

**EXCERPT FROM
TITLE 19 OF THE OKLAHOMA STATUTES
COUNTIES AND COUNTY OFFICERS**

"Unofficial Version"

CHAPTER 12. SHERIFF GENERAL PROVISIONS

§19-510. County sheriff - qualifications

Any person, otherwise qualified, who has been a resident of the State of Oklahoma for two (2) years, has been a registered voter of the party whose nomination he or she seeks, or a registered Independent, within the county from which such person seeks election for the six (6) months next preceding the first day of the filing period, except in 2004, when such person must have been a qualified registered elector no later than December 21, 2003, is at least twenty-five (25) years of age next preceding the date of filing for office, possesses at least a high school education, shall be eligible to hold the office of county sheriff or to file therefor. Provided, however, in counties with populations of five hundred thousand (500,000) or more, the person seeking election shall also be a current certified peace officer in good standing. Within twelve (12) months of taking office, all newly elected or appointed sheriffs shall complete a sheriff's administrative school which has been developed by the Oklahoma Sheriff's Association and which has been approved by the Council on Law Enforcement Education and Training (CLEET). Failure to complete the sheriff's administrative school within the specified period shall preclude the new sheriff from obtaining CLEET certification. New sheriffs with prior CLEET certification, who fail to attend the sheriff's administrative school, shall have their CLEET certification revoked. Provided, however, the provisions of this section relating to qualifications shall not apply to any person serving as a county sheriff or to any person previously serving as county sheriff prior to the adoption of this statute.

Added by Laws 1976, SB 322, c. 157, § 1, emerg. eff. May 28, 1976; Amended by Laws 1992, HB 2360, c. 181, § 4, eff. July 1, 1992; Amended by Laws 1999, HB 1669, c. 37, § 1, eff. November 1, 1999; Amended by Laws 2000, SB 1260, c. 15, § 1, emerg. eff. April 3, 2000; Amended by Laws 2003, c. 184, § 2, eff. November 1, 2003; Amended by Laws 2004, HB 2677, c. 53, § 5, emerg. eff. April 1, 2004.

§19-513.1. Training for jailers in accordance with jail standards

Every sheriff shall require appropriate training for jailers in accordance with the jail standards promulgated by the State Department of Health. The sheriff shall not permit supervision of any prisoner in the custody of the jail by any person that does not meet the jail standards for training and supervision of inmates. The sheriff or contractor having charge and custody of the jail shall comply with all minimal supervision standards pursuant to the jail standards promulgated by the State Department of Health, except when otherwise provided by law. Nothing in this section shall be construed to prohibit or restrict the sheriff or contractor having charge and custody of the jail from training or cross-training a person as a backup jailer, if otherwise qualified for such position.

Added by Laws 2005, SB 725, c. 180, § 2, emerg. eff. July 1, 2005; Amended by Laws 2007, SB 437, c. 51, § 1, eff. November 1, 2007.

§19-514.4. Sheriff may contract for automated telephone system for misdemeanor warrants or failure-to-pay warrants

A. Notwithstanding any other section of law, the county sheriffs of any Oklahoma county may enter into a private contract, pursuant to [Section 85.41 of Title 74](#) of the Oklahoma Statutes. Such contract shall require the contractor to attempt to locate and notify persons of their outstanding misdemeanor or failure-to-pay warrants.

B. A person may make payment directly to the court, as allowed by law, or the contractor shall be authorized to accept payment on misdemeanor or failure-to-pay warrants by various means including, but not limited to, payment by phone, mail, or Internet, and in any payment form including, but not limited to, personal, cashier's, traveler's, certified, or guaranteed bank check, postal or commercial money order, nationally recognized credit or a debit card, or other generally accepted payment form. Any payment collected and received by the contractor shall be paid within fifteen (15) days to the court clerk of the entity that issued the outstanding misdemeanor or failure-to-pay warrant.

C. As provided for by this section, a person may pay in lieu of appearance before the court and such payment accepted by the court shall constitute a finding of guilty as though a plea of nolo contendere had been entered by the defendant as allowed by law and shall function as a written, dated, and signed plea form

acceptable to the court. Such payment shall serve as a written waiver of a jury trial.

D. The court shall release the outstanding misdemeanor or failure-to-pay warrant upon receipt of all sums due pursuant to said warrant including the misdemeanor or failure-to-pay warrant, scheduled fine or sum due, all associated fees, costs and statutory penalty assessments, and the administrative cost pursuant to [Section 514.5](#) of this title.

E. The provisions of any contract entered into by a county sheriff shall be administered by a statewide association of county sheriffs in Oklahoma. The county sheriff of any Oklahoma county may assign their right to contract to the statewide association administering the provisions of this contract.

F. The provisions of this section and [Section 514.5](#) of this title shall be applicable to:

1. Any misdemeanor or failure-to-pay warrant issued or relating to any proceeding pursuant to the State and Municipal Traffic Bail Bond Procedure Act;

2. Any misdemeanor or failure-to-pay warrant issued that allows a defendant to resolve the matter by payment in lieu of a personal appearance in court; and

3. Any failure-to-pay warrant issued in a criminal case.

Added by Laws 2003, SB 436, c. 254, § 1, emerg. eff. July 1, 2003; Amended by Laws 2005, SB 684, c. 208, § 2, eff. November 1, 2005; Amended by Laws 2010, HB 3242, c. 87, § 1, eff. November 1, 2010.

§19-514.5. Administrative cost of misdemeanor or failure-to-pay warrants referred to the contractor

A. Misdemeanor or failure-to-pay warrants referred to the contractor pursuant to [Section 514.4](#) of this title shall include the addition of an administrative cost of thirty percent (30%) of the outstanding misdemeanor or failure-to-pay warrant, scheduled fine or sum due, and all associated fees, costs and statutory penalty assessments. This administrative cost shall not be waived or reduced except by order of the court.

B. The administrative cost reflected in subsection A of this section, when collected, shall be distributed to the association administering the provisions of the contract, a portion of which may be used to compensate the contractor.

C. The monies collected and disbursed shall be audited at least once a year by a firm approved by the State Auditor and Inspector.

Added by Laws 2003, SB 436, c. 254, § 2, emerg. eff. July 1, 2003; Amended by Laws 2005, SB 684, c. 208, § 3, eff. November 1, 2005; Amended by Laws 2010, HB 3242, c. 87, § 2, eff. November 1, 2010.

§19-531. Designation of inmate trust fund checking account

A. Notwithstanding any other provisions of law, the county sheriff may establish a checking account, to be designated the "Inmate Trust Fund Checking Account", to be managed by the county sheriff and maintained separately from regular county funds. The checking account shall be subject to audit by the State Auditor and Inspector. The county sheriff shall deposit all monies collected from inmates incarcerated in the county jail into this checking account and may write checks to the Sheriff's Commissary Account for purchases made by the inmate during his or her incarceration and to the inmate from unencumbered balances due the inmate upon his or her discharge.

B. The sheriff may deduct an amount of Eight Dollars (\$8.00) or more from any monies collected from an inmate as a medical payment on account for each medical services visit the inmate receives while incarcerated in the county jail, except as otherwise provided in this subsection. The county sheriff may deduct an amount of ten cents (\$0.10) per page from any monies collected from an inmate for copies made at the request of the inmate. Any offender injured during the commission of a felony or misdemeanor offense or treated for any other medical condition or illness while incarcerated shall be required to reimburse the sheriff the full amount paid by the sheriff for any medical care or treatment administered to such offender during any period of incarceration in the county jail. The sheriff may deduct the costs of medical care and treatment whether resulting from the commission of a felony or misdemeanor offense or for emergency or routine medical services from any money collected from such inmate's jail account at a rate of Eight Dollars (\$8.00) or more per visit for medication or service dispensed. If the funds collected from the inmate's jail account are insufficient to satisfy the actual or minimal payment on account for medical costs, the sheriff shall collect the remaining balance of the medical care and treatment as provided in Section 979a of Title 22 of the Oklahoma Statutes.

C. The State Auditor and Inspector shall prescribe procedures for the operation of the Inmate Trust Fund Checking Account. Banking fees on the account may be paid out of the Sheriff Commissary Account or the county sheriff's Service Fee Cash Fund.

Added by Laws 1993, HB 1733, c. 334, § 16, emerg. eff. June 9, 1993; Amended by Laws 1996, HB 2901, c. 109, § 3, eff. November 1, 1996; Amended by Laws 1997, HB 1571, c. 68, § 1, eff. November 1, 1997; Amended by Laws 1998, SB 1304, c. 290, § 1, emerg. eff. July 1, 1998; Amended by Laws 2003, SB 652, c. 319, § 1.

**EXCERPT FROM
TITLE 19 OF THE OKLAHOMA STATUTES
COUNTIES AND COUNTY OFFICERS**

CHAPTER 21C. COUNTY JAIL TRUST AUTHORITY

§19-904.1. County jail trust authority - election

A. The board of county commissioners of any county, if the board determines that such would be conducive to the promotion and preservation of the public safety of the county, may call an election at which shall be submitted to the qualified voters of the county the question of whether to create a county jail trust authority.

B. Notice of the election shall be given by publication in some newspaper of general circulation in the county once a week for two (2) consecutive weeks next preceding the date of the election. The notice shall specify the date of the election. The election shall be conducted in accordance with the general election laws of this state. If a majority of the qualified voters of the county voting on the question at an election called for such purpose by the board of county commissioners approve, the county jail trust authority shall be created.

Added by Laws 1994, HB 2630, c. 237, § 1, eff. September 1, 1994.

§19-904.2. Members of directors of authority - chairman, clerk and treasurer - service without compensation

A. The directors of the Authority so created shall consist of five (5) members and include the chairperson of the board of county commissioners, the county sheriff, one member appointed by the presiding district court judge, one member appointed by the board of county commissioners, and one member appointed by the county sheriff. The appointed members shall be residents of the county and shall not be elected officials.

