

1 ENGROSSED HOUSE  
2 BILL NO. 1461

By: Babinec of the House

3 and

4 Rosino of the Senate

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6  
7 An Act relating to state government; amending 74 O.S.  
8 2011, Sections 192, as amended by Section 1, Chapter  
9 322, O.S.L. 2014, 193 and 194 (74 O.S. Supp. 2017,  
10 Section 192), which relate to city and county jail  
11 inspections; deleting references to the American  
12 Correctional Association Standards and Jail  
13 Inspection Division of the State Department of  
14 Health; replacing all references to jailers with  
15 detention officer; authorizing inspectors to share  
16 jail inspections with other offices when deemed  
17 appropriate; authorizing the Commissioner of Health  
18 to file complaint when seeking assistance in  
19 obtaining compliance; and providing an effective  
20 date.

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

22 SECTION 1. AMENDATORY 74 O.S. 2011, Section 192, as  
23 amended by Section 1, Chapter 322, O.S.L. 2014 (74 O.S. Supp. 2017,  
24 Section 192), is amended to read as follows:

Section 192. A. The State Department of Health shall inspect  
at least once each year all city and county jails to ensure  
compliance with the standards promulgated pursuant to the provisions  
of this section. The standards shall provide provision for:

1. Uniform admission and release procedures;

1        2. Uniform, safe, and sensible security measures;

2        3. Proper, fit, and sanitary conditions;

3        4. Inmates to be fed a wholesome and adequate diet;

4        5. Inmates to have adequate clothing and a useable bed as

5 ~~determined by the American Correctional Association Standards.~~ Such

6 facility shall have showers with hot and cold running water,

7 toilets, and water basins provided in the ratio of not less than one

8 to every twenty prisoners. Counties may build barracks-style jails,

9 single or double cell, to meet the security needs of the county for

10 minimum security prisoners. These jails shall meet all the minimum

11 requirements set forth in this section or any other provision of

12 law. Except as otherwise provided in this section, all facilities

13 under this section shall have showers with hot and cold running

14 water, toilets and water basins provided in the ratio of not less

15 than one to every twenty prisoners. Counties may also build tent

16 jails, which shall be temporary in nature, to meet the security

17 needs of the county for minimum security prisoners. The temporary

18 tent jails shall not be required to meet the minimum requirements

19 set forth in this section or any other provision of law. The State

20 Board of Health shall promulgate minimum standards for temporary

21 tent jails, which standards shall be designed to specifically

22 address and take into consideration the temporary status of the

23 inmate housing needs of the county;

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1       6. Inmates to be properly advised of rules of the facility in  
2 which they are detained;

3       7. Staff members to receive training in order to assist them in  
4 performing their assigned tasks, such training to be provided  
5 through a program approved by the Jail Inspection Division of the  
6 State Department of Health. All employees who work in direct  
7 contact with inmates after the first year of employment shall  
8 receive, at a minimum, four (4) hours' review of material as  
9 required by the ~~Jail Inspection Division~~ State Department of Health  
10 and at a maximum, eight (8) hours of ~~jailer~~ detention officer  
11 training per year after the first year of employment;

12       8. Proper steps to be taken to ensure the safety and  
13 segregation of women, the infirm, and minors;

14       9. Adequate medical care, provided such medical care shall be  
15 limited to illnesses or injuries incurred during the time beginning  
16 with the arrest and throughout the time of incarceration. This  
17 shall not prevent an inmate from applying for assistance and  
18 receiving assistance, provided the inmate meets or exceeds  
19 established requirements;

20       10. No person to be confined without twenty-four-hour  
21 supervision; and

22       11. At least one designated exit in the facility that will  
23 permit prompt evacuation of inmates and staff in an emergency. A  
24 facility in existence on November 1, 1985, shall not be required to

1 construct additional exits if it has one exit which is deemed  
2 adequate by the State Fire Marshal.

3 In the event such inspection shall reveal to the State  
4 Department of Health the commission of a crime or crimes incidental  
5 to the operations of a city or county jail facility, it shall be the  
6 duty of the Department to initiate a complaint with the appropriate  
7 district attorney, and to cooperate in the prosecution of the  
8 alleged offender in the event an information is filed pursuant to  
9 such complaint.

