

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 13

A Bill

SENATE BILL 2

5 By: Senator Luker
6
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR JAIL REIMBURSEMENT TO
10 COUNTIES BY THE DEPARTMENT OF COMMUNITY
11 CORRECTION; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO PROVIDE FOR JAIL REIMBURSEMENT
15 TO COUNTIES BY THE DEPARTMENT OF
16 COMMUNITY CORRECTION.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-27-114 is amended to read as follows:

22 12-27-114. Inmates in county jails - Reimbursement of county - Medical
23 care.

24 (a)(1)(A)(i) In the event the Department of Correction cannot accept
25 inmates from county jails due to insufficient bed space, the Department of
26 Correction shall reimburse the counties from the County Jail Reimbursement
27 Fund at rates determined by the Chief Fiscal Officer of the State, after
28 consultation with the Division of Legislative Audit and the Department of
29 Correction and upon approval by the Governor, until the appropriation and
30 funding provided for that purpose is exhausted.

31 (ii) The reimbursement rate shall include the
32 county's cost of transporting the inmates to the Department of Correction.

33 (B)(i) Reimbursement shall begin on the date of sentencing
34 if the judgment and commitment order is received by the Department of
35 Correction not later than twenty-one (21) days from the sentencing date.

36 (ii) If the judgment and commitment order is



1 received by the Department of Correction twenty-two (22) or more days after
2 the sentencing date, reimbursement shall begin on the date the Department of
3 Correction receives the judgment and commitment order.

4 (2)(A) In the event the Department of Community Correction
5 cannot accept inmates from county jails due to insufficient bed space or
6 shall have an inmate confined in a county jail under any prerelease program,
7 the ~~department~~ Department of Community Correction shall reimburse the
8 counties from the County Jail Reimbursement Fund at ~~a rate~~ rates determined
9 by the Chief Fiscal Officer of the State, after consultation with the
10 Division of Legislative Audit and the Department of Correction, and upon
11 approval by the Governor, until the appropriation and funding provided for
12 that purpose is exhausted.

13 (B)(i) Reimbursement shall begin on either the date of
14 sentencing or the date of placement on probation accompanied with
15 incarceration in the Department of Community Correction, if the judgment and
16 commitment order or the judgment and disposition order, whichever is
17 applicable, is received by the Department of Community Correction not later
18 than twenty-one (21) days from either the date of sentencing or the date of
19 placement on probation accompanied with incarceration in the Department of
20 Community Correction.

21 (ii) If the judgment and commitment order or the
22 judgment and disposition order, whichever is applicable, is received by the
23 Department of Community Correction twenty-two (22) or more days after the
24 date of sentencing or the date of placement on probation accompanied with
25 incarceration in the Department of Community Correction, reimbursement shall
26 begin on the date the Department of Community Correction receives either the
27 judgment and commitment order or the judgment and disposition order,
28 whichever is applicable.

29 (b)(1)(A) In the first week of each month, the Department of
30 Correction and the Department of Community Correction shall prepare an
31 invoice for each inmate received from a county during the previous month.

32 (B) The invoice shall reflect the number of days an inmate
33 was in the county jail in an awaiting-bed-space status.

34 (2) The Department of Correction and the Department of Community
35 Correction shall verify and forward the invoices to the applicable sheriff to
36 certify the actual number of days the state inmates were physically housed in

1 the county jail.

2 (3) The certified invoices shall then be returned to the
3 ~~department~~ departments for payment from the County Jail Reimbursement Fund.

4 (4) The sheriff shall maintain documentation for three (3)
5 calendar years to confirm the number of days each inmate was housed in the
6 county jail.

7 (5) The documentation maintained by the sheriff is subject to
8 review by the Division of Legislative Audit.

9 (c)(1) The Board of Corrections shall adopt regulations by which the
10 Department of Correction or the Department of Community Correction may
11 reimburse any county, which is required to retain an inmate awaiting delivery
12 to the custody of either of the ~~department~~ departments for more than thirty
13 (30) days, for the actual costs paid for any emergency medical care for
14 physical injury or illness of the inmate retained under this section if the
15 injury or illness is directly related to the incarceration and the county is
16 required by law to provide the care for inmates in the jail.

17 (2) The Director of the Department of Correction or his or her
18 designee, or the Director of the Department of Community Correction or his or
19 her designee, may accept custody of any inmate as soon as possible upon
20 request of the county upon determining that the inmate is required to have
21 extended medical care.

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23 SECTION 2. Arkansas Code § 19-5-1045 is amended to read as follows:
24 19-5-1045. County Jail Reimbursement Fund.

25 (a) The County Jail Reimbursement Fund is hereby created and
26 established on the books of the Treasurer of State, Auditor of State, and
27 Chief Fiscal Officer of the State, and shall consist of those general
28 revenues or general improvement funds that may be provided by law.

29 (b) The fund shall be used ~~solely~~ by the Department of Correction for
30 reimbursing counties housing prisoners sentenced to the department.

31 (c) The fund shall be used by the Department of Community Correction
32 for reimbursing counties housing prisoners either sentenced to the department
33 or placed on probation, if the probation is accompanied by incarceration in
34 the Department of Community Correction.

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36 APPROVED: 12/29/2003