B. The county sheriff shall serve as chairperson of the board of directors. The board of directors of the Authority shall appoint a clerk and a treasurer. The board of directors shall fix the term and duties of the clerk and treasurer. The chairperson and members of the board shall serve without compensation. The treasurer shall give an official bond, in an amount fixed with sureties approved by the board of directors, conditioned upon faithful accounting for all money pertaining to the Authority and coming into the hands of the treasurer.

Added by Laws 1994, HB 2630, c. 237, § 2, eff. September 1, 1994; Amended by Laws 2001, SB 115, § 2, emerg. eff. July 1, 2001.

§19-904.3. Board of directors - powers and duties

The board of directors shall have the following powers and duties:

1. To manage and conduct the business and affairs of such authority;

2. To make and execute all necessary contracts;

3. To acquire by lease, purchase, gift or otherwise and to operate and maintain all necessary and convenient county correction and detention facilities, including but not limited to facilities for incarceration of criminals, juvenile detention and correction facilities, mental health and alcohol and substance abuse correction and detention facilities, kitchen facilities, medical facilities and other equipment and supplies for the full equipment of such facilities;

4. To contract for employees, sufficient to maintain and operate the criminal justice facilities of the authority;

5. To take by grant, purchase, gift, devise or lease, and to dispose of, real or personal property of every kind necessary or convenient for the operation of the authority;

6. To construct or otherwise acquire buildings and structures suitable for the housing of equipment and supplies of the authority or necessary or convenient for carrying on its business and affairs;

7. To employ such officers and employees as may be required, fix their compensation and prescribe their duties;

8. To contract with federal, state and local governments and agencies for the use of the facilities of the authority;

9. To establish rules for the authority; and

10. To do any and all other things necessary and proper in the management and operation of the authority for the purpose of promoting the establishment and maintenance of an effective corrections and detention system which will enhance the preservation of the welfare and safety of the residents of the county.

Added by Laws 1994, HB 2630, c. 237, § 3, eff. September 1, 1994.

§19-904.4. Establishment of time and place for regular meetings of board

The board of directors shall establish a time and place for regular meetings, and in addition thereto, shall hold such special meetings as may be required for the proper transaction of business. A simple majority of the members of the board shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of a simple majority of the members of the entire board. All records of said board shall be open to the inspection of any elector during business hours.

Added by Laws 1994, HB 2630, c. 237, § 4, eff. September 1, 1994.

§19-904.5. Authority to institute and maintain, or appear and defend actions and proceedings

The board of directors is hereby authorized and empowered to institute and maintain, or appear and defend, any and all actions and proceedings, suits at law or in equity, necessary or proper to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights or privileges conferred hereby, or acquired in pursuance hereof. Actions and proceedings shall be prosecuted and defended in the corporate name of the authority, and the board is empowered to employ attorneys to represent the authority in any such actions or proceedings, or to advise the board in respect of its duties under this act.

Added by Laws 1994, HB 2630, c. 237, § 5, eff. September 1, 1994.

§19-904.6. General plan of proposed operation - election

A. As soon as practicable after organization of the authority, the board of directors shall, by resolution entered on its record, formulate a general plan of proposed operation for the authority in which shall be stated the estimated cost of operation and maintenance of the authority, what property, real or personal, is proposed to be acquired or constructed and the estimated cost of acquiring or constructing the same.

B. When the board of directors has estimated the cost of the operation and maintenance of the authority, and the cost of acquiring or constructing and real or personal property, it shall request the board of county commissioners to call an election pursuant to Section 1370 of Title 68 of the Oklahoma Statutes to fund any acquisition or construction, and the operation and maintenance of the authority.

Added by Laws 1994, HB 2630, c. 237, § 6, eff. September 1, 1994.

§19-904.7. Claims - payment of

No claims shall be paid by the treasurer of the authority until the same shall have been presented and allowed by the board of directors. All warrants shall be signed by the chairman of the board of directors of the authority and countersigned by the clerk. If the treasurer of the authority has not sufficient money on hand to pay the warrants when presented, he shall endorse thereon "not paid for want of funds" and endorse thereon the date presented, over his signature, and from the time of the presentation until paid such warrant shall draw interest at the rate not to exceed ten percent (10%) per annum. All claims against the authority shall be verified the same as is required in the case of claims filed against the counties in this state and the clerk of the authority is hereby authorized and empowered to administer oaths to the parties verifying such claims the same as a county clerk or notary public might do. The treasurer of the authority shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of the warrant, to whom payable, the date of the presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in the order of their presentation for payment to the treasurer of the authority. All warrants shall be drawn and payable to the claimant or his assignee only.

Added by Laws 1994, HB 2630, c. 237, § 7, eff. September 1, 1994.

§19-904.8. In event of dissolution of authority

In the event of the dissolution of the authority, the board of directors of the authority shall be trustees for the disposition of the property and the proceeds of the disposition of such property and all funds remaining on hand shall be deposited with the county treasurer who shall thereupon succeed to the powers and duties of the treasurers of the authority. When all of the property of the authority has been disposed of and the funds of the authority deposited with the county treasurer, the powers and functions of the board of directors of the authority, as trustees for dissolution, shall cease and the board of county commissioners shall succeed to all of the powers and duties of

the authority insofar as it shall be necessary for them to wind up and conclude the affairs of the authority.

Added by Laws 1994, HB 2630, c. 237, § 8, eff. September 1, 1994.

§19-904.9. Audit of funds, accounts and fiscal affairs

The directors of every county jail trust authority created pursuant to the provisions of this act shall cause an audit to be made of, including but not limited to, the funds, accounts and fiscal affairs of the authority. The audit shall be ordered within thirty (30) days of the close of each fiscal year which shall commence July 1 and end June 30.

Added by Laws 1994, HB 2630, c. 237, § 9, eff. September 1, 1994.

§19-904.10. Certification of audit - audit by state auditor and inspector - expenses

A. The audits required by Section 9 of this act shall be certified with the unqualified opinion of a certified public accountant, a licensed public accountant or the State Auditor and Inspector. The required audit shall adhere to standards set by the State Auditor and Inspector. One copy of the annual audit shall be filed with the State Auditor and Inspector not more than one hundred twenty (120) days following the close of each fiscal year of the authority.

B. In the event that a copy of the audit as required by this section is not filed with the State Auditor and Inspector within the time herein provided or for any other reason deemed expedient by him, the State Auditor and Inspector is authorized to either commence an audit or employ a certified public accountant or licensed public accountant to make the audit herein required at the cost and expense of the county jail trust authority.

C. Within one hundred eighty (180) days after the effective date of this act or within one hundred eighty (180) days after creation, whichever is first, each county jail trust authority organized pursuant to the provisions of this act shall certify to the State Auditor and Inspector the date it was created.

D. Prior to the levying of any assessment by a county jail trust authority, there shall be filed with the Secretary of State an executed original or certified copy of a written instrument or election return declaring creation of the

authority and a notice of said filing with the Secretary of State shall be delivered to the State Auditor and Inspector.

E. The necessary expense of audits required by Section 9 of this act shall be paid from the funds of the county jail trust authority.

Added by Laws 1994, HB 2630, c. 237, § 10, eff. September 1, 1994.

**EXCERPT FROM
TITLE 22 OF THE OKLAHOMA STATUTES
CRIMINAL PROCEDURE**

"Unofficial Version"

CHAPTER 16 - JUDGEMENT AND EXECUTION GENERAL PROVISIONS

§22-977. Entering judgment upon minutes - filing of the record - information obtained from defendant

A. When judgment upon a conviction is rendered, the clerk must enter the same upon the minutes, stating briefly the offense for which the conviction has been had, and must immediately annex together and file the following papers, which constitute a record of the action:

1. The indictment and a copy of the minutes of the plea or demurrer;
2. A copy of the minutes of the trial;
3. The charges given or refused, and the endorsements, if any, thereon; and
4. A copy of the judgment, which shall include a notation of the date of birth of the defendant and the social security number of the defendant. The judgment shall also contain the statutory reference to the felony crime the defendant was convicted of and the date of the offense.

B. The court shall obtain the date of birth of the defendant and the social security number of the defendant.

R.L. 1910, § 5960; Amended by Laws 1993, HB 1367, c. 202, § 1, eff. September 1, 1993; Amended by Laws 2003, HB 1147, c. 294, § 1, eff. November 1, 2003.

§22-979a. Court may require prisoner to pay costs of incarceration

A. The court shall require a person who is actually received into custody at a jail facility or who is confined in a city or county jail or holding facility, for any offense, to pay the jail facility or holding facility the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. The costs of incarceration shall be collected by the clerk of the court as provided for collection of other costs and fines, which shall be subject to review under the procedures set forth in Section VIII of the Rules of the Oklahoma Court of Criminal Appeals, Chapter 18, Appendix of this title. Costs of incarceration shall include booking, receiving

and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. The costs for incarceration shall be an amount equal to the actual cost of the services and shall be determined by the chief of police for city jails and holding facilities, by the county sheriff for county jails or by contract amount, if applicable. In the event a person requires emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb prior to being actually received into the custody of any jail facility, the provisions of Section 533 of Title 21 of the Oklahoma Statutes shall apply to taking custody, medical care and cost responsibility. The cost of incarceration shall be paid by the court clerk, when collected, to the municipality, holding facility, county or other public entity responsible for the operation of such facility where the person was held at any time. Except for medical costs, ten percent (10%) of any amount collected by the court clerk shall be paid to the municipal attorney's or district attorney's office, and the remaining amount shall be paid to the municipality, the sheriff's service fee account or, if the sheriff does not operate the jail facility, the remaining amount shall be deposited with the public entity responsible for the operation of the jail facility where the person was held at any time. The court shall order the defendant to reimburse all actual costs of incarceration, upon conviction or upon entry of a deferred judgment and sentence unless the defendant is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes. The sheriff shall give notice to the defendant of the actual costs owed before any court-ordered costs are collected. The defendant shall have an opportunity to object to the amount of costs solely on the grounds that the number of days served is incorrect. If no objection is made, the costs may be collected in the amount stated in the notice to the defendant. The sheriff, municipality or other public entity responsible for the operation of the jail may collect costs of incarceration ordered by the court from the jail account of the inmate. If the funds collected from the jail account of the inmate are insufficient to satisfy the actual incarceration costs ordered by the court, the sheriff, municipality or other public entity responsible for the operation of the jail is authorized to collect the remaining balance of the incarceration costs by civil action. When the sheriff, municipality or other public entity responsible for the operation of the jail collects any court-ordered incarceration costs from the jail account of the inmate or by criminal or civil action, the court clerk shall be notified of the amount collected.

