

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

Subtitle of House Bill No. 2596

"AN ACT TO RELIEVE THE COUNTIES AND CITIES OF ANY RESPONSIBILITY FOR
MEDICAL EXPENSES OF CRIMINALS INJURED WHILE COMMITTING CRIMINAL
ACTS."

Amendment No. 1 to House Bill No. 2596.

Amend House Bill No. 2596 as originally introduced:

Page 1, delete lines 10 through 13 and substitute the following:
"AN ACT TO PROVIDE COUNTIES AND CITIES WITH A RIGHT TO SEEK REIMBURSEMENT FOR
THE FINANCIAL COST OF MEDICAL AND OTHER EXPENSES OF CRIMINALS SENTENCED AS
PRISONERS IN THE COUNTY OR CITY JAIL; TO ALLOW COUNTIES TO MAKE CLAIMS FROM
THE CRIME VICTIMS REPARATION FUND; AND FOR OTHER PURPOSES. "

AND

Page 1, delete lines 16 through 19 and substitute the following:
"AN ACT TO ALLOW COUNTIES AND CITIES TO SEEK REIMBURSEMENT FOR THE COST OF
MEDICAL EXPENSES OF CRIMINALS SENTENCED TO THE COUNTY OR CITY JAIL AND
REPARATIONS FOR COST OF MEDICAL EXPENSES OF CRIMINALS SENTENCED TO JAIL. "

AND

Delete Section 1 of the bill and substitute the following:
"SECTION 1. Arkansas Code Title 12, Chapter 41, Subchapter 5, is
amended to add an additional section to read as follows:
12-41-512. Reimbursement procedures for costs of prisoners in county
jails.

(a)(1) The county sheriff shall forward to the county attorney a list
containing the name of each prisoner in the county jail, the term of the
sentence, the date of admission, together with all information available to
the sheriff on the financial responsibilities of the prisoner.

(2) The county attorney shall, from time to time, investigate or
cause to be investigated the reports furnished by the sheriff, for the
purpose of securing reimbursement for the expenses of the county for the cost
of care of the prisoners.

(b) Whenever it shall be found that any prisoner owes the county
expenses for the cost of care, the county attorney shall, if the prisoner

possesses any estate, petition the court which sentenced the person, or a circuit court of the county, for reimbursement. The petition shall state that the person is a jail prisoner and that he has reason to believe and does believe that the prisoner has an estate. It shall also pray for the appointment of a guardian of the person if a guardian has not already been so appointed, and that the estate may be subjected to the payment to the county of the expenses paid and to be paid by it on behalf of the person as a prisoner.

(c)(1) The court shall thereupon issue an order to show cause why the prayer of the petitioner should not be granted.

(2) If the prisoner has a guardian, the petition shall be served upon the guardian.

(3) If the prisoner has no guardian, the petition shall be served upon the prisoner by delivering a copy personally, or by registered mail to the county jail, at least fourteen (14) days before the date of the hearing.

(4) The court may appoint a guardian of the person or prisoner.

(d)(1) At the time of the hearing, if it appears that the prisoner has an estate which ought to be subject to the claim of the county, the court shall appoint a guardian of the person and estate of the prisoner if the court deems one necessary. The court shall require the guardian or any person or corporation possessing the estate belonging to the prisoner to appropriate and apply the estate to the payment of, or so much or part thereof as may appear to be proper, toward reimbursing the county for the expenses incurred on behalf of the prisoner. This reimbursement shall not be in excess of the per capita cost of maintaining prisoners in the jail.

(2) Before issuing any order of reimbursement, the court shall consider allowances for the maintenance and support of any dependents having a legal right to support and maintenance out of the estate of the prisoner.

(3) If, in the opinion of the court, the estate of the prisoner is sufficient to pay the cost of the proceedings, the estate shall be made liable therefor by order of the court.

(e) The proceedings provided for by this section may be begun at any time after admittance to the jail and recovery may be had for the expenses incurred on behalf of a prisoner during the entire period the person has been confined as a prisoner.

(f) As used in this section, unless the context otherwise requires:

(1) "Cost of care" means the cost to the county for providing room, board, clothing, medical, and other normal living expenses of prisoners sentenced or confined in the county jail;

(2) "Estate" means any tangible or intangible properties, real or personal, belonging to or due a prisoner sentenced or confined in the county jail, including income or payments to the inmate from social security, previously earned salary or wages, bonuses, annuities, pensions, or retirement benefits, or any source.

(g)(1) All moneys recovered for the cost of care of prisoners in a county jail under this section shall be deposited in the county general fund for the expense of the jail prisoner's care and custody.

(2) However, the cost of any investigation necessary to secure the reimbursement may be paid from the reimbursement secured under this section.

(h) If a county jail provides medical care to a prisoner and fails to

recover any portion of the costs of the medical care from the prisoner or the prisoner's estate under this section, the county may file a claim for and may be reimbursed for the prisoner's medical care expenses under the Arkansas Crime Victims Reparations Act.

SECTION 2. Arkansas Code Title 12, Chapter 41, Subchapter 4, is amended to add an additional section to read as follows:

12-41-405. Reimbursement procedures for costs of prisoners in city jails.

