

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 1590

4  
5 By: Representatives Kerr, Hobbs, Greenberg, English, Slinkard, J. Burris, Carter  
6 By: Senator D. Johnson

## For An Act To Be Entitled

7  
8  
9  
10 AN ACT TO AMEND THE AMOUNT OF REIMBURSEMENT A  
11 COUNTY RECEIVES FROM THE STATE FOR THE CARE AND  
12 CUSTODY OF A STATE INMATE HELD IN A COUNTY JAIL;  
13 AND FOR OTHER PURPOSES.

## Subtitle

14  
15  
16 TO AMEND THE AMOUNT OF REIMBURSEMENT A  
17 COUNTY RECEIVES FROM THE STATE FOR THE  
18 CARE AND CUSTODY OF A STATE INMATE HELD  
19 IN A COUNTY JAIL.

20  
21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. Arkansas Code § 12-27-114(a), concerning the amount of  
25 reimbursement a county receives for housing state inmates, is amended to read  
26 as follows:

27 (a)(1)(A)~~(i)~~ In the event the Department of Correction cannot accept  
28 inmates from county jails due to insufficient bed space, the Department of  
29 Correction shall reimburse the counties from the County Jail Reimbursement  
30 Fund at ~~rates determined by the Chief Fiscal Officer of the State, after~~  
31 ~~consultation with the Division of Legislative Audit and the Department of~~  
32 ~~Correction and upon approval by the Governor~~ the rate of forty dollars  
33 (\$40.00) per day, until the appropriation and funding provided for that  
34 purpose are exhausted.

35 ~~(ii) The reimbursement rate shall include the~~  
36 ~~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 the Department of Community Correction shall reimburse the counties from the  
 12 fund at ~~rates determined by the Chief Fiscal Officer of the State, after~~  
 13 ~~consultation with the division and the Department of Correction, and upon~~  
 14 ~~approval by the Governor~~ the rate of forty dollars (\$40.00) per day, until  
 15 the appropriation and funding provided for that purpose are exhausted.

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

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

32  
 33 SECTION 2. Arkansas Code § 12-27-130 is repealed.

34 ~~12-27-130. Reimbursement of county.~~

35 ~~Notwithstanding any other provision of law or Department of~~  
 36 ~~Corrections' commitment which may exist to the contrary, the Board of~~

~~1 Corrections shall not increase any reimbursement rate for payments made to  
2 any county for the purpose of reimbursing the expenses of the care and  
3 custody of state inmates without first seeking and receiving the approval of  
4 the Governor and the Chief Fiscal Officer of the State.~~

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36