B. Except as may otherwise be provided in Section 533 of Title 21 of the Oklahoma Statutes, any offender receiving routine or emergency medical services or medications or injured during the commission of a felony or misdemeanor offense and administered any medical care shall be required to reimburse the sheriff, municipality or other public entity responsible for the operation of the jail, the full amount paid by the sheriff, municipality or other public entity responsible for the operation of the jail for any medical care or treatment administered to such offender during any period of incarceration or when the person was actually received into custody for any reason in that jail facility. The sheriff, municipality or other public entity responsible for the operation of the jail may deduct the costs of medical care and treatment as authorized by Section 531 of Title 19 of the Oklahoma Statutes. If the funds collected from the jail account of the inmate are insufficient to satisfy the actual medical costs paid, the sheriff, municipality or other public entity responsible for the operation of the jail shall be authorized to collect the remaining balance of the medical care and treatment by civil actions.

C. Costs of incarceration shall be a debt of the inmate owed to the municipality, county, or other public entity responsible for the operation of the jail and may be collected as provided by law for collection of any other civil debt or criminal penalty.

D. The court shall not waive the costs of incarceration in their entirety. However, if the court determines that a reduction in the fine, costs, and costs of incarceration is warranted, the court shall equally apply the same percentage reduction to the fine, costs, and costs of incarceration owed by the defendant.

Added by Laws 1990, HB 2171, c. 130, § 1, eff. September 1, 1990; Amended by Laws 1990, SB 563, c. 311, § 1, eff. September 1, 1990; Amended by Laws 1996, SB 1007, c. 153, § 1, emerg. eff. May 7, 1996; Amended by Laws 1998, SB 1304, c. 290, § 3, eff. July 1, 1998; Amended by Laws 1998, HB 2454, c. 209, § 1, eff. November 1, 1998 (repealed by Laws 1999, HB 1845, c. 1, § 45, emerg. eff. February 24, 1999) ; Amended by Laws 1999, HB 1845, c. 1, § 8, emerg. eff. February 24, 1999; Amended by Laws 1999, HB 1430, c. 205, § 1, emerg. eff. May 25, 1999; Amended by Laws 2001, SB 632, c. 258, § 7, emerg. eff. July 1, 2001; Amended by Laws 2003, SB 652, c. 319, § 2, eff. August 29, 2003; Amended by Laws 2004, HB 2445, c. 275, § 11, emerg. eff. July 1, 2004 (repealed by Laws 2005, HB 2060, c. 1, § 17, emerg. eff. March 15, 2005); Amended by Laws 2004, SB 1392, c. 455, § 1, eff.

August 27, 2004; Amended by Laws 2005, HB 2060, c. 1, § 16, emerg. eff. March 15, 2005; Amended by Laws 2005, HB 1434, c. 111, § 2, eff. November 1, 2005 (repealed by Laws 2005, SB 636, c. 470, § 3, emerg. eff. June 9, 2005); Amended by Laws 2005, SB 636, c. 470, § 2, emerg. eff. June 9, 2005; Amended by Laws 2008, HB 3336, c. 366, § 2, emerg. eff. June 3, 2008.

§22-980. Duty of sheriff when defendant sentenced to state prison

If the judgment is for imprisonment in a state prison, the sheriff of the county or subdivision must, upon receipt of a certified copy thereof or authorized notification thereof, take and deliver the defendant to the warden of the Lexington Assessment and Reception Center or to a place determined by the Director of the Department of Corrections. The sheriff must also deliver to the Department of Corrections:

1. A certified copy of the judgment and sentence, unless the judgment and sentence has previously been sent electronically by an authorized clerk of the court;

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

3. Any medication or medical or dental device prescribed for the defendant while in the custody of the sheriff or for a pre-existing condition;

4. Any forms required to be filed pursuant to the rules of the Court of Criminal Appeals at the time of the formal sentencing; and

5. Any forms of identification of the defendant that were in the possession of the defendant at the time of sentencing. Upon delivery of the defendant with the required judgment, records and medication or devices, the sheriff must take from the Department of Corrections a receipt for the defendant, and make return thereof to the court.

R.L. 1910, § 5965; Amended by Laws 1978, HB 1488, c. 13, § 1, emerg. eff. February 14, 1978; Amended by Laws 1998, HB 2616, c. 89, § 2, emerg. eff. July 1, 1998; Amended by Laws 1999, SB 475, c. 51, § 1, emerg. eff. July 1, 1999; Amended by Laws 2003, HB 1147, c. 294, § 2, eff. November 1, 2003; Amended by Laws 2004, HB 2252, c. 239, § 2, emerg. eff. July 1, 2004.

§22-982. Presentence investigation

A. Whenever a person is convicted of a violent felony offense whether the conviction is for a single offense or part of any

combination of offenses, except when the death sentence is available as punishment for the offense, the court shall, before imposing the sentence, require a presentence investigation be made of the offender by the Department of Corrections. The court may order a presentence investigation to be conducted by the Department on any convicted felony offender prior to the court imposing a term of incarceration in the custody of the Department. The court shall order the defendant to pay a fee to the Department of Corrections of not less than Five Dollars (\$5.00), nor more than Two Hundred Fifty Dollars (\$250.00) for the presentence investigation. In hardship cases, the court shall set the amount of the fee and establish a payment schedule.

B. The Department shall, when conducting a presentence investigation, inquire into the circumstances of the offense and the characteristics of the offender. The information obtained from the investigation shall include, but shall not be limited to, a voluntary statement from each victim of the offense concerning the nature of the offense and the impact of the offense on the victim and the victim's immediate family, the amount of the loss suffered or incurred by the victim as a result of the criminal conduct of the offender, and the offender's age, marital status, living arrangements, financial obligations, income, family history, education, prior juvenile and criminal records, associations with other persons convicted of a felony offense, social history, indications of a predisposition to violence or substance abuse, remorse or guilt about the offense or the victim's harm, job skills, and employment history. The Department shall make a report of information from such investigation to the court, including a recommendation detailing the punishment which is deemed appropriate for both the offense and the offender, and specifically a recommendation for or against probation or suspended sentence. The report of the investigation shall be presented to the judge within a reasonable time, and upon failure to present the report, the judge may proceed with sentencing. Whenever, in the opinion of the court or the Department, it is desirable, the investigation shall include a physical and mental examination or either a physical or mental examination of the offender.

C. The district attorney shall have a presentence investigation made by the Department on each person charged with a violent felony offense and entering a plea of guilty or a plea of nolo contendere as part of or in exchange for a plea agreement for a felony offense. The presentence investigation shall be completed before the terms of the plea agreement are finalized. The court shall not approve the terms of any plea

agreement without reviewing the presentence investigation report to determine whether or not the terms of the sentence are appropriate for both the offender and the offense. The fee provided in subsection A of this section shall apply to persons subject to this subsection and shall be a condition of the plea agreement and sentence.

D. The presentence investigation reports specified in this section shall not be referred to, or be considered, in any appeal proceedings. Before imposing a sentence, the court shall advise the defendant, the defendant's counsel, and the district attorney of the factual contents and conclusions of the presentence investigation report. The court shall afford the offender a fair opportunity to controvert the findings and conclusions of the reports at the time of sentencing. If either the defendant or the district attorney desires, a hearing shall be set by the court to allow both parties an opportunity to offer evidence proving or disproving any finding contained in a report, which shall be a hearing in mitigation or aggravation of punishment.

E. The required presentence investigation and report may be waived upon written waiver by the district attorney and the defendant and upon approval by the Court.

F. As used in this section, "violent felony offense" means:

1. Arson in the first degree;
2. Assault with a dangerous weapon, battery with a dangerous weapon or assault and battery with a dangerous weapon;
3. Aggravated assault and battery on a police officer, sheriff, highway patrol officer, or any other officer of the law;
4. Assault with intent to kill, or shooting with intent to kill;
5. Assault with intent to commit a felony, or use of a firearm to commit a felony;
6. Assault while masked or disguised;
7. Burglary in the first degree or burglary with explosives;
8. Child beating or maiming;
9. Forcible sodomy;
10. Kidnapping, or kidnapping for extortion;
11. Lewd or indecent proposition or lewd or indecent acts with a child;
12. Manslaughter in the first or second degrees;
13. Murder in the first or second degrees;
14. Rape in the first or second degrees, or rape by instrumentation;
15. Robbery in the first or second degrees, or robbery by two or more persons, or robbery with a dangerous weapon; or

16. Any attempt, solicitation or conspiracy to commit any of the above enumerated offenses.

Laws 1967, HB 690, c. 277, § 1, emerg. eff. May 8, 1967; Amended by Laws 1975, HB 1060, c. 369, § 1, emerg. eff. June 18, 1975; Amended by Laws 1982, HB 1496, c. 25, § 1, eff. October 1, 1982; Amended by Laws 1992, SB 671, c. 319, § 1, eff. September 1, 1992; Amended by Laws 1997, HB 1213, c. 133, § 19 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998); Amended by Laws 1997, SB 745, c. 328, § 1, eff. July 1, 1997; Amended by Laws 2002, SB 1536, c. 460, § 18, eff. November 1, 2002.

**EXCERPT FROM
TITLE 57 OF THE OKLAHOMA STATUTES
PRISONS AND REFORMATORIES**

"Unofficial Version"

CHAPTER 1. GENERAL PROVISIONS

§57-1. County commissioners to inspect prisons

County commissioners shall inspect the jails in their respective counties at least once each year, and shall fully examine the health, cleanliness and discipline conditions of the jail. The person responsible for the administration of such jail shall provide the county commissioner with the name, age and basis for incarceration of each prisoner and if it appears to the commissioners that any provisions of law have been violated or neglected they shall give notice to the district attorney of the county. This inspection shall be in addition to that performed by the State Department of Health.

