
13 provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.
14 The sheriff shall be permitted to expend any surplus in the
15 revolving fund for administering expenses for salaries, training,
16 equipment, or travel, or for capital expenditures.

17 The claim for said expenses shall be filed with and allowed by
18 the board of county commissioners as other claims. The sheriff
19 shall receive no compensation for said services. The sheriff shall
20 file an annual report with the board of county commissioners not
21 later than January 15 of each year. The State Auditor and Inspector
22 shall conduct an audit of the report as on other public records of
23 the county.

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1 B. In lieu of the travel reimbursement or monthly travel
2 allowance provided for by law, the board of county commissioners may
3 purchase and provide for the operation, maintenance, insurance,
4 equipping, and repair of an automobile for each county commissioner
5 to be used in performing the duties of his office. In lieu of the
6 travel reimbursement or monthly travel allowance provided for by
7 law, the board of county commissioners, with the concurrence of the
8 county sheriff, may purchase and provide for the operation,
9 maintenance, insurance, equipping, and repair of automobiles for the
10 use of the sheriff in performing the duties of his office. Any
11 automobile purchased pursuant to the authority granted in this
12 section shall be purchased by competitive bids. The use of any said
13 automobile for private or personal purposes is hereby prohibited.
14 In any county having a population of at least three hundred fifty
15 thousand (350,000), where it is determined by the sheriff to be more
16 economical and advantageous to the county, the sheriff may establish
17 a monthly automobile allowance of not more than Four Hundred Dollars
18 (\$400.00) per month in lieu of the mileage per mile for in-county
19 driving as authorized in this section. Any travel reimbursement
20 other than in-county driving as provided for in this section shall
21 be for actual and necessary expenses as provided for in the State
22 Travel Reimbursement Act. Any person violating the provisions of
23 this subsection, upon conviction, shall be guilty of a misdemeanor
24 and shall be punished by a fine of not more than One Hundred Dollars

1 (\$100.00) or by imprisonment in the county jail for not more than
2 thirty (30) days, or by both said fine and imprisonment, and in
3 addition thereto shall be discharged from county employment.

4 C. The State of Oklahoma hereby declares and states that the
5 increased number of persons impersonating law enforcement officers
6 by making routine traffic stops while using unmarked cars is a
7 threat to the public health and safety of all of the citizens of the
8 State of Oklahoma; therefore it shall be unlawful for any county
9 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle
10 which is not clearly marked as a law enforcement vehicle for routine
11 traffic enforcement except as provided in Section 12-218 of Title 47
12 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47
13 of the Oklahoma Statutes, the peace officer operating the law
14 enforcement vehicle for routine traffic stops shall be dressed in
15 the official uniform including shoulder patches, badge, and any
16 other identifying insignias normally used by the employing law
17 enforcement agency.

18 D. Each county sheriff may operate, or contract the operation
19 of, a commissary for the benefit of persons lawfully confined in the
20 county jail under the custody of the county sheriff. Any funds
21 received pursuant to said operations shall be the funds of the
22 county where the persons are incarcerated and shall be deposited in
23 the Sheriff's Commissary Account. The sheriff shall be permitted to
24 expend the funds to improve or provide jail services. The sheriff

1 shall be permitted to expend any surplus in the Sheriff's Commissary
2 Account for administering expenses for training equipment, travel or
3 for capital expenditures. The claims for expenses shall be filed
4 with and allowed by the board of county commissioners in the same
5 manner as other claims. The sheriff shall receive no compensation
6 for the operation of said commissary. The sheriff shall file an
7 annual report on any said commissary under his or her operation no
8 later than January 15 of each year. The State Auditor and Inspector
9 shall conduct an audit of the report in the same manner as other
10 public records of the county. ~~Nothing in this subsection shall~~
11 ~~circumvent the provisions of Section 73 of Title 7 of the Oklahoma~~
12 ~~Statutes.~~

13 E. Each county sheriff may operate, or contract the operation
14 of, a telephone system for the benefit of persons lawfully confined
15 in the county jail under the custody of the county sheriff. Any
16 funds received pursuant to said operations shall be the funds of the
17 county where the persons are incarcerated and shall be deposited in
18 the Sheriff's Service Fee Account. Such funds may be expended
19 according to the guidelines previously established for expenditures
20 from the general fund. The claims for expenses shall be filed with
21 and allowed by the board of county commissioners in the same manner
22 as other claims.

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SECTION 3. This act shall become effective November 1, 2017.

56-1-5298 AMM 01/11/17