

**EXCERPT FROM
TITLE 10A OF THE OKLAHOMA STATUTES
CHILDREN AND JUVENILE CODE
ARTICLE 2 - OKLAHOMA JUVENILE CODE**

ARTICLE CHAPTER 3 - DETENTION

[§ 2-3-101. Conditions of Detention of Child - Detention or Confinement in Adult Facility - Access to Facilities and Data](#)

[§ 2-3-102. Consideration as Adult if Person under 18 has Fled from Another State and is Taken into Custody under Certain Conditions](#)

[Section 2-3-103 - Temporary Detention of Children - Detention Facility, Services, and Centers](#)

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E. The State Department of Health, with the assistance of the Office of Juvenile Affairs, shall establish standards for the certification of jails, adult lockups, and adult detention facilities used to detain juveniles. Such standards shall include but not be limited to: separation of juveniles from adults; supervision of juveniles; and health and safety measures for juveniles. The Department of Health is authorized to inspect any jail, adult lockup, or adult detention facility for the purpose of determining compliance with such standards. No jail, adult lockup, or other adult detention facility shall be used to detain juveniles unless such jail, adult lockup, or other adult detention facility complies with the standards established by the Department of Health and is designated as a place for the detention of juveniles by the judge having juvenile docket responsibility in the county from a list of eligible facilities supplied by the Department of Health.

The development and approval of the standards provided for in this paragraph shall comply with the provisions of the Administrative Procedures Act.

F. The State Board of Health shall promulgate rules providing for the routine recording and reporting of the use of any adult jail, lockup or other adult facility for the detention of any person under the age of eighteen (18).

1. For the purpose of ensuring the uniformity and compatibility of information related to the detention of persons under age eighteen (18), said rules shall be reviewed and approved by the Oklahoma Commission on Children and Youth prior to their adoption by the Board; and
2. Records of detention shall be reviewed during each routine inspection of adult jails, lockups or other adult detention facilities inspected by the State Department of Health and a statistical report of said detentions shall be submitted to the Office of Juvenile Affairs at least every six (6) months in a form approved by the Board of Juvenile Affairs.

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

“Unofficial Version”

CHAPTER 12. SHERIFF GENERAL PROVISIONS

[§ 510. County Sheriff - Qualifications](#)

[§ 513. Sheriff to Have Charge and Custody of Jail](#)

[§ 513.1. Training for Jailers in Accordance with Jail Standards](#)

[§ 513.2. Duties of Public Trust, Private Owner or Management Entity Contracting to Operate Jail, Holding, or Detention Facility](#)

[§ 514. Service and Execution of Process, etc.](#)

[§ 514.1. Creation of Sheriff's Service Fee Account](#)

[§ 514.2. Creation of Sheriff's Commissary Account](#)

[§ 514.3. Sheriff May Charge Fingerprinting Fee](#)

[§ 514.4. Sheriff May Contract for Automated Telephone System for Misdemeanor Warrants or Failure-To-Pay Warrants](#)

[§ 514.5. Administrative Cost of Misdemeanor or Failure-to-Pay Warrants Referred to the Contractor](#)

[§ 516. Duty of Sheriff, Undersheriffs and Deputies](#)

[§ 517. Delivery of Jail and Other Property of County to New Sheriff](#)

[§ 517.1. Retention, Disposal, and Conversion of County Departmental Records - Body Camera Records](#)

[§ 518. Execution and Return of Writs and Processes in Hands of Retiring Sheriff](#)

[§ 519. Default or Misconduct in Office of Former Sheriff](#)

[§ 520. Prosecution Against Executors or Administrators of Sheriff](#)

[§ 521. How Writs are Served on Sheriff](#)

[§ 522. May not Suggest, Advise or Act as Attorney - List of Attorneys](#)

[§ 523. Liability of Sheriffs to Fines or Attachments](#)

[§ 527. Authority of County Officials to Employ General Counsel](#)

[§ 528. Authority of County Sheriff to Employ Attorney](#)

[§ 529. Law Enforcement Grants](#)

[§ 531. Designation of Inmate Trust Fund Checking Account](#)

Title 19. Counties and County Officers

Chapter 16 - Courthouses, Jails, and Public Buildings

[§ 731. Authority to Provide for Construction or Repair - Vote](#)

[§ 732. When Buildings can be Erected](#)

[§ 733. Advertisement for Bids - Bids - Bond of Contractor](#)

[§ 734. Contracts to Acquire Sites, Purchase, Erect, Repair, Remodel, Equip or Furnish - Bonds - Elections](#)