R.L. 1910, § 4603; Amended by Laws 1978, HB 1478, c. 244, § 13, emerg. eff. July 1, 1978.

§57-2. Prohibition against intoxicating beverages in jails

No sheriff, jailer or keeper of any jail shall, under any pretense, give, sell or deliver to any person committed to any jail for any cause whatever, any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer, under the penalties prescribed by the prohibition law of this state, unless a physician shall certify in writing that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed and no more.

R.L. 1910, § 4604; Amended by Laws 1978, HB 1478, c. 244, § 14, emerg. eff. July 1, 1978.

§57-3. Repealed by Laws 1978, HB 1478, c. 244, § 42, emerg. eff. July 1, 1978

§57-4. Jails to be kept clean - care of prisoners

The person responsible for administration of a jail shall see that the jail is constantly kept in a clean and healthful condition, and shall see that strict attention is constantly

paid to the personal cleanliness of all the prisoners in his custody.

R.L. 1910, § 4606; Amended by Laws 1978, HB 1478, c. 244, § 15, emerg. eff. July 1, 1978.

§57-4.1. Administration of medication - medical reception information

In addition to other medical and health care services required by a jail facility as may be provided by rule by the State Department of Health, the person responsible for administration for a jail shall administer medications according to the following:

1. Prescription medications shall be provided to the prisoner as directed by a physician or designated medical authority. The prisoner shall be observed to ensure the prisoner takes the medication. The physician or designated medical authority shall be particularly aware through his or her training of the impact of opiate or methadone withdrawal symptoms that may occur in regard to the mental and physical health of the prisoner. The physician or medical authority shall prescribe and administer appropriate medications to the prisoner pursuant to Section [5-204](#) of Title 43A of the Oklahoma Statutes as the medical authority deems appropriate to address those symptoms. Neither prescription nor over-the-counter medications shall be kept by a prisoner in a cell with the exception of prescribed nitroglycerin tablets and prescription inhalers. Over-the-counter medications shall not be administered without a physician's approval unless using prepackaged medications;

2. Medical reception information shall be recorded on a printed screening form approved by the physician or designated medical authority which shall include inquiry into:

- a. current illnesses and health problems including medications taken and any special health requirements,
- b. behavioral observation, including state of consciousness and mental status,
- c. body deformities and trauma markings such as bruises, lesions, jaundice, and ease of body movement,
- d. condition of skin and visible body orifices, including infestations, and
- e. disposition or referral of prisoners to qualified medical personnel on an emergency basis; and

3. For purposes of this section, "physician or other licensed medical personnel" means a psychiatrist, medical doctor, osteopathic physician, physician's assistant, registered nurse,

licensed practical nurse, emergency medical technician at the paramedical level or clinical nurse specialist.

Added by Laws 2011, SB 854, c. 382, § 1, eff. November 1, 2011.

§57-5. Bible shall be furnished for each prisoner

The keeper of each prison shall provide, at the expense of the county or state, as the case may be, for each prisoner under his charge, who may be able and desirous to read, a copy of the Bible, or New Testament, to be used by such prisoner during his confinement, and any minister of the gospel, disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, shall have access to them at seasonable and proper times.

R.L. 1910, § 4607.

§57-6. Courts may sentence to hard labor

Any court, justice of the peace, police court or police magistrate, in cases where such courts have jurisdiction under the laws of this state, or as provided by the ordinances or charter of any incorporated town or city in the state, shall have full power and authority to sentence such convict to hard labor as provided in this article.

R.L. 1910, § 4608.

§57-7. Marshal shall superintend labor in towns

When the imprisonment is pursuant to the judgment of any court, police court, or police magistrate of an incorporated city or town for the violation of any ordinance, bylaw, or other regulation, the marshal shall superintend the performance of the labor herein contemplated, and shall furnish the tools and materials, if necessary at the expense of the city or town requiring the labor, and such city or town shall be entitled to the earnings of its convicts.

R.L. 1910, § 4609.

§57-8. Repealed by Laws 1978, HB 1478, c. 244, § 42, emerg. eff. July 1, 1978

§57-9. Penalty for cruelty to prisoners

If any officer or other person treat any prisoner in a cruel or inhuman manner he shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding twelve (12) months, or by both such fine and imprisonment.

R.L. 1910, § 4612.

§57-10. Penalty for annoying convicts

The officer having such prisoner in charge shall protect him from insult and annoyance and communication with others while at labor, and in going to and returning from the same, and he may use such means as are necessary and proper therefor, and any person persisting in insulting and annoying or communicating with any prisoner after being first commanded by such officer to desist shall be punished by a fine not exceeding Ten Dollars (\$10.00) or by imprisonment not exceeding three (3) days.

R.L. 1910, § 4613.

§57-11. Repealed by Laws 1978, HB 1478, c. 244, § 42, emerg. eff. July 1, 1978

§57-12. Repealed by Laws 1980, HB 1851, c. 68, § 1, emerg. eff. April 10, 1980

§57-13. Same - when committed for capital offense

If any person committed to prison, for the purpose of detaining him for trial, for a capital offense, shall break prison and escape, he shall be guilty of a felony and shall be imprisoned in the state prison for the term of two (2) years.

R.L. 1910, § 4616; Amended by Laws 1997, HB 1213, c. 133, § 502 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 367, emerg. eff. July 1, 1999.

§57-14. Removal of prisoners in case of fire

If any prison, or any building thereof, shall be on fire, and the prisoners shall be exposed to danger by such fire, the

keeper may remove such prisoners to a place of safety, and there confine them, so long as may be necessary to avoid such danger, and such removal and confinement shall not be deemed an escape of such prisoners.

R.L. 1910, § 4617.

§57-15. When a poor convict is held for fine and costs

When any poor convict shall have been confined in any prison for the space of six (6) months, for nonpayment of fine and costs only, or either of them, the sheriff of the county in which such person shall be imprisoned shall make a report thereof to any two justices of the peace for such county; if required by such justices, the said keeper shall bring such convict before them, either at the prison, or at such other convenient place thereto as they shall direct; the said justices shall proceed to inquire into the truth of said report, and if they shall be satisfied that the report is true, and the convict has not had since his conviction any estate, real or personal, with which he could have paid the sum for the nonpayment of which he was committed, they shall make a certificate thereof to the sheriff of the county, and direct him to discharge such convict from prison and the sheriff shall forthwith discharge him.

R.L. 1910, § 4618.

§57-16. Jails of state to receive federal prisoners

When a prisoner shall be delivered to a sheriff or keeper of any jail by the authority of the United States, the sheriff or keeper shall receive the prisoner, and commit him accordingly; and every sheriff or keeper of the jail refusing or neglecting to take possession of a prisoner delivered to him by the authority aforesaid, shall be subject to the same pains and penalties as for neglect or refusal to commit any prisoner delivered to him under the authority of the state. And any sheriff or keeper of any jail who shall suffer to escape any prisoner committed to his custody by the authority of the United States, shall be subject to the same pains and penalties as for suffering to escape any prisoner committed to his custody under the authority of the state, and the allowance for the maintenance of any prisoner committed as aforesaid shall be no greater than that made for prisoners committed under the authority of the state.

Laws 1910-11, SB 34, c. 19, p. 36, § 2, emerg. eff. February 14, 1911.

§57-16a. Sheriff to receive and hold United States prisoners

All sheriffs, jailers, prison keepers, and their deputies, within this state, to whom any persons shall be sent or committed, by virtue of legal process, issued by or under the authority of the United States, shall receive such persons into custody, and keep them safely until discharged by due course of the laws of the United States; and all such sheriffs, jailers, prison keepers and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this state.

R.L. 1910, § 4619.

§57-17. United States shall be liable for expenses

The United States shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under authority of this state.

R.L. 1910, § 4620.

§57-18. Calendar of United States prisoners

Before every stated term of the United States court, to be held within this state, the said sheriffs, jailers and prison keepers shall make out, under oath, a calendar of prisoners in their custody, under the authority of the United States, with the date of their commitment, by whom committed, and for what offense, and transmit the same to the judge of the district court of the United States for their district, and at the end of every six (6) months they shall transmit to the United States marshal of their district, for allowance and payment of their account, if any, against the United States, for the support and keeping of such prisoners, as aforesaid.

R.L. 1910, § 4621.

§57-19. Juvenile prisoners

Juvenile prisoners shall be treated with humaneness and in a manner calculated to promote their reformation and they shall be kept separate from more experienced and hardened criminals. Visits of parents, guardians and friends who desire to exert a moral influence over them shall at all reasonable times be permitted.

R.L. 1910, § 4622; Amended by Laws 1978, HB 1478, c. 244, § 16, emerg. eff. July 1, 1978.

§57-20. Credits for convict's work - reward for efficiency

Every county, city or town convict in this state, whether required to work upon the public highways of the county, city or town, in accordance with the laws of this state, or merely confined in the county, city or town prison, shall receive credit upon his or her fine and costs of One Dollar (\$1.00) for each day confined in prison, or worked upon the public highways, rock pile, or rock crusher, or public work; provided that those prisoners or convicts doing and performing the most efficient work and making the best prisoners, shall be entitled to an additional credit of one (1) day for every five (5) days of work, the custodian of the prison to determine at the end of each five (5) days of imprisonment whether or not the prisoner is entitled to such credit, and to make a record of the decision and notify the prisoner of the same.

Added by Laws 1913, HB 37, c. 112, p. 205, § 4, emerg. eff. March 29, 1913; Amended by Laws 2011, HB 1382, c. 160, § 2, eff. November 1, 2011.

§57-21. Bringing or possessing contraband in jail or penal institution - penalties

A. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined by Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating beverage or low-point beer as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, money, or financial documents for a person other than the inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one

(1) year nor more than five (5) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by imprisonment for a term of not less than five (5) years nor more than twenty (20) years in the custody of the Department of Corrections.

