

1 **SENATE FLOOR VERSION**

2 April 10, 2019

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1374

By: Taylor, Meredith, McDugle,
6 Davis and Lawson of the
7 House

8 and

9 Rosino and Bergstrom of the
10 Senate

11 COMMITTEE SUBSTITUTE

12 [prisons and reformatories - changing agency
13 responsible for transporting sentenced persons -
14 ~~emergency~~]

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

16 SECTION 1. AMENDATORY 57 O.S. 2011, Section 95, is
17 amended to read as follows:

18 Section 95. A. Any person convicted of an offense against the
19 laws of this state and sentenced to imprisonment that is not to be
20 served in a county jail shall be transported by the sheriff of the
21 county where the person is sentenced, or transported by a designated
22 representative of the sheriff, to the Department of Corrections at
23 the Lexington Assessment and Reception Center or other location
24 designated by the Director of the Department of Corrections.

1 B. Any person convicted of an offense against the laws of this
2 state and sentenced to imprisonment that is not to be served in a
3 county jail and who is not housed in a county jail shall be
4 transported by the detention center, or transported by a designated
5 representative of the detention center, to the Department of
6 Corrections at the Lexington Assessment and Reception Center or
7 other location designated by the Director of the Department of
8 Corrections.

9 C. The sheriff shall deliver the person to the Department at
10 such center together with:

11 1. A certified copy of the judgment and sentence from the court
12 ordering such imprisonment, unless the judgment and sentence
13 previously has been sent electronically by an authorized clerk of
14 the court;

15 2. A certificate setting forth the number of days served in the
16 county jail after the pronouncement of judgment and rendering of
17 sentence for the offenses committed;

18 3. A copy of any medical, dental, or mental health records of
19 the defendant for conditions reviewed or treated while in the
20 custody of the sheriff;

21 4. Any medication or medical or dental device prescribed for
22 the defendant while in the custody of the sheriff or for a ~~pre-~~
23 ~~existing~~ preexisting condition; and
24

1 5. A copy of the presentence investigation report, if a report
2 was prepared.

3 D. The Department of Corrections shall give the sheriff a
4 receipt for each person received into the custody of the Department
5 ~~at the Lexington Assessment and Reception Center~~. The receipt shall
6 be filed by the sheriff in the office of the clerk of the court
7 where the sentence was made.

8 E. The Department of Corrections shall reimburse the
9 transporting agency as follows:

10 1. Mileage from the county sheriff's office to the appropriate
11 reception center and back to the county sheriff's office; and

12 2. Hourly wage reimbursement for the transporting officer for
13 the hours of transport travel and time spent at the reception center
14 based on the transporting officer's normal hourly wage.

15 Reimbursement shall not exceed Thirty Dollars (\$30.00) an hour per
16 officer. Documentation of the officer's hourly wage shall accompany
17 all reimbursement requests to the Department.

18 The Department of Corrections shall have the authority to
19 promulgate rules and forms for the reimbursement procedures provided
20 in this section.

21 The Department of Corrections shall submit a quarterly report to
22 the Chair of the Senate Appropriations Committee and Chair of the
23 House of Representatives Appropriations and Budget Committee.

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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 97 of Title 57, unless there is
3 created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Department of Corrections, to be designated the "Department
6 of Corrections Offender Transport Revolving Fund". The fund shall
7 be a continuing fund, not subject to fiscal year limitations, and
8 shall consist of any monies designated to the fund by law. All
9 monies accruing to the credit of the fund are hereby appropriated
10 and may be budgeted and expended by the Department of Corrections
11 for the purpose of reimbursing the counties for the transport of
12 offenders from county facilities to the Department upon conviction
13 and sentencing.

14 ~~SECTION 3. It being immediately necessary for the preservation~~
15 ~~of the public peace, health or safety, an emergency is hereby~~
16 ~~declared to exist, by reason whereof this act shall take effect and~~
17 ~~be in full force from and after its passage and approval.~~

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
19 April 10, 2019 - DO PASS AS AMENDED
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