

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.

INTERIM STUDY PROPOSAL 2009-035

State of Arkansas

As Engrossed: H3/24/09

87th General Assembly

A Bill

Regular Session, 2009

HOUSE BILL 1590

By: Representatives Kerr, Hobbs, Greenberg, English, Slinkard, J. Burris, Carter, *Webb, Adcock, Hopper, D. Hutchinson, McLean, J. Roebuck*

By: Senator D. Johnson

Filed with: House Interim Committee on City, County and Local Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND THE AMOUNT OF REIMBURSEMENT A
COUNTY RECEIVES FROM THE STATE FOR THE CARE AND
CUSTODY OF A STATE INMATE HELD IN A COUNTY JAIL;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE AMOUNT OF REIMBURSEMENT A
COUNTY RECEIVES FROM THE STATE FOR THE
CARE AND CUSTODY OF A STATE INMATE HELD
IN A COUNTY JAIL.

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

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

(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 the Division of Legislative Audit and the Department of Correction and upon approval by the Governor, until the appropriation and~~



1 ~~funding provided for that purpose are exhausted~~ the rate of thirty-four
2 dollars (\$34.00) per day.

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

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

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

12 (2)(A) In the event the Department of Community Correction
13 cannot accept inmates from county jails due to insufficient bed space or
14 shall have an inmate confined in a county jail under any prerelease program,
15 the Department of Community Correction shall reimburse the counties from the
16 fund at ~~rates determined by the Chief Fiscal Officer of the State, after~~
17 ~~consultation with the division and the Department of Correction, and upon~~
18 ~~approval by the Governor, until the appropriation and funding provided for~~
19 ~~that purpose are exhausted~~ the rate of thirty-four dollars (\$34.00) per day.

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

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

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

2 ~~12-27-130. Reimbursement of county.~~

3 ~~Notwithstanding any other provision of law or Department of~~
4 ~~Corrections' commitment which may exist to the contrary, the Board of~~
5 ~~Corrections shall not increase any reimbursement rate for payments made to~~
6 ~~any county for the purpose of reimbursing the expenses of the care and~~
7 ~~custody of state inmates without first seeking and receiving the approval of~~
8 ~~the Governor and the Chief Fiscal Officer of the State.~~

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10 /s/ Kerr
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