C. If the person found to be in possession of any item prohibited by this section has committed, prior to the commission of an offense in violation of this section, two or more felony offenses, and the possession of contraband in violation of this section is within ten (10) years of the completion of the execution of the sentence for any prior offense, such person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

D. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco, or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

E. Any person who knowingly, willfully and without authority brings into or has in his or her possession in any secure area of a jail or state penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

F. Any electronic communication device which has no identifiable owner and which is seized as a result of a violation of this section may be disposed of or sold by the agency that seized the device.

G. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system, and

includes, but is not limited to, the transfer of that communication through the Internet.

Added by Laws 1955, HB 845, § 1, emerg. eff. June 1, 1955; Amended by Laws 1978, SB 441, c. 180, § 1, eff. October 1, 1978; Amended by Laws 1988, HB 1973, c. 109, § 29, eff. November 1, 1988; Amended by Laws 1992, SB 420, c. 264, § 1, emerg. eff. July 1, 1992; Amended by Laws 1993, SB 179, c. 48, § 1, emerg. eff. April 9, 1993; Amended by Laws 1995, SB 129, c. 274, § 48, eff. November 1, 1995; Amended by Laws 1997, HB 1213, c. 133, § 503 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 368, emerg. eff. July 1, 1999; Amended by Laws 2001, HB 1394, c. 325, § 1, eff. November 1, 2001; Amended by Laws 2008, HB 3336, c. 366, § 5, emerg. eff. June 3, 2008; Amended by Laws 2009, SB 1064, c. 459, § 1, emerg. eff. June 2, 2009; Amended by Laws 2012, HB 2364, c. 93, § 1, eff. November 1, 2012.

§57-22. Jail employees prohibited from receiving compensation for bringing items into jail

A. Except as otherwise provided in this section, any detention officer, deputy sheriff, or other person employed as jail operations staff by a county, city, or other entity that operates a jail who receives compensation from any person other than the sheriff or jail administrator for providing goods, tobacco products, or services for the benefit of an inmate, upon conviction, shall be guilty of a misdemeanor if the compensation is an amount of less than Five Hundred Dollars (\$500.00), punishable by up to six (6) months in the county jail, or a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment and shall be guilty of a felony if the compensation is an amount of Five Hundred Dollars (\$500.00) or more, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

B. The provisions of this section shall not apply to any person operating, or employed by, a vendor facility licensed by the State Department of Rehabilitation Services pursuant to Sections 71 through 78 of Title 7 of the Oklahoma Statutes for purposes of carrying out the provisions of the Randolph-Sheppard Act, 20 U.S.C.A., Section 107 et seq., or any other duly authorized vendor.

Added by Laws 2002, HB 2667, c. 231, § 1, eff. November 1, 2002; Amended by Laws 2008, HB 3336, c. 366, § 6, emerg. eff. June 3, 2008.

§57-31. Corporal punishment prohibited

It shall be unlawful for any person to administer any corporal punishment of any kind to any inmate of any penal or corrective institution of the State of Oklahoma.

Added by Laws 1951, HB 51, p. 59, § 1, emerg. eff. May 1, 1951; Amended by Laws 1953, HB 635, p. 231, § 1, emerg. eff. May 2, 1953.

§57-32. Violation of act a misdemeanor

Any person who violates the provisions of this act shall be guilty of a misdemeanor.

Added by Laws 1951, HB 51, p. 60, § 2, emerg. eff. May 1, 1951.

§57-36. Repealed by Laws 1984, SB 445, c. 97, § 8, emerg. eff. April 4, 1984

§57-37. Facilities reaching maximum capacity

A. If all correctional facilities reach maximum capacity and the Department of Corrections is required to contract for bed space to house state inmates, then the Pardon and Parole Board shall consider all nonviolent offenders for parole who are within six (6) months of their scheduled release from a penal facility.

B. No inmate may be received by a penal facility from a county jail without first scheduling a transfer with the Department. The sheriff or court clerk shall transmit by facsimile, electronic mail, or actual delivery a certified copy of the judgment and sentence certifying that the inmate is sentenced to the Department of Corrections. The receipt of the certified copy of the judgment and sentence shall be certification that the sentencing court has entered a judgment and sentence and all other necessary commitment documents. The Department of Corrections is authorized to determine the appropriate method of delivery from each county based on electronic or other capabilities. Once the judgment and sentence is received by the Department of Corrections, the Department shall contact the

sheriff when bed space is available to schedule the transfer and reception of the inmate into the Department.

C. When a county jail has reached its capacity of inmates as defined in Section 192 of Title 74 of the Oklahoma Statutes, then the county sheriff shall notify the Director of the Oklahoma Department of Corrections, or the Director's designated representative, by facsimile, electronic mail, or actual delivery, that the county jail has reached or exceeded its capacity to hold inmates. The notification shall include copies of any judgment and sentences not previously delivered as required by subsection B of this section. Then within seventy-two (72) hours following such notification, the county sheriff shall transport the designated excess inmate or inmates to a penal facility designated by the Department. The sheriff shall notify the Department of the transport of the inmate prior to the reception of the inmate. The Department shall schedule the reception date and receive the inmate within seventy-two (72) hours of notification that the county jail is at capacity, unless other arrangements can be made with the sheriff.

D. Once the judgment and sentence is transmitted to the Department of Corrections, the Department will be responsible for the cost of housing the inmate in the county jail from the date the sentence was ordered by the court until the date of transfer of the inmate from the county jail. The cost of housing shall be the per diem rate specified in Section 38 of this title. In the event the inmate has other criminal charges pending in another Oklahoma jurisdiction the Department shall be responsible for the housing costs while the inmate remains in the county jail awaiting transfer to another jurisdiction. Once the inmate is transferred to another jurisdiction, the Department is not responsible for the housing cost of the inmate until such time that another judgment and sentence is received from another Oklahoma jurisdiction. The sheriff shall be reimbursed by the Department for the cost of housing the inmate in one of two ways:

1. The sheriff may submit invoices for the cost of housing the inmate on a monthly basis; or

2. The sheriff may submit one invoice for the total amount due for the inmate after the Department has received the inmate.

Added by Laws 1981, SJR 14, § 2, emerg. eff. April 13, 1981; Amended by Laws 2001, SB 756, c. 204, § 1, emerg. eff. July 1, 2001; Amended by Laws 2004, HB 2252, c. 239, § 3, emerg. eff. July 1, 2004; Amended by Laws 2008, HB 3336, c. 366, § 7, eff. July 1, 2009.

§57-38. Reimbursement of counties - medical care

Until January 1, 2007, the Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed Twenty-four Dollars (\$24.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county. Effective January 1, 2007, the Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed Twenty-seven Dollars (\$27.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay fees for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county.

Added by Laws 1981, SJR 14, p. 1291, § 3, emerg. eff. April 13, 1981; Amended by Laws 1992, SB 990, c. 293, § 1, emerg. eff. May 25, 1992; Amended by Laws 1997, HB 1213, c. 133, § 76, eff. July 1, 1997; Amended by Laws 2006, 1st Extr. Sess., HB 1009, § 24, emerg. eff. July 1, 1999; Amended by Laws 1999, SB 475, c. 51, § 3, emerg. eff. July 1, 1999; Amended by Laws 2006, 2nd Extr. Sess., SB 65, c. 74, § 8, eff. September 22, 2006.

§57-38.1. Reimbursement for disciplinary incarceration under community sentencing

In jurisdictions where the local community sentencing system is receiving state funds, the state shall provide funding for county jail incarceration for disciplinary sanctions for eligible felony offenders pursuant to the provisions of the Oklahoma Community Sentencing Act [FN1] at a rate of Twenty-four Dollars (\$24.00) per day per person imprisoned for a maximum term as provided by law.

Added by Laws 1999, 1st Extr. Sess., HB 1008, c. 4, § 28, emerg. eff. July 1, 1999.

§57-38.2. Reimbursement of counties per offender per day for county jail incarceration

The Department of Corrections shall reimburse each county in an amount not to exceed Thirty Dollars (\$30.00) per offender per day for county jail incarceration that is ordered as an intermediate sanction for eligible offenders under the provisions of subsection B of Section 991b and subsection H of Section 991c of Title 22 of the Oklahoma Statutes.

Added by Laws 2006, SB 1782, c. 288, § 1, emerg. eff. July 1, 2006.

§57-38.3. Medical, dental, and mental health care for inmates

A. As used in this section:

1. "Emergency care" means the medical or surgical care necessary to treat the sudden onset of a potentially life- or limb-threatening condition or symptom;

2. "Dental emergency" means acute problems in the mouth exhibiting symptoms of pain, swelling, bleeding or elevation of temperature; and

3. "Mental health emergency" means a person exhibiting behavior due to mental illness that may be an immediate threat to others or himself or herself that renders the person incapable of caring for himself or herself.

B. The Department of Corrections shall reimburse health care providers for medical care and treatment for inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Health care providers that are in the network established by the Department of Corrections in conjunction with the State and Education Employees Group Insurance Board shall be reimbursed according to the fee schedule established for that

network; provided, that reimbursement will be no less than the fee structure that was in effect January 1, 2007, or the current fee schedule, whichever is greater. Health care providers that are out of network shall be reimbursed according to the Oklahoma Medicaid Fee Schedule; provided, that reimbursement shall be no less than the fee structure that was in effect January 1, 2007, or the current fee schedule, whichever is greater. Prior to obtaining nonemergency care outside the county jail facility, authorization must be received from the Department of Corrections. For any emergency care, dental emergency or mental health emergency care obtained outside the county jail facility, the Department of Corrections must be notified within twenty-four (24) hours. The Department of Corrections is hereby authorized to reject claims if proper notification has not been provided.

C. The sheriff shall be responsible for providing and paying for medical, dental and mental health care screening when an inmate is admitted, routine sick calls within the county jail and access to on-site physician services as is routinely provided for all inmates in the custody of the sheriff and as provided by Section 52 of Title 57 of the Oklahoma Statutes.