(a)(1) In municipalities with a city jail, the police chief shall forward to the city attorney a list containing the name of each prisoner in the jail, the term of the sentence, the date of admission, together with all information available to the police chief on the financial responsibilities of the prisoner.

(2) The city attorney shall, from time to time, investigate or cause to be investigated the reports furnished by the chief of police, for the purpose of securing reimbursement for the expenses of the city for the cost of care of the prisoners.

(b) Whenever it shall be found that any prisoner owes the city expenses for the cost of care, the city attorney shall, if the prisoner possesses any estate, petition the court which sentenced the person, or a circuit court of the county in which the city is located, for reimbursement. The petition shall state that the person is a jail prisoner and that the city has reason to believe and does believe that the prisoner has an estate. It shall also pray for the appointment of a guardian of the person if a guardian has not already been so appointed, and that the estate may be subjected to the payment to the city of the expenses paid and to be paid by it on behalf of the person as a prisoner.

(c)(1) The court shall thereupon issue an order to show cause why the prayer of the petitioner should not be granted.

(2) If the prisoner has a guardian, the petition shall be served upon the guardian.

(3) If the prisoner has no guardian, the petition shall be served upon the prisoner by delivering a copy personally, or by registered mail to the jail, at least fourteen (14) days before the date of the hearing.

(4) The court may appoint a guardian of the person or prisoner.

(d)(1) At the time of the hearing, if it appears that the prisoner has an estate which ought to be subject to the claim of the city, the court shall appoint a guardian of the person and estate of the prisoner if the court deems one necessary. The court shall require the guardian or any person or corporation possessing the estate belonging to the prisoner to appropriate and apply the estate to the payment of, or so much or part thereof as may appear to be proper, toward reimbursing the city for the expenses incurred on behalf of the prisoner. This reimbursement shall not be in excess of the per capita cost of maintaining prisoners in the jail.

(2) Before issuing any order of reimbursement, the court shall consider allowances for the maintenance and support of any dependents having a legal right to support and maintenance out of the estate of the prisoner.

(3) If, in the opinion of the court, the estate of the prisoner is sufficient to pay the cost of the proceedings, the estate shall be made liable therefor by order of the court.

(e) The proceedings provided for by this section may be begun at any

time after admittance to the jail and recovery may be had for the expenses incurred on behalf of a prisoner during the entire period the person has been confined as a prisoner.

(f) As used in this section, unless the context otherwise requires:

(1) "Cost of care" means the cost to the city for providing room, board, clothing, medical, and other normal living expenses of prisoners sentenced or confined in the city jail;

(2) "Estate" means any tangible or intangible properties, real or personal, belonging to or due a prisoner sentenced or confined in the city jail, including income or payments to the inmate from social security, previously earned salary or wages, bonuses, annuities, pensions, or retirement benefits, or any source.

(g)(1) All moneys recovered for the cost of care of prisoners in a city jail under this section shall be deposited in the city general fund for the expense of the jail prisoner's care and custody.

(2) However, the cost of any investigation necessary to secure the reimbursement may be paid from the reimbursement secured under this section.

(h) If a city jail provides medical care to a prisoner and fails to recover any portion of the costs of the medical care from the prisoner or the prisoner's estate under this section, the city may file a claim for and may be reimbursed for the prisoner's medical care expenses under the Arkansas Crime Victims Reparations Act.

SECTION 3. Arkansas Code 16-90-703(4), concerning the definitions under the Arkansas Crime Victims Reparations Act, is amended to read as follows:

(4)(A) "Claimant" means any of the following persons or entities applying for reparations under this subchapter:

(i) A victim;

(ii) A dependent of a victim who has died because of criminally injurious conduct; ~~or~~

(iii) A city or county which has provided medical care to a jail prisoner and which fails to recover any portion of the costs of the medical care from the prisoner or the prisoner's estate under §§ 12-41-405 or 12-41-512, respectively; or

(iii)-(iv) A person authorized to act on behalf of any of the persons enumerated in subdivisions (4)(A) and (B) of this section.

(B) The term shall not include a service provider;

SECTION 4. Arkansas Code 16-90-706(a)(1), concerning the powers of the Crime Victims Reparations Board, is amended to read as follows:

(a)(1) The board shall have the power to award reparations for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for reparations have been met, or for economic loss to a claimant city or county for unrecovered costs of the medical care for jail prisoner's if satisfied the city or county can not recover any portion of costs under §§ 12-41-405 or 12-41-512, respectively. The board shall have authority to award the reparations either to the claimant or directly to the provider of services.

SECTION 5. Arkansas Code 16-90-716 (a), concerning limits on the

amount of reparations under the Crime Victims Reparations Act, is amended to read as follows:

(a)(1) Reparations payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed ten thousand dollars (\$10,000).

(2) However, for those victims whose injuries are catastrophic and result in a total and permanent disability, the maximum reparations amount shall not exceed twenty-five thousand dollars (\$25,000).

(3) Reparations payable to those claimants which are cities or counties suffering economic loss from unrecovered medical care costs of prisoners may not exceed ten thousand dollars (\$10,000)."

The Amendment was read _____

By: Representative Womack

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Chief Clerk