

INTERIM STUDY PROPOSAL 2017-036

State of Arkansas

*As Engrossed: H3/14/17*

91st General Assembly

**A Bill**

Regular Session, 2017

HOUSE BILL 1992

By: Representative Lundstrum

By: Senator Hester

Filed with: House Committee on State Agencies and Governmental Affairs  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT CONCERNING COUNTY JAIL REIMBURSEMENT FOR  
HOUSING STATE INMATES; AND FOR OTHER PURPOSES.

**Subtitle**

CONCERNING COUNTY JAIL REIMBURSEMENT FOR  
HOUSING STATE INMATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code § 12-27-114 is amended to read as follows:*

*12-27-114. Inmates in county jails – Reimbursement of county – Medical care.*

*(a)(1)(A)~~(i)~~ In the event the Department of Correction cannot accept inmates from county jails due to insufficient bed space, the Department of Correction shall reimburse the counties from the County Jail Reimbursement Fund at rates determined by the Chief Fiscal Officer of the State, after consultation with Arkansas Legislative Audit and the Department of Correction and upon approval by the Governor, until the appropriation and funding provided for that purpose are exhausted, including the county's cost of transporting the inmates to the Department of Correction.*

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

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

4                   (ii) If the judgment and commitment order is  
5 received by the Department of Correction twenty-two (22) or more days after  
6 the sentencing date, reimbursement shall begin on the date the Department of  
7 Correction receives the judgment and commitment order.

8                   (2)(A) In the event the Department of Community Correction  
9 cannot accept inmates from county jails due to insufficient bed space or  
10 shall have an inmate confined in a county jail under any prerelease program  
11 or sanction imposed in response to a violation of supervision conditions, the  
12 Department of Community Correction shall reimburse the counties from the fund  
13 at rates determined by the Chief Fiscal Officer of the State, after  
14 consultation with Arkansas Legislative Audit and the Department of  
15 Correction, and upon approval by the Governor, until the appropriation and  
16 funding provided for that purpose are exhausted.

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

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

33                   (b)(1)(A) The Department of Correction and the Department of Community  
34 Correction shall prepare an invoice during the first week of each month that  
35 lists each state inmate that is on the county jail backup list during the  
36 previous month.

1                   (B) The invoice shall reflect the number of days a state  
2 inmate was in the county jail in an awaiting-bed-space status.

3                   (2)(A) The Department of Correction and the Department of  
4 Community Correction shall verify and forward the invoices to the applicable  
5 county sheriff to certify the actual number of days the state inmates were  
6 physically housed in the county jail.

7                   (B)(i) Upon written request of a county judge, county  
8 treasurer, or county sheriff, the Department of Correction and the Department  
9 of Community Correction shall provide to the county official making the  
10 request a written report summarizing the year-to-date county jail  
11 reimbursement invoices prepared and forwarded for verification by the  
12 Department of Correction and the Department of Community Correction and  
13 payment from the fund.

14                   (ii) In addition, the written report shall include a  
15 summary of invoices returned by each county for payment for previous months  
16 within the fiscal year, the amounts paid, and any balances owed.

17                   (3)(A) The certified invoices shall then be returned to the  
18 Department of Correction and the Department of Community Correction for  
19 payment from the fund.

20                   (B) Payment from the fund shall be made within five (5)  
21 business days of receipt of signed and certified invoices returned by each  
22 county, subject to funding made available for payment of the certified  
23 notices.

24                   (4) The county sheriff shall maintain documentation for three  
25 (3) calendar years to confirm the number of days each state inmate was  
26 physically housed in the county jail.

27                   (5) The documentation maintained by the county sheriff is  
28 subject to review by Arkansas Legislative Audit.

29                   (6) Invoices under this subsection may be mailed or sent  
30 electronically.

31                   (c)(1) The Board of Corrections shall adopt rules by which the  
32 Department of Correction or the Department of Community Correction ~~may~~ shall  
33 reimburse any county, which is required to retain an inmate awaiting delivery  
34 to the custody of either the Department of Correction or the Department of  
35 Community Correction upon receipt of a correct sentencing order, for the  
36 actual costs paid for any emergency medical care for physical injury or

1 illness of the inmate retained under this section if the injury or illness is  
2 directly related to the incarceration and the county is required by law to  
3 provide the care for inmates in the jail.

4 (2) The Director of the Department of Correction or his or her  
5 designee or the Director of the Department of Community Correction or his or  
6 her designee may accept custody of any inmate as soon as possible upon  
7 request of the county upon determining that the inmate is required to have  
8 extended medical care.

9 ~~(3)(A) Reimbursements for medical expenses shall require prior~~  
10 ~~approval of the Department of Correction or the Department of Community~~  
11 ~~Correction before the rendering of health care.~~

12 ~~(B)(i) In a true emergency situation, health care may be~~  
13 ~~rendered without prior approval.~~

14 ~~(ii) The Department of Correction or the Department~~  
15 ~~of Community Correction shall be notified of a true emergency situation~~  
16 ~~immediately after the true emergency situation.~~

17 (d) On the effective date of this act the reimbursement rate under  
18 this section shall be increased five dollars (\$5.00) per day per inmate,  
19 starting from the reimbursement rate as it existed on January 1, 2017, and  
20 increased on January 1 of each year by one dollar (\$1.00) per day per inmate  
21 for the next twenty-five (25) years.

22  
23 /s/Lundstrum  
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26 Referred by the Arkansas House of Representatives

27 Prepared by: VJF  
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