D. The Department of Corrections shall pay the pharmacy provider for medications provided to inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. If the pharmacy provider is a Medicaid provider, the pharmacy provider must bill the Department at Medicaid rates. The county jail shall be responsible for paying for any medications that are not listed on the Department of Corrections formulary, unless the county jail receives a written exception from the Department.

E. Dental and mental health care shall be provided through the designated host facility of the Department of Corrections for inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Each county jail is encouraged to work with local community mental health centers to provide necessary medications and emergency services that would be reimbursed pursuant to the provisions of this subsection.

F. The sheriff shall be responsible for transportation and security of inmates to all outside health care appointments including host facilities of the Department of Corrections.

G. Neither the Department of Corrections nor the sheriff shall be responsible for the cost of health care while an inmate is on escape status or for any injury incurred while on escape status.

H. The Department of Corrections shall not be responsible for payment of health care of inmates housed in the county jail under the following circumstances:

1. Prior to entry of a certified judgment and sentence pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes;

2. When an inmate is detained in the county jail pursuant to a writ of habeas corpus;

3. When an inmate is detained in the county jail for additional cases pending after a certified copy of the judgment and sentence has been entered;

4. When an inmate is detained in the county jail and his or her status is on hold for another jurisdiction; or

5. When an inmate is detained in the county jail and the inmate is sentenced to county jail time only.

Added by Laws 2008, HB 3336, c. 366, § 8, emerg. eff. June 3, 2008.

**EXCERPT FROM
TITLE 57 OF THE OKLAHOMA STATUTES
PRISONS AND REFORMATORIES**

CHAPTER 2. COUNTY JAILS

§57-41. Establishment or access to jail

Every county, by authority of the board of county commissioners and at the expense of the county, shall have a jail or access to a jail in another county for the safekeeping of prisoners lawfully committed.

A county may enter into contracts with private prison contractors to provide and operate jail facilities for the county.

R.L. 1910, § 4579; Amended by Laws 1978, HB 1478, c. 244, § 17, emerg, eff. July 1, 1978; Amended by Laws 1987, HB 1472, c. 80, § 7, emerg. eff. July 1, 1987.

§57-42. Common jails used as prisons - when appropriate

The common jails in the several counties in the charge of the respective sheriffs, shall be used as prisons:

1. For the detention of persons charged with offenses, and duly committed for trial.

2. For the detention of persons who may be duly committed, to secure their attendance as witnesses on the trial of any criminal cause.

3. For the confinement of persons pursuant to a sentence, upon a conviction for an offense and of all other persons duly committed for any cause authorized by law.

4. For the confinement of persons who may be sentenced to imprisonment in the state prison, until they shall be removed thereto.

R.L. 1910, § 4580.

§57-43. Repealed by Laws 1985, HB 1064, c. 62, § 4, eff. November 1, 1985

§57-44. Repealed by Laws 1978, HB 1478, c. 244, § 42, emerg. eff. July 1, 1978

§57-45. Repealed by Laws 1978, HB 1478, c. 244, § 42, emerg. eff. July 1, 1978

§57-46. Repealed by Laws 1978, HB 1478, c. 244, § 42, emerg. eff. July 1, 1978

§57-47. Sheriff to have charge of the jail

The sheriff, or such person designated by law in his place, shall have charge of the county jail of his county and of all persons by law confined therein, and such sheriff or other officer is hereby required to conform, in all respects, to the rules and directions promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes and of the district judge and communicated to him by the proper authority.

R.L. 1910, § 4585; Amended by Laws 1978, HB 1478, c. 244, § 19, emerg. eff. July 1, 1978.

§57-48. Jail register

The sheriff, or other officers performing the duties of sheriff of each county in this state shall procure at the expense of the county a suitable book, or computer record that shall be considered the original for all purposes, to be called the jail register, in which the said sheriff, by himself or his jailer, shall enter:

1. The name of each prisoner with the date and cause of his commitment, and the authority committing him; and, if committed for a criminal offense, a description of his person;

2. The date or manner of his discharge or escape, as the case may be;

3. What sickness, if any, has prevailed in the jail during the year, and if known what were the causes of such disease;

4. The habits of the prisoners as to personal cleanliness, diet and order;

5. The means furnished prisoners of literary, moral and religious instruction, and of labor; and

6. All other matters required by said rules, or in the discretion of such sheriff deemed proper; and the said sheriff, or other officers performing the duties of sheriff, shall carefully keep and preserve the said jail register or computer record in the office of the jailer of his county, and at the expiration of such office shall deliver the same to his successor in office.

R.L. 1910, § 4586; Amended by Laws 1994, HB 2782, c. 367, § 1, emerg. eff. June 9, 1994.

§57-49. Sheriff shall furnish court with copy of register

The sheriff shall furnish the district court with a copy of the register or computer record upon the request of the presiding judge of the district court.

R.L. 1910, § 4587; Amended by Laws 1994, HB 2782, c. 367, § 2, emerg. eff. June 9, 1994.

§57-50. Repealed by Laws 1994, HB 2782, c. 367, § 11, emerg. eff. June 9, 1994

§57-51. Duty of county board - Medical officer - reports

It shall be the duty of the county commissioners, at the expense of their county, to provide suitable means for warming the county jail and its cells or apartments, beds and bedding, and such other permanent fixtures and to make such repairs as may be prescribed by the district judge or the State Department of Health. The commissioners shall also have power to appoint a medical officer to the jail and pay him such salary as they may think reasonable and proper, which shall be drawn out of the county treasury, and said medical officer or any physician or surgeon who may be employed in the jail shall make a report in writing whenever required by said commissioners, district judge or grand jury.

R.L. 1910, § 4589; Amended by Laws 1978, HB 1478, c. 244, § 20, emerg. eff. July 1, 1978.

§57-51.1. AIDS - transfer of inmate for extended medical care

Any person who has the Acquired Immune Deficiency Syndrome (AIDS) disease who is confined in the county jail in violation of Section 1192.1 of Title 21 of the Oklahoma Statutes, whether convicted or pending trial, may be transferred to the Department of Corrections for extended medical care for the duration of the sentence imposed or pending trial. At the request of the medical officer, physician or surgeon employed by said jail, the county sheriff shall make application to the Department of Corrections for a transfer of the person and the Department of Corrections may accept the person under the following conditions:

1. The person's right to a speedy trial is not delayed by the transfer to a state facility;
2. The person's right to confer with legal counsel is not restricted by the transfer to a state facility;

3. The county agrees to a mutual exchange of inmates from the Department of Corrections for the medical care and custody of the person to be transferred;

4. The medical care or custody of the person is necessary to preserve the health and safety of the public, the inmates of the county jail or the person being transferred;

5. The person to be transferred may be adequately treated in the state facility; and

6. The state facility has medical bed space available for the person.

Added by Laws 1992, SB 671, c. 319, § 3, emerg. eff. May 27, 1992.

§57-52. Sheriff to provide board and necessary articles - compensation

It shall be the duty of the sheriff of each county to provide bed clothing, washing, board and medical care when required, and all necessities for the comfort and welfare of prisoners as specified by the standards promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes and he shall be allowed such compensation for services required by the provisions of Sections 41 through 64 of this title, as may be prescribed by the county commissioners. All purchases made pursuant to the provisions of this section shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1505 of Title 19 of the Oklahoma Statutes, including the use of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.

R.L. 1910, § 4590; Amended by Laws 1978, HB 1478, c. 244, § 21, emerg. eff. July 1, 1978; Amended by Laws 1991, HB 1041, c. 166, § 2, emerg. eff. July 1, 1991.

§57-53. Sheriff must visit and examine once a month

The sheriff or designated employee shall visit the county jail in person and inquire into the condition of each prisoner at least once each month and it shall be his duty to comply with all standards promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes.

R.L. 1910, § 4591; Amended by Laws 1978, HB 1478, c. 244, § 22, emerg. eff. July 1, 1978; Amended by Laws 1994, HB 2782, c. 367, § 3, emerg. eff. June 9, 1994.

§57-54. Person authorized to act as jailer - civilian employees - oath - liability of sheriff

The jailer, jail director or keeper of the jail shall, unless the sheriff elects to act as jailer in person, be a deputy appointed by the sheriff; provided, that the sheriff may, with approval as provided in Section 162 of Title 19 of the Oklahoma Statutes, appoint civilian employees as the sheriff may require to operate the county jail. Those persons hired as civilian employees need not complete the training prescribed for peace officers, as provided by Section 3311 of Title 70 of the Oklahoma Statutes, but need only complete such training as the sheriff deems necessary for the civilians to properly perform the duties assigned to them, or such training as may otherwise be prescribed by law. The jailer shall take the necessary oaths before entering upon the duties of the office. A jailer in a county having a population of greater than four hundred thousand (400,000), according to the latest Federal Decennial Census, may be authorized by the sheriff of the county to use nonlethal weaponry upon completion of appropriate training. The sheriff shall in all cases be liable for the negligence and misconduct of the jailer as of other deputies.

The provisions of this section shall not apply to jails operated by private prison contractors pursuant to a contract with the board of county commissioners.

R.L. 1910, § 4592; Amended by Laws 1980, HB 1519, c. 98, § 1, emerg. eff. April 10, 1980; Amended by Laws 1987, HB 1472, c. 80, § 8, emerg. eff. July 1, 1987; Amended by Laws 2001, HB 1394, c. 325, § 2, eff. November 1, 2001.

§57-55. Penalty for sheriff's neglect

If the sheriff or jailer in charge of any county jail shall neglect or refuse to comply with any of the rules and regulations established by the district judge, or pursuant to Section 192 of Title 74 of the Oklahoma Statutes or to any other duties required of him by Sections 41 through 64 of this title, he shall, on conviction thereof, by indictment for each case of such failure or neglect of duty as aforesaid, pay into the county treasury of the proper county, for the use of such county, a fine not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) to be assessed by the district court of the proper district.