[§ 735. Statement Made on Records Prior to Election](#)

[§ 736. Notice of Election Upon Question of Issuing Bonds](#)

[§ 737. Majority of Legal Vote - Sale of Bonds](#)

[§ 738. Character of Bonds](#)

[§ 740. Board of County Commissioners](#)

[§ 744. Authority to Use of Private Prison Contractors](#)

[§ 745. Sale of Courthouse and Real Property on which Courthouse is Located](#)

[§ 746. Custodial County's Liability for Cost of Medical Care when Defendant is in Custody of County Jail](#)

[§ 746.1. Medical Expense Liability Revolving Fund](#)

Joint City and County Building

[§ 751. City Hall and Court House - Joint Building](#)

[§ 752. County Commissioners - Contract](#)

[§ 753. Property - Use of for Building](#)

[§ 754. Funds - Sale of Property - Combined With Other Funds](#)

[§ 755. Unconstitutionality of Any Section](#)

[§ 756. Limitation on Powers of City or County](#)

Title 19. Counties and County Officers

CHAPTER 21C. COUNTY JAIL TRUST AUTHORITY

[§ 904.1. County Jail Trust Authority - Election](#)

[§ 904.2. Members of Directors of Authority - Chairman, Clerk and Treasurer - Service Without Compensation](#)

[§ 904.3. Board of Directors - Powers and Duties](#)

[§ 904.4. Establishment of Time and Place for Regular Meetings of Board](#)

[§ 904.5. Authority to Institute and Maintain, or Appear and Defend Actions and Proceedings](#)

[§ 904.6. General Plan of Proposed Operation - Election](#)

[§ 904.7. Claims - Payment of](#)

[§ 904.8. In Event of Dissolution of Authority](#)

[§ 904.9. Audit of Funds, Accounts and Fiscal Affairs](#)

[§ 904.10. Certification of Audit - Audit by State Auditor and Inspector - Expenses](#)

Title 19. Counties and County Officers

Chapter 21D - Oklahoma Regional Jail District Act

[§ 905. Short Title](#)

[§ 905.1. Definitions](#)

[§ 905.2. Creation of Regional Jail Districts - Resolution and Agreement - Duration](#)

[§ 905.3. Powers of Regional Jail District](#)

[§ 905.4. Regional Jail Commission](#)

[§ 905.5. Director](#)

[§ 905.6. Use and Occupants of Regional Jail and County Jails](#)

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Every effort is made to ensure this document reflects updates to the Oklahoma statutes. Check the source notes for each section for revision dates and consult www.oscn.net.

EXCERPT FROM
TITLE 22 OF THE OKLAHOMA STATUTES
CRIMINAL PROCEDURE

CHAPTER 16 – JUDGEMENT AND EXECUTION GENERAL PROVISIONS

[§ 979a. Court May Require Prisoner to Pay Costs of Incarceration](#)

[§ 980. Duty of Sheriff When Defendant Sentenced to State Prison](#)

EXCERPT FROM
TITLE 57 OF THE OKLAHOMA STATUTES
PRISONS AND REFORMATORIES

CHAPTER 1. GENERAL PROVISIONS

[§ 1. County Commissioners to Inspect Prisons](#)

[§ 2. Prohibition Against Intoxicating Beverages in Jails](#)

[§ 3. Repealed](#)

[§ 4. Jails to be Kept Clean - Care of Prisoners](#)

[§ 4.1. Administration of Medication - Medical Reception Information](#)

[§ 4.2. Restraints on Pregnant Inmates - Positioning of Correctional Officers - Notice - Access During Delivery - Penalty - Definitions](#)

[§ 5. Bible Shall be Furnished for Each Prisoner](#)

[§ 6. Courts May Sentence to Hard Labor](#)

[§ 7. Marshal Shall Superintend Labor in Towns](#)

Oklahoma Corrections Act of 1967

[§ 9. Penalty for Cruelty to Prisoners](#)

[§ 10. Penalty for Annoying Convicts](#)

[§ 13. Same - When Committed for Capital Offense](#)

[§ 14. Removal of Prisoners in Case of Fire](#)

[§ 15. When a Poor Convict is Held for Fine and Costs](#)

[§ 16. Jails of State to Receive Federal Prisoners](#)

[§ 16a. Sheriff to Receive and Hold United States Prisoners](#)

[§ 17. United States Shall be Liable for Expenses](#)

[§ 18. Calendar of United States Prisoners](#)

[§ 19. Juvenile Prisoners](#)

[§ 20. Credits for Convict's Work - Reward for Efficiency](#)

