

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1170

"TO AUTHORIZE COUNTY JAILS TO RECEIVE DIFFERENT REIMBURSEMENT RATES
FOR INMATES."

Amendment No. 2 to House Bill No. 1170.

Amend House Bill No. 1170 as engrossed, 2/2/01:

Delete Section 1 on the bill and substitute the following:

"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) In the event the Department of Correction cannot accept inmates from county jails due to insufficient bed space, the department shall reimburse the counties at rates determined by the Board of Correction and Community Punishment.

(B) The prevailing rate of the county jail will be considered by the board in determining the minimum rate to be reimbursed.

(C) If a county's costs of care for inmates sentenced to the state exceeds the minimum rate, the county sheriff may seek consideration for an enhanced reimbursement rate.

(D) Factors to be considered in determining the enhanced reimbursement rate shall include, but are not limited to:

(i) General operational costs, like food and clothing for inmates sentenced to the state;

(ii) Direct supervision costs associated with supervising inmates sentenced to the state;

(iii) Programs dedicated to or utilized extensively by inmates sentenced to the state; and

(iv) Appropriation and funding levels designated by the board for this purpose.

(E) Debt service on any jail facilities shall not be a factor in determining the reimbursement rate for inmates sentenced to the state.

(F) County sheriffs seeking enhanced reimbursement rates shall initiate the process by contacting the Director of the Department of Correction and requesting an enhanced rate review. The county is solely responsible for providing necessary documentation to the director for an accurate and timely review of the jail operational costs associated with the housing of inmates sentenced to the state.

(G) After review, the director shall make a recommendation to the Board of Correction and Community Punishment. The director may request the Division of Legislative Audit to also review of the documentation of the jail operational costs associated with the housing of inmates sentenced to the state and upon completion of the division's review it shall report any findings and any recommendations to the board. Upon consideration of the recommendations from the director and the Division of Legislative Audit and all relevant factors, the board shall determine an appropriate rate of reimbursement for housing of inmates sentenced to the state.

(H) Once the enhanced rate of reimbursement has been set for a county, the county shall not request an increase in the reimbursement rate for a period of at least four (4) years to allow for adequate budget planning within the legislative biennial budget cycle.

(2)(A) In the event the Department of Community Punishment cannot accept inmates sentenced to the state from county jails due to insufficient bed space or shall have an inmate confined in a county jail under any prerelease program, the department shall reimburse the counties at a rate determined for the Department of Correction by the Board of Correction and Community Punishment until the appropriation provided and funding designated for such purpose is exhausted.

(B) The prevailing rate of the county jail will be considered by the board in determining the rate to be reimbursed.

(3) As used in this section, "inmates sentenced to the state" means:

(A) Offenders sentenced to prison at the Department of Correction;

(B) Offenders sentenced to a community punishment facility at the Department of Community Punishment; and

(C) Parolees whose parole has been revoked and who are awaiting return to the Department of Correction.

(4) "Inmates sentenced to the state" shall not include:

(A) Pretrial detainees;

(B) Convicted misdemeanants sentenced to jail;

(C) Offenders sentenced to the Department of Correction or the Department of Community Punishment who are out of jail on bond awaiting transfer to the appropriate correctional facility;

(D) Offenders convicted and sentenced to a state correctional facility for which the jail has not yet received the order of commitment; and

(E) Probation violators and parolees waiting for a revocation hearing.

(5) The board may establish a rate of reimbursement for Act 309 inmates which is different from the general jail reimbursement rate.

(b)(1) The sheriff of any county housing prisoners sentenced to the Department of Correction or the Department of Community Punishment shall cause to be prepared and submitted to the Director of the Department of Correction respective department documentation detailing the number of jail beds occupied each day during the previous month quarter by prisoners sentenced to the Department of Correction.

(2) Further, the Division of Legislative Audit shall audit on a quarterly annual basis a random sample of the documentation submitted by counties to both the Department of Correction and the Department of Community

Punishment to ensure the accuracy of county reimbursement costs by the state.

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

(2) The director of the department or his designee may accept custody of any inmate as soon as possible upon determination said inmate is required to have extended medical care, upon request of the county."

The Amendment was read _____

By: Representative Magnus

EN/VJF

VJF835

Chief Clerk