R.L. 1910, § 4593; Amended by Laws 1978, HB 1478, c. 244, § 23, emerg. eff. July 1, 1978.

§57-56. Penalty for breaking jail

If any person imprisoned pursuant to a sentence of imprisonment in a county or city jail, or any person committed to a county or city jail for the purpose of detaining him for trial, for any misdemeanor or traffic offense, escapes therefrom, either while actually confined therein or while permitted to be at large as a trusty, he shall be punished by confinement in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

R.L. 1910, § 4594; Amended by Laws 1951, HB 3, p. 160, § 1, emerg. eff. February 20, 1951; Amended by Laws 1983, HB 1165, c. 47, § 2, eff. November 1, 1983.

§57-57. Apartments for confining prisoners - system of classifying prisoners - confining of different classifications - funds

A. In the city and county jails in this state, there shall be provided sufficient and convenient apartments for confining prisoners of different sexes and classification separate and apart from each other. The sheriff of each county of this state shall notify the Department of Corrections of the prisoner capacity of the county jail by July 1, 2003. After that date, changes in prisoner capacity shall be reported within thirty (30) days of the change. For purposes of this section, "prisoner capacity" means the capacity determined by the State Fire Marshal pursuant to Section 317 of Title 74 of the Oklahoma Statutes.

B. In the city and county jails in this state, there shall be a system of classifying prisoners, based upon the severity of the charges, past criminal history and other relevant factors.

C. In the city and county jails in this state, prisoners classified pursuant to subsection B of this section may be confined two per cell or barrack-style, provided the living space meets the square footage requirements set forth in Section 192 of Title 74 of the Oklahoma Statutes.

D. All funds used by the Department of Corrections to contract with private contractors for the building of prisons and pre-release centers will be subject to appropriations by the Legislature.

E. Nothing in this section shall authorize contracts with private contractors for construction of prison facilities, unless authorized by the Legislature.

R.L. 1910, § 4595; Amended by Laws 1990, SB 438, c. 307, § 1, emerg. eff. May 30, 1990; Amended by Laws 1994, HB 2782, c. 367, § 4, emerg. eff. June 9, 1994; Amended by Laws 1994, SB 627, c. 368, § 1 (repealed by Laws 1995, HB 1012, c. 1, § 40, emerg. eff. March 2, 1995); Amended by Laws 1995, HB 1012, c. 1, § 19, emerg. eff. March 2, 1995; Amended by Laws 2003, HB 1669, c. 82, § 2, emerg. ef. April 15, 2003.

§57-58. Employment of prisoners

Wherever any person shall be confined in any jail pursuant to the sentence of any court, if such sentence or any part thereof shall be that he be confined at hard labor, the sheriff of the county in which such person shall be confined shall furnish such convict with suitable tools and materials to work with, if, in the opinion of the said sheriff, the said convict can be profitably employed either in the jail or yard thereof, and the expense of said tools and materials shall be defrayed by the county in which said convict shall be confined, and said county shall be entitled to his earnings. And it shall be the duty of said sheriff, if in his opinion the said convict can be more profitably employed outside of said jail or yard, either for the county or for any municipality in said county, so to employ said convict, either in work on public streets or highways or otherwise; and in so doing he shall take all necessary precaution to prevent said convict's escape, by ball and chain or otherwise, and fifty percent (50%) of the profits of such employment, after paying all expenses incident thereto, may be retained by said sheriff as his fees therefor, the balance to be paid into the treasury of the proper county to the credit of the general fund; and when a convict is imprisoned in the county jail for nonpayment of a fine he may be employed by said sheriff as provided in this chapter; and in case any convict employed outside of the jail yard shall escape, he shall be deemed as having escaped from the jail proper.

R.L. 1910, § 4596.

§57-58.1. Prisoners - maintaining, repairing, beautifying courthouse and grounds

From and after the effective date of this act, any and all prisoners committed to the county jail pursuant to sentence of any state or municipal court for nonpayment of a fine or jail time shall upon the order of the county commissioner or sheriff be required to assist in maintaining, repairing or beautifying the county courthouse, jail or public property and the grounds

thereof or working in the jail as a cook or any other jail work detail assigned by the sheriff or jail administrator.

Added by Laws 1955, HB 595, p. 299, § 1, emerg. eff. March 11, 1955; Amended by Laws 1994, HB 2782, c. 367, § 5, emerg. eff. June 9, 1994.

§57-58.2. Request of county commissioners - duties of sheriff

The jail administrator, upon the request of the county commissioners or the sheriff, shall issue an order requiring the prisoners to perform such duties under the direction of the maintenance superintendent or janitor of the county courthouse, upon the request of the maintenance superintendent or janitor, and shall supply such guards as may be necessary to prevent an escape by the prisoners.

Added by Laws 1955, HB 595, p. 299, § 2, emerg. eff. March 11, 1955; Amended by Laws 1994, HB 2782, c. 367, § 6, emerg. eff. June 9, 1994.

§57-58.3. Credit to prisoners

Prisoners employed as provided herein shall be given a credit of two (2) days on a jail sentence for each day worked, and a credit of Fifty Dollars (\$50.00) per day upon the payment of a fine or court cost, if sentenced for nonpayment of a fine or court cost. The sheriff shall be authorized to order the credit be given to the prisoner on the records of the court where the conviction of the prisoner is filed.

Added by Laws 1955, HB 845, § 3, emerg. eff. June 1, 1955; Amended by Laws 1994, HB 2782, c. 367, § 7, emerg. eff. June 9, 1994; Amended by Laws 2008, HB 2715, c. 413, § 4, eff. November 1, 2008.

§57-59. Grand juries shall examine prisons

The grand jury at each term of the district court, shall make personal inspection of the condition of the county prison, as to the sufficiency of the same for the safekeeping of prisoners, their convenient accommodation and health, and shall inquire into the manner in which the same has been kept since the last term, and the court shall give this duty in special charge to such grand jury, and lay before them all rules and regulations in force relating to county jails and prison discipline; and it shall be imperative upon the board of county commissioners to

issue the necessary orders, or cause to be made the necessary repairs, in accordance with the complaint or recommendation of the grand jury.

R.L. 1910, § 4597.

§57-60. Sheriff to be paid for keeping prisoners

Whenever a prisoner is committed for crime, or in any suit in behalf of the state, the county board shall allow the sheriff his reasonable charge for supplying such prisoners.

R.L. 1910, § 4598.

§57-61. Sheriff to keep copy of order of confinement

When a prisoner is confined by virtue of any process directed to the sheriff, and which shall require to be returned to the court whence it issued, such sheriff shall keep a copy of the same, together with the returns made thereon, which copy, duly certified by such sheriff, shall be prima facie evidence of his right to retain such prisoner in custody.

R.L. 1910, § 4599.

§57-62. Commitments and discharges to be filed

All instruments of every kind, or attested copies thereof, by which a prisoner is committed or liberated, shall be regularly endorsed and filed, and safely kept in a suitable box by such sheriff, or by his deputy, acting as a jailer.

R.L. 1910, § 4600.

§57-63. Same - delivery to successor

Such box with its contents shall be delivered to the successor of the officer having charge of the prison.

R.L. 1910, § 4601.

§57-64. County without prison

When there is no sufficient prison in any county, every judicial or executive officer of such county who has power to order or sentence any person to the county jail, may, upon application of the sheriff, order any person charged with a

criminal offense whereof such officer has jurisdiction, and ordered to be committed to prison, to be sent to the jail of the county nearest having a sufficient jail, and the sheriff of such nearest county shall, on exhibit of such order, receive and keep in custody, in the jail of his county, the prisoner ordered to be committed as aforesaid, at the expense of the county from which said prisoner was sent, and the said sheriff shall, upon the order of the officer committing such prisoner, redeliver such prisoner when demanded.

R.L. 1910, § 4602.

§57-65. Credit for good behavior and blood donations - duty of sheriff

Any person in this state convicted of a crime, who is serving time as a prisoner in the county jail of any county in the State of Oklahoma as a result of said conviction of crime, shall be entitled to receive five (5) days' credit for every four (4) days' time in said county jail provided said prisoner shall have obeyed the rules and regulations promulgated by the sheriff in charge of said county jail in a satisfactory manner. Each prisoner shall also, in addition thereto, be entitled to a deduction of three (3) days for each pint of his blood he donates during his first thirty (30) days of confinement in the county jail, and to five (5) days for each pint of his blood he donates during any sixty-day period thereafter to the American Red Cross or to a hospital approved for such purpose by the sheriff. And the sheriff of said county is hereby authorized to order said credit to be given to said prisoner on the records of the court out of which said conviction is had.

Added by Laws 1933, HB 395, c. 123, p. 271, § 3, emerg. eff. April 26, 1933; Amended by Laws 1969, HB 1286, c. 204, § 1, emerg. eff. April 18, 1969.

§57-66. Repealed by Laws 1986, HB 1944, c. 207, § 90, eff. November 15, 1986

§57-67. Repealed by Laws 1986, HB 1944, c. 207, § 88, emerg. eff. July 1, 1986

§57-68. State Law Governs Private Prisons

A. Except as otherwise provided, any state law governing jails shall apply to jail facilities operated by a private prison contractor.

B. Any offense which would be a crime if committed within a county jail also shall be a crime if committed in a jail facility operated by a private prison contractor.

Added by Laws 1987, HB 1472, c. 80, § 9, emerg. eff. July 1, 1987.

§57-69. Meals served to personnel and prisoners

In order to protect the health and safety of certain law enforcement personnel and the citizens of this state, and to provide the state with the benefit of proper security within the county jails and correctional facilities of this state, all jailers, jail directors, keepers of the jail, sheriffs, deputies, correctional employees, or any other law enforcement personnel working within the county jail or correctional facility may, upon the approval of the sheriff or facility head, be served the same meals served to the prisoners within such county jail or correctional facility. There shall be no cost to the law enforcement personnel for such meals. The county sheriff or facility head shall pay for these meals out of the funds appropriated to the county sheriffs or the State Department of Corrections. The county and all of its officers and agents are hereby prohibited from recouping the cost of such meals either directly or indirectly or otherwise considering such costs or their impact when establishing the charges to municipalities for housing municipal prisoners in the county jail; provided, a municipality may negotiate the manner of establishing such charges.

