

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 1097 OF 1997  
HOUSE BILL 1992

4  
5 By: Representatives Magnus, Hausam, Thomas, Johnson, Angel, Dianne Hudson, Jeffress, Jones, Vess, Stalnaker, Keltner,  
6 Wooldridge, McGehee, and Wood

## For An Act To Be Entitled

10 "AN ACT TO PROVIDE FOR THE MANAGEMENT OF LOCAL JAIL  
11 POPULATIONS BY SHERIFFS AND JAIL ADMINISTRATORS; AND FOR  
12 OTHER PURPOSES."

## Subtitle

15 "TO PROVIDE FOR THE MANAGEMENT OF LOCAL  
16 JAIL POPULATIONS BY SHERIFFS AND JAIL  
17 ADMINISTRATORS"

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. (a) Sheriffs and other keepers or administrators of jails  
22 within the state of Arkansas are responsible for managing the populations and  
23 operations of their respective facilities in compliance with the laws and  
24 constitution of this state and within the requirements of the United States  
25 Constitution.

26 (b) Sheriffs nor other keepers or administrators of jails shall refuse  
27 to accept any prisoner lawfully arrested or committed within the jurisdiction  
28 of the supporting agency of the jail except as necessary to limit prisoner  
29 population in compliance with subsection (a).

30 (c) When more than one legal jurisdictions (counties and/or  
31 municipalities) share a common jail, the participating jurisdictions may enter  
32 into agreements to share the operational costs of such jail.

33 (d) When such shared jail is operated and a jurisdiction which is  
34 eligible to participate in the shared operation opts not to participate, then  
35 in the event that said jurisdiction has prisoners committed to the shared  
36 jail, that jurisdiction may be required to pay fixed per diem charges, not to

1 exceed actual costs including capital costs, for each prisoner committed or  
 2 housed in the jail.

3 (e) Agreements with agencies or jurisdictions not eligible for  
 4 participation in a shared jail operation project may be made for the housing  
 5 of prisoners, provided the charges assessed do not exceed the actual costs,  
 6 including capital costs.

7 (f) Jails shall accept prisoners of the United State government  
 8 provided space and staffing are available and the delivering government agency  
 9 agrees to pay a per diem charge not to exceed the actual costs, including  
 10 capital costs.

11 (g) Nothing herein prohibits any jurisdiction from entering into a  
 12 contractual agreement with a private organization for the operation of a jail  
 13 facility.

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15 SECTION 2. Arkansas Code Annotated § 5-54-128 is repealed.

16 ~~5-54-128. Jailor refusing to receive prisoner.~~

17 ~~If any jailor or keeper of any jail shall refuse to receive in the jail~~  
 18 ~~under his charge any person lawfully committed to the jail on any criminal~~  
 19 ~~charge or conviction, or on any lawful process whatever, he shall, upon~~  
 20 ~~conviction, be deemed guilty of a misdemeanor, and fined not less than one~~  
 21 ~~hundred dollars (\$100) and be dismissed from his office.~~

22

23 SECTION 3. Arkansas Code Annotated § 12-41-503 is repealed.

24 ~~12-41-503. Prisoners.~~

25 ~~It shall be the duty of the jailor to receive from constables and other~~  
 26 ~~officers all persons who may be apprehended by such constables, or other~~  
 27 ~~officers for offenses against this state, or who shall be committed by any~~  
 28 ~~competent authority.~~

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30 SECTION 4. Arkansas Code Annotated § 12-41-510(c) is repealed.

31 ~~(c) The United States shall pay for the use and keeping of such jails,~~  
 32 ~~at the rate of fifty cents (50¢) per month for each prisoner who shall under~~  
 33 ~~their authority be committed thereto. The United States shall also pay to the~~  
 34 ~~jailer such fees as he would be entitled to for like services rendered by~~  
 35 ~~virtue of the laws of this state during the time such prisoner shall be~~  
 36 ~~confined and shall support all prisoners that may be committed for criminal~~

1 ~~offenses.~~

2

3 SECTION 5. All provisions of this act of a general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 6. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 7. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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APPROVED:4-03-97

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