

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 304

By: Jech

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5  
6 AS INTRODUCED

7 An Act relating to the Department of Corrections;  
8 amending 57 O.S. 2011, Section 37, as last amended by  
9 Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp.  
10 2020, Section 37), which relates to correctional  
11 facilities; modifying certain required documentation;  
12 modifying assumption of custody; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, as last  
16 amended by Section 1, Chapter 247, O.S.L. 2019 (57 O.S. Supp. 2020,  
17 Section 37), is amended to read as follows:

18 Section 37. A. If all correctional facilities reach maximum  
19 capacity and the Department of Corrections is required to contract  
20 for bed space to house state inmates:

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

24 2. Prior to contracting with a private prison operator to  
25 provide housing for state inmates, the Department shall send

1 notification to all county jails in this state that bed space is  
2 required to house the overflow population of state inmates. Upon  
3 receiving notification, the sheriff of a county jail is authorized  
4 to enter into agreements with the Department to provide housing for  
5 the inmates. Reimbursement for the cost of housing the inmates  
6 shall be a negotiated per diem rate for each inmate as contracted  
7 but shall in no event be less than the per diem rate provided for in  
8 Section 38 of this title.

9 B. No inmate may be received by a penal facility from a county  
10 jail without first scheduling a transfer with the Department.

11 Within five (5) business days after the court orders the judgment  
12 and sentence, the court clerk shall transmit to the Department by  
13 facsimile, electronic mail, or actual delivery a certified copy of:

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

16 ~~2. A notice of judgment and sentence signed by the sentencing~~  
17 ~~judge or court clerk. The notice shall include the name of the~~  
18 ~~defendant, date of birth, case number, county of conviction, name of~~  
19 ~~the sentencing judge, the crime for which the defendant was~~  
20 ~~convicted, the sentence imposed, if multiple sentences whether the~~  
21 ~~sentences run concurrently or consecutively, and whether the~~  
22 ~~defendant is to receive credit for any time served. The notice of~~  
23 ~~judgment and sentence shall be substantially in the form provided~~  
24 ~~for in subsection F of this section; or~~

1           ~~3. Plea paperwork, Summary of Facts and Sentence on Plea or~~  
2 ~~Sentencing After Jury Trial Summary of Facts may be used as~~  
3 ~~sentencing documents.~~

4           C. The receipt of the certified copy of the judgment and  
5 sentence shall be certification that the sentencing court has  
6 entered a judgment and sentence and all other necessary commitment  
7 documents. The Department of Corrections is authorized to determine  
8 the appropriate method of delivery from each county based on  
9 electronic or other capabilities, and establish a method for issuing  
10 receipts certifying that the Department has received the judgment  
11 and sentence document. The Department shall establish a dedicated  
12 electronic address location for receipt of all electronically  
13 submitted judgment and sentence documents. The electronic address  
14 location shall provide written receipt verification of each received  
15 judgment and sentence document. Once an appropriate judgment and  
16 sentence document, ~~as listed in subsection B of this section,~~ is  
17 received by the Department of Corrections, the Department shall  
18 contact the sheriff when bed space is available to schedule the  
19 transfer and reception of the inmate into the Department. ~~The~~  
20 ~~Department shall assume custody of an inmate from a county prior to~~  
21 ~~receiving the certified copy of the judgment and sentence upon~~  
22 ~~receipt by the Department of any of the appropriate judgment and~~  
23 ~~sentence documents as listed in subsection B of this section.~~

1 D. If the Department receives a judgment and sentence document  
2 from a county that includes inaccurate information from the  
3 sentencing court the Department shall notify the county within a  
4 timely manner.

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

22 F. The Department will be responsible for the cost of housing  
23 the inmate in the county jail including costs of medical care  
24 provided from the date the judgment and sentence was ordered by the  
25

1 court until the date of transfer of the inmate from the county jail.  
2 The Department shall implement a policy for determination of  
3 scheduled dates on which an inmate or multiple inmates are to be  
4 transferred from county jails. The policy shall allow for no less  
5 than three alternative dates from which the sheriff of a county jail  
6 may select and shall provide for weather-related occurrences or  
7 other emergencies that may prevent or delay transfers on the  
8 scheduled date. The policy shall be available for review upon  
9 request by any sheriff of a county jail. The cost of housing shall  
10 be the per diem rate specified in Section 38 of this title. In the  
11 event the inmate has one or more criminal charges pending in the  
12 same Oklahoma jurisdiction and the county jail refuses to transfer  
13 the inmate to the Department because of the pending charges, the  
14 Department shall not be responsible for the housing costs of the  
15 inmate while the inmate remains in the county jail with pending  
16 charges. Once the inmate no longer has pending charges in the  
17 jurisdiction, the Department shall be responsible for the housing  
18 costs of the inmate for the period beginning on the date the  
19 judgment and sentence or final order was ordered by the Court. In  
20 the event the inmate has other criminal charges pending in another  
21 Oklahoma jurisdiction, the Department shall be responsible for the  
22 housing costs while the inmate remains in the county jail awaiting  
23 transfer to another jurisdiction or until the date the inmate is  
24 scheduled to be transferred to the Department, whichever is earlier.

1 Once the inmate is transferred to another jurisdiction, the  
2 Department is not responsible for the housing cost of the inmate  
3 until such time that another judgment and sentence is received by  
4 the Department from another Oklahoma jurisdiction.

5 The sheriff may submit invoices for the cost of housing the  
6 inmate on a monthly basis. Final payment for housing an offender  
7 will be made only after the official judgment and sentence is  
8 received by the Department of Corrections.

9 ~~G. Form for Notice of Judgment and Sentencing.~~  
10 ~~In the District Court of \_\_\_\_\_ County~~  
11 ~~The State of Oklahoma~~  
12 ~~State of Oklahoma, )~~  
13 ~~\_\_\_\_\_ )~~  
14 ~~Plaintiff \_\_\_\_\_ )~~  
15 ~~\_\_\_\_\_ )~~  
16 ~~vs. \_\_\_\_\_ ) Case No. \_\_\_\_\_~~  
17 ~~\_\_\_\_\_ ) The Honorable Judge \_\_\_\_\_~~  
18 ~~Defendant \_\_\_\_\_ )~~  
19 ~~D.O.B. \_\_\_\_\_ )~~

20 ~~NOTICE OF JUDGMENT AND SENTENCE~~

21 On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to the best  
22 knowledge and belief of the undersigned, the conviction(s) and  
23 sentence(s) of the above-captioned defendant was/were announced and  
24 ordered as follow:

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

2 Count 1 Sentence: \_\_\_\_\_

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

4 Count 2 Sentence: \_\_\_\_\_

5 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

6 With Count \_\_\_\_\_

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

8 Count 3 Sentence: \_\_\_\_\_

9 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

10 With Count \_\_\_\_\_

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

12 Count 4 Sentence: \_\_\_\_\_

13 Running Concurrently \_\_\_\_\_ or Running Consecutively \_\_\_\_\_

14 With Count \_\_\_\_\_

15 Credit for time served: \_\_\_\_\_

16 \_\_\_\_\_  
17 Judge of the District Court

18 \_\_\_\_\_ or

19 \_\_\_\_\_  
20 Clerk of the District Court

21 SECTION 2. This act shall become effective November 1, 2021.

22  
23 58-1-1218 BG 1/7/2021 3:05:56 PM