10 B. Any county, city, or town may operate a holding facility for  
11 the incarceration of persons under arrest who are to be charged with  
12 a crime, which holding facility shall not be required to meet the  
13 standards established in this section for jails, as long as no  
14 person is held therein for a period longer than twelve (12) hours  
15 and as long as an employee of the county, city, or town is available  
16 to render aid to or to release any person so confined in the event  
17 aid or release is required because of a health or life-endangering  
18 emergency.

19 C. Notwithstanding any other provision of law or rule, any  
20 county or municipality that operates a jail facility which houses  
21 forty or fewer prisoners at all times which:

22 1. Provides twenty-four-hour supervision of prisoner activity  
23 that is conducted either by direct observation or electronically by  
24 closed-circuit television; and

1           2. Provides an intercommunication system that terminates in a  
2 location that is staffed twenty-four (24) hours a day and is capable  
3 of providing an emergency response,  
4 shall not be required to have more than one ~~jailer~~ detention officer  
5 or dispatcher on-site to provide for the security, custody, and  
6 supervision of prisoners.

7           D. Any county or municipality that operates a jail facility  
8 which houses more than forty and less than seventy-five prisoners at  
9 all times which:

10           1. Provides twenty-four-hour supervision of prisoner activity  
11 that is conducted either by direct observation or electronically by  
12 closed-circuit television; and

13           2. Provides an intercommunication system that terminates in a  
14 location that is staffed twenty-four (24) hours a day and is capable  
15 of providing an emergency response,  
16 shall be required to have more than one ~~jailer~~ detention officer or  
17 one ~~jailer~~ detention officer and at least one other basic CLEET-  
18 certified person on the same premises as the jail facility to  
19 provide for the security, custody, and supervision of prisoners.

20           Within ninety (90) days after June 9, 1994, the State Board of  
21 Health shall promulgate new rules governing square footage  
22 requirements, double-celling of prisoners and the ratio of showers,  
23 toilets, and water basins to prisoners. The rules so promulgated  
24 shall be governed by the guidelines enumerated in this section, and

1 shall be designed to carry out the intent and purpose of the  
2 guidelines. Each city or county jail facility in this state shall  
3 be in compliance with the rules so promulgated on or before January  
4 1, 1995.

5 E. The State Department of Health shall employ inspectors and  
6 other personnel as necessary and specifically authorized by the  
7 Legislature in order to carry out the provisions of this section and  
8 may rent or purchase premises or equipment in order to assist  
9 inspectors in the performance of their functions.

10 SECTION 2. AMENDATORY 74 O.S. 2011, Section 193, is  
11 amended to read as follows:

12 Section 193. A. Inspectors employed by the State Department of  
13 Health shall be permitted to enter all jail premises and  
14 administrative offices for the purpose of performing their assigned  
15 duties.

16 B. The results of these inspections shall be presented in the  
17 form of a written report to the ~~Commissioner of Health and to the~~  
18 person immediately responsible for the administration of the  
19 facility inspected and such other offices the Department deems  
20 appropriate. The report shall contain:

21 1. A list of deficiencies in the condition or operation of the  
22 facility and specific proposals for their solution; and  
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1           2. A statement as to whether or not the facility inspected is  
2 in substantial compliance with the jail standards established  
3 pursuant to Section 192 of this title.

4           SECTION 3.           AMENDATORY           74 O.S. 2011, Section 194, is  
5 amended to read as follows:

6           Section 194. If the deficiencies listed in the report have not  
7 been corrected, within sixty (60) days after delivery of the report,  
8 the Commissioner of Health shall be authorized to file a complaint  
9 with the Attorney General or the district attorney for the purpose  
10 of assistance in obtaining compliance or to close the deficient  
11 facility. Provided, that upon demonstration of a good-faith effort  
12 by the governmental entity involved to correct said deficiencies and  
13 achieve compliance with the established standards, the Commissioner  
14 of Health shall extend the time for compliance a reasonable period  
15 before filing the complaint requesting assistance in obtaining  
16 compliance or the closing of the facility. An action to close such  
17 facility shall be brought in the district court having jurisdiction  
18 in the county in which the facility is located. Upon the issuance  
19 of an order by the district court to close the facility, the  
20 facility shall be closed and prisoners shall be removed to a  
21 suitable facility at the expense of the governmental entity  
22 responsible for the facility ordered closed. Provided, that upon  
23 demonstration of a good-faith effort by the governmental entity  
24 involved to correct said deficiencies and achieve compliance with