[§ 21. Bringing or Possessing Contraband in Jail or Penal Institution - Penalties](#)

[§ 22. Jail Employees Prohibited from Receiving Compensation for Bringing Items Into Jail](#)

Corporal Punishment

[§ 31. Corporal Punishment Prohibited](#)

[§ 32. Violation of Act a Misdemeanor](#)

Capacity of Facilities

[§ 37. Facilities Reaching Maximum Capacity](#)

[§ 38. Reimbursement of Counties - Medical Care](#)

[§ 38.1. Reimbursement for Disciplinary Incarceration Under Community Sentencing](#)

[§ 38.2. Reimbursement of Counties Per Offender Per Day for County Jail Incarceration](#)

[§ 38.3. Medical, Dental, and Mental Health Care for Inmates](#)

Chapter 2 - County Jails

[§ 41. Establishment or Access to Jail](#)

[§ 42. Common Jails Used as Prisons - When Appropriate](#)

[§ 47. Sheriff to Have Charge of the Jail](#)

[§ 48. Jail Register](#)

[§ 49. Sheriff Shall Furnish Court With Copy of Register](#)

[§ 51. Duty of County Board - Medical Officer - Reports](#)

[§ 51.1. AIDS - Transfer of Inmate for Extended Medical Care](#)

[§ 52. Sheriff to Provide Board and Necessary Articles - Compensation](#)

[§ 53. Sheriff Must Visit and Examine Once a Month](#)

[§ 54. Person Authorized to Act as Jailer - Civilian Employees - Oath - Liability of Sheriff](#)

[§ 55. Penalty for Sheriff's Neglect](#)

[§ 56. Penalty for Breaking Jail](#)

[§ 57. Apartments for Confining Prisoners - System of Classifying Prisoners - Confining of Different Classifications - Funds](#)

[§ 58. Employment of Prisoners](#)

[§ 58.1. Prisoners - Maintaining, Repairing, Beautifying Courthouse and Grounds](#)

[§ 58.2. Request of County Commissioners - Duties of Sheriff](#)

[§ 58.3. Credit to Prisoners](#)

[§ 59. Grand Juries Shall Examine Prisons](#)

[§ 60. Sheriff to be Paid for Keeping Prisoners](#)

[§ 61. Sheriff to Keep Copy of Order of Confinement](#)

[§ 62. Commitments and Discharges to be Filed](#)

[§ 63. Same - Delivery to Successor](#)

[§ 64. County Without Prison](#)

[§ 65. Credit for Good Behavior and Blood Donations - Duty of Sheriff](#)

[§ 68. State Law Governs Private Prisons](#)

[§ 69. Meals Served to Personnel and Prisoners](#)

Chapter 3 - Removal of Prisoners to Penal Institutions

[§ 95. Delivery of Sentenced Persons by Sheriff - Receipts](#)

[§ 96. Foreign Convicted Offenders - Transfer or Exchange](#)

EXCERPT FROM
TITLE 63 OF THE OKLAHOMA STATUTES
CHAPTER 1. OKLAHOMA PUBLIC HEALTH CODE

§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 useable bed. 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 through a program approved by 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 State Department of Health and at a maximum, eight (8) hours of detention officer 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 detention officer 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 detention officer or one detention officer 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.

Historical Data

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 ([superseded document available](#)); Amended by Laws 2005, SB 725, c. 180, § 1, emerg. eff. July 1, 2005 ([superseded document available](#)); Amended by Laws 2007, SB 437, c. 51, § 2, eff. November 1, 2007 ([superseded document available](#)); Amended by Laws 2014, SB 1737, c. 322, § 1, eff. November 1, 2014 ([superseded document available](#)); Amended by Laws 2018, HB 1461, c. 71, § 1, eff. November 1, 2018 ([superseded document available](#)).

Section 193 - Right of Entry - Report of Inspection

Cite as: 74 O.S. § 193 (OSCN 2019)

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 person immediately responsible for the administration of the facility inspected and such other offices the Department deems appropriate. 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.

Historical Data

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; Amended by Laws 2018, HB 1461, c. 71, § 2, eff. November 1, 2018 ([superseded document available](#)).

Section 194 - Deficient Facility – Closing

Cite as: 74 O.S. § 194 (OSCN 2019)

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 for the purpose of assistance in obtaining compliance or 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 assistance in obtaining compliance or 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.

Historical Data

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; Amended by Laws 2018, HB 1461, c. 71, § 3, eff. November 1, 2018 ([superseded document available](#)).

§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.