

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 279

By: Pugh of the Senate

and

Martinez and Mulready of  
the House

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11                                   COMMITTEE SUBSTITUTE

12                   An Act relating to counties and county officers;  
13                   amending 19 O.S. 2011, Section 180.43, as amended by  
14                   Section 2, Chapter 263, O.S.L. 2017 (19 O.S. Supp.  
15                   2017, Section 180.43), which relates to feeding,  
16                   care, housing, and upkeep of prisoners; authorizing  
17                   county sheriff to contract with certain entities for  
18                   feeding, care, housing, and upkeep of prisoners in  
19                   the county jail; and declaring an emergency.

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

21                   SECTION 1.           AMENDATORY           19 O.S. 2011, Section 180.43, as  
22                   amended by Section 2, Chapter 263, O.S.L. 2017 (19 O.S. Supp. 2017,  
23                   Section 180.43), is amended to read as follows:  
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1 Section 180.43 A. Each county sheriff may contract with any  
2 public or private entity engaged in the business of transportation  
3 of prisoners, the Department of Justice of the United States of  
4 America, the Department of Corrections, or any municipality of this  
5 state for the feeding, care, housing, and upkeep of federal, state,  
6 or municipal prisoners, or alien detainees incarcerated in the  
7 county jail. Any funds received pursuant to said contract shall be  
8 the funds of the county where the federal, state, or municipal  
9 prisoners, or alien detainees are incarcerated and shall be  
10 deposited in a separate revolving fund with the county treasurer.  
11 All purchases made pursuant to the provisions of this subsection  
12 shall be made pursuant to the purchasing procedures specified in  
13 Sections 1500 through 1507 of this title, including the use of  
14 blanket purchase orders as provided for in Section 310.8 of Title 62  
15 of the Oklahoma Statutes. The sheriff shall be permitted to expend  
16 any surplus in the revolving fund for administering expenses for  
17 salaries, training, equipment, or travel, or for capital  
18 expenditures.

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

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

1 this subsection, upon conviction, shall be guilty of a misdemeanor  
2 and shall be punished by a fine of not more than One Hundred Dollars  
3 (\$100.00) or by imprisonment in the county jail for not more than  
4 thirty (30) days, or by both said fine and imprisonment, and in  
5 addition thereto shall be discharged from county employment.

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

20 D. Each county sheriff may operate, or contract the operation  
21 of, a commissary for the benefit of persons lawfully confined in the  
22 county jail under the custody of the county sheriff. Any funds  
23 received pursuant to said operations shall be the funds of the  
24 county where the persons are incarcerated and shall be deposited in

1 the Sheriff's Commissary Account. The sheriff shall be permitted to  
2 expend the funds to improve or provide jail services. The sheriff  
3 shall be permitted to expend any surplus in the Sheriff's Commissary  
4 Account for administering expenses for training equipment, travel or  
5 for capital expenditures. The claims for expenses shall be filed  
6 with and allowed by the board of county commissioners in the same  
7 manner as other claims. The sheriff shall receive no compensation  
8 for the operation of said commissary. The sheriff shall file an  
9 annual report on any said commissary under his or her operation no  
10 later than January 15 of each year. The State Auditor and Inspector  
11 shall conduct an audit of the report in the same manner as other  
12 public records of the county.

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.

23 SECTION 2. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
5 dated 03/01/2018 - DO PASS, As Amended and Coauthored.

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