Added by Laws 1994, HB 2480, c. 81, § 1, emerg. eff. July 1, 1994; Amended by Laws 2009, HB 1698, c. 229, § 1, eff. November 1, 2009.

**EXCERPT FROM
TITLE 57 OF THE OKLAHOMA STATUTES
PRISONS AND REFORMATORIES**

CHAPTER 3. Removal of Prisoners to Penal Institutions.

**§57-91. Repealed by laws 1969, SB 28, c. 137, § 2, emerg. eff.
April 9, 1969**

**§57-92. Repealed by laws 1969, SB 28, c. 137, § 2, emerg. eff.
April 9, 1969**

**§57-93. Repealed by laws 1969, SB 28, c. 137, § 2, emerg. eff.
April 9, 1969**

**§57-94. Repealed by laws 1969, SB 28, c. 137, § 2, emerg. eff.
April 9, 1969**

§57-95. Delivery of sentenced persons by sheriff - receipts

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

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

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

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

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

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

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

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

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

Added by Laws 1969, SB 28, c. 137, § 1, emerg. eff. April 9, 1969; Amended by Laws 1978, HB 1488, c. 13, § 2, emerg. eff. February 14, 1978; Amended by Laws 1979, HB 1472, c. 221, § 14, emerg. eff. May 30, 1979; Amended by Laws 1997, HB 1213, c. 133, § 23, eff. July 1, 1998; Amended by Laws 1997, SB 745, c. 328, § 2, eff. July 1, 1997; Amended by Laws 1998, HB 2616, c. 89, § 4 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, eff. June 19, 1998); Amended by Laws 1999, SB 475, c. 51, § 6, eff. July 1, 1999; Amended by Laws 2004, HB 2252, c. 239, § 3, emerg. eff. July 1, 2004; Amended by Laws 2006, SB 1964, c. 294, § 4, emerg. eff. July 1, 2006.

§57-96. Foreign convicted offenders - transfer or exchange

If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may, on behalf of the state and subject to the terms of the treaty, authorize the Director of the Department of Corrections to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this state in the treaty.

Added by Laws 1981, HB 1247, c. 20, § 1, emerg. eff. July 1, 1981.

**EXCERPT FROM
TITLE 63 OF THE OKLAHOMA STATUTES
CHAPTER 1. OKLAHOMA PUBLIC HEALTH CODE
§63-1-1701.1A**

"Unofficial Version"

§63-1-1701.1A. Violations of rules

A. In addition to any other remedies provided for by law, the Department, pursuant to rules and regulations, may issue a written order to any person whom the Department has reason to believe is presently in violation of any standards or rules promulgated by the State Board of Health and to whom the Department has served, no less than fifteen (15) days previously, a written notice of violation of such standards or rules. The fifteen-day notice period may be reduced as, in the opinion of the Department, may be necessary to render the order reasonably effectual.

B. The written order may require compliance with such standards or rules immediately or within a specified time period or both. The order may also assess an administrative fine for each day or part of a day that such person fails to comply with the order.

C. Any order issued pursuant to this section shall state with specificity the nature of the violation. Any penalty assessed in the order shall not exceed Ten Thousand Dollars (\$10,000.00) per day of noncompliance with the order. In assessing such a penalty, the Department shall consider the seriousness of the violation and any efforts to comply with applicable requirements.

D. Any order issued pursuant to the provisions of this section shall become a final order unless, no later than fifteen (15) days after the order is served, the person or persons named therein request an administrative hearing. Upon such request the Department shall promptly conduct the hearing. The Department shall dismiss such proceedings where compliance with the order is demonstrated. A final order following a hearing may assess an administrative fine of an amount based upon consideration of the evidence but not exceeding the amount stated in the written order.

E. Such orders and hearings are subject to the Administrative Procedures Act.

*Added by Laws 1986, c. 148, § 2, emerg. eff. April 29, 1986.
Amended by Laws 1990, c. 196, § 1, emerg. eff. May 10, 1990;
Laws 1992, c. 215, § 19, emerg. eff. May 15, 1992; Laws 1993, c. 145, § 311, eff. July 1, 1993.*

**EXCERPT FROM
TITLE 74 OF THE OKLAHOMA STATUTES
CHAPTER 6. CHARITABLE INSTITUTIONS AND JAILS
§74-192 - §74-195**

"Unofficial Version"

§74-192. Inspection of city and county jails - standards

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;
2. Uniform, safe, and sensible security measures;
3. Proper, fit, and sanitary conditions;
4. Inmates to be fed a wholesome and adequate diet;

5. Inmates to have adequate clothing and a living area of no less than forty (40) square feet of floor space per inmate plus twenty (20) square feet of floor space in such living area per each additional inmate in existing facilities, and no less than sixty (60) square feet of floor space per cell for two prisoners in facilities constructed after November 1, 1985. Nothing in this section shall be construed to prohibit double-celling of prisoners, provided there exists no less than forty (40) square feet per initial inmate plus twenty (20) square feet for each additional prisoner. In every barracks-style housing area the square footage shall meet the minimum requirements provided in this section. Such facility shall have showers with hot and cold running water, toilets, and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may build barracks-style jails, single or double cell, to meet the security needs of the county for minimum security prisoners. These jails shall meet all the minimum requirements set forth in this section or any other provision of law. Except as otherwise provided in this section, all facilities under this section shall have showers with hot and cold running water, toilets and water basins provided in the ratio of not less than one to every twenty prisoners. Counties may also build tent jails, which shall be temporary in nature, to meet the security needs of the county for minimum security prisoners. The temporary tent jails shall not be required to meet the minimum requirements set forth in this section or any other provision of law. The State Board of Health shall promulgate minimum standards for temporary tent jails, which standards shall be designed to specifically address and take into consideration the temporary status of the inmate housing needs of the county;

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

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

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

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

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

11. At least one designated exit in the facility that will permit prompt evacuation of inmates and staff in an emergency. A facility in existence on November 1, 1985, shall not be required to construct additional exits if it has one exit which is deemed adequate by the State Fire Marshal.

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

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

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

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

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

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

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

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

Within ninety (90) days after June 9, 1994, the State Board of Health shall promulgate new rules governing square footage requirements, double-celling of prisoners and the ratio of showers, toilets, and water basins to prisoners. The rules so promulgated shall be governed by the guidelines enumerated in this section, and shall be designed to carry out the intent and purpose of the guidelines. Each city or county jail facility in this state shall be in compliance with the rules so promulgated on or before January 1, 1995.

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

Added by Laws 1977, HB 1397, c. 137, § 1, eff. October 1, 1977; Amended by Laws 1978, HB 1478, c. 244, § 38, eff. July 1, 1978; Amended by Laws 1983, HB 1321, c. 116, § 1, operative July 1, 1983; Amended by Laws 1985, HB 1064, c. 62, § 1, eff. November 1, 1985; Amended by Laws 1986, SB 492, c. 77, § 1, emerg. eff. April 2, 1986; Amended by Laws 1994, HB 2782, c. 367, § 8, emerg. eff. June 9, 1994; Amended by Laws 1994, SB 627, c. 368, § 2, emerg. eff. June 9, 1994 (repealed by Laws 1995, HB 1012, c. 1, § 40, emerg. eff. March 2, 1995); Amended by Laws 1995, HB 1012, c. 1, § 32, emerg. eff. March 2, 1995; Amended by Laws 2004, HB 2139, c. 154, § 1, eff. November 1, 2004; Amended by Laws 2005, SB 725, c. 180, § 1, emerg. eff. July 1, 2005; Amended by Laws 2007, SB 437, c. 51, § 2, eff. November 1, 2007.

§74-193. Right of entry - report of inspection

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

B. The results of these inspections shall be presented in the form of a written report to the Commissioner of Health and to the person immediately responsible for the administration of the facility inspected. The report shall contain:

1. A list of deficiencies in the condition or operation of the facility and specific proposals for their solution; and

2. A statement as to whether or not the facility inspected is in substantial compliance with the jail standards established pursuant to Section 192 of this title.

Laws 1977, HB 1397, c. 137, § 2, eff. October 1, 1977; Amended by Laws 1978, HB 1478, c. 244, § 39, emerg. eff. July 1, 1978.

§74-194. Deficient facility - closing

If the deficiencies listed in the report have not been corrected, within sixty (60) days after delivery of the report, the Commissioner of Health shall be authorized to file a complaint with the Attorney General or the district attorney to close the deficient facility. Provided, that upon demonstration of a good faith effort by the governmental entity involved to correct said deficiencies and achieve compliance with the established standards, the Commissioner of Health shall extend the time for compliance a reasonable period before filing the complaint requesting the closing of the facility. An action to close such facility shall be brought in the district court having jurisdiction in the county in which the facility is located. Upon the issuance of an order by the district court to close the facility, the facility shall be closed and prisoners shall be removed to a suitable facility at the expense of the governmental entity responsible for the facility ordered closed. Provided, that upon demonstration of a good faith effort by the governmental entity involved to correct said deficiencies and achieve compliance with the established standards, the district court shall extend the time for compliance a reasonable period before ordering the facility closed.

Laws 1977, HB 1397, c. 137, § 3, eff. October 1, 1977; Amended by Laws 1978, HB 1478, c. 244, § 40, emerg. eff. July 1, 1978; Amended by Laws 1985, HB 1064, c. 62, § 2, eff. November 1, 1985.

§74-195. Contracts for incarceration of prisoners

Any county, city or town is hereby authorized to contract, in accordance with the Interlocal Cooperation Act, with any other county, city or town for incarceration of prisoners awaiting trial or serving a sentence, so long as the jail facility where said prisoners are to be held is in compliance with the standards established by this act.

Laws 1977, HB 1397, c. 137, § 4, eff. October 1, 1977.