

OKLAHOMA ATTORNEY GENERAL

Question Submitted by: The Honorable Steve Bashore, Oklahoma House of Representatives, District 7

2026 OK AG 1 · Decided February 13, 2026

SUMMARY

This Oklahoma Attorney General Opinion addresses whether a county sheriff may transport a county jail inmate across state lines for medical treatment. It concludes that, absent an agreement with the other state, the sheriff's custodial authority ends at Oklahoma's border, and that transporting the inmate to an in-state facility generally would not create state tort or federal civil-rights liability solely because a comparable out-of-state facility is closer. The opinion further concludes that the Oklahoma Legislature may authorize interstate transport, subject to inmate consent under the Oklahoma Constitution and an agreement extending custodial authority into the other state.

CASE DETAILS

|                    |                                                                                                                                                                                                   |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Oklahoma Attorney General                                                                                                                                                                         |
| DECIDED            | February 13, 2026                                                                                                                                                                                 |
| DISPOSITION        | other                                                                                                                                                                                             |
| PROCEDURAL POSTURE | Official Attorney General opinion issued in response to questions submitted by the Oklahoma House of Representatives.                                                                             |
| STANDARD OF REVIEW | The opinion applies statutory interpretation and constitutional analysis, and describes the fact-dependent deliberate-indifference standard governing potential federal constitutional liability. |
| PRECEDENTIAL VALUE | Official Oklahoma Attorney General opinion; persuasive executive-branch legal guidance rather than binding judicial precedent.                                                                    |

TOPICS

- health law
- government liability
- federalism
- interstate disputes
- prisoners rights

PRACTICE AREAS

- constitutional law
- civil rights
- government liability
- health law
- federalism
- municipal law

QUESTIONS PRESENTED

1. Whether a county sheriff may transport a county-jail inmate across state lines for medical treatment when the closest appropriate facility is in another state.
2. Whether a sheriff may be liable under the Oklahoma Governmental Tort Claims Act or 42 U.S.C. § 1983 for transporting an inmate to an in-state medical facility instead of a closer or better-equipped out-of-state facility.
3. Whether the Oklahoma Constitution prohibits legislation authorizing a sheriff to transport a county-jail inmate across state lines for medical treatment.

## HOLDINGS

1. Because a county sheriff's custodial authority over a county-jail inmate derives from Oklahoma law and does not extend beyond Oklahoma's borders, a sheriff cannot transport an inmate across state lines for medical treatment absent an agreement or other consent from the destination state.
2. The Oklahoma Governmental Tort Claims Act exempts sheriffs from state tort liability arising from the operation of jails, including medical care provided to inmates; therefore, absent additional facts, a sheriff would be exempt from state tort liability for transporting an inmate to an in-state facility rather than a comparable, closer out-of-state facility.
3. A sheriff's decision, standing alone, to transport an inmate to an in-state medical facility instead of a comparable but closer out-of-state facility is unlikely to establish deliberate indifference under 42 U.S.C. § 1983, assuming the sheriff acts promptly and reasonably in all other respects; liability remains fact-dependent.
4. The Oklahoma Constitution does not generally prohibit the Legislature from authorizing county sheriffs to transport inmates across state lines for medical treatment, but Article II, section 29 requires the inmate's consent or due process, and Oklahoma legislation alone cannot extend the sheriff's custodial authority into another state.

## KEY QUOTATIONS

*“Under Oklahoma and federal law, county sheriffs must provide medical care to jail inmates, including emergency treatment.” (¶1)*

*“Based on the foregoing, and subject to the discussion in Section III.C below, county sheriffs' jurisdiction ends at the state line.” (¶9)*

*“Indeed, in light of this office's conclusion that a sheriff lacks the authority to transport an inmate across state lines for medical treatment, transport to the closest in-state hospital is the sheriff's only option.” (¶14)*

*“There is nothing prohibiting the Oklahoma Legislature from enacting a statute to allow a sheriff to transport jail inmates across state lines for medical care.” (¶18)*

## FACTUAL BACKGROUND

The request concerns county-jail inmates who require medical treatment that may not be available at an Oklahoma facility, or for whom a comparable or better facility in another state may be closer. Oklahoma law

places counties and sheriffs in charge of county jails and their prisoners and requires provision for inmate medical care, including emergency care. The opinion addresses the sheriff's authority to transport inmates across state lines, potential state and federal liability for selecting an in-state facility, and the constitutionality and practical effectiveness of legislation authorizing interstate transport.

## PROCEDURAL HISTORY

The Oklahoma Attorney General received a request from Representative Steve Bashore asking whether a county sheriff may transport a county-jail inmate across state lines for medical treatment, whether the sheriff could face liability for choosing an in-state facility over a closer out-of-state facility, and whether the Oklahoma Constitution permits legislation authorizing such transport. The Attorney General issued an official opinion answering the questions.

## DISPOSITION

other

## CASES CITED

- HCA Health Servs. of Oklahoma, Inc. v. Whetsel, 2007 OK 101, 173 P.3d 1203
- Estelle v. Gamble, 429 U.S. 97, 103-04 (1976)
- Sealock v. Colorado, 218 F.3d 1205, 1210-11 (10th Cir. 2000)
- Staller v. State, 1996 OK CR 48, 932 P.2d 1136
- Graham v. State, 1977 OK CR 1, 560 P.2d 200
- United States v. Braggs, 189 F.2d 367 (10th Cir. 1951)
- Redding v. State, 1994 OK 102, 882 P.2d 61
- Paugh v. Uintah County, 47 F.4th 1139, 1153-54, 1158, 1167 (10th Cir. 2022)
- Farmer v. Brennan, 511 U.S. 825, 835 (1994)
- Verdecia v. Adams, 327 F.3d 1171, 1175 (10th Cir. 2003)
- Rachel v. Troutt, 820 F.3d 390, 394 (10th Cir. 2016)
- 80 Wis. Op. Atty. Gen. 41 (Apr. 10, 1991)
- Ark. Op. Atty. Gen. No. 95-407, 1996 WL 41808 (Jan. 25, 1996)
- In re Maney, 55 P. 930
- Tuffy's, Inc. v. City of Oklahoma City, 2009 OK 4, 212 P.3d 1158