

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

SENATE BILL 604

5 By: Senator Fitch
6 By: Representative Weaver
7

For An Act To Be Entitled

10 "AN ACT TO PROVIDE FOR AN ADJUSTMENT TO THE PER DAY
11 INMATE HOUSING COSTS PAID BY THE STATE TO THE COUNTIES
12 FOR HOUSING STATE PRISONERS; AND FOR OTHER PURPOSES."
13

Subtitle

14 "THE INMATE HOUSING COST ACT."
15
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code 12-27-114 is hereby amended to read as
21 follows:

22 "12-27-114. Inmates in county jails - Reimbursement of county - Medical
23 care.

24 (a)(1) In the event the Department of Correction cannot accept inmates
25 from county jails due to insufficient bed space, the department shall
26 reimburse the counties at the rate of thirty-five dollars (\$35.00) per day.
27 ~~rates determined by the Board of Correction and Community Punishment. The~~
28 ~~prevailing rate of the county jail will be considered by the board in~~
29 ~~determining the rate to be reimbursed.~~

30 (2)(A) In the event the Department of Community Punishment cannot
31 accept inmates from county jails due to insufficient bed space or shall have
32 an inmate confined in a county jail under any prerelease program, the
33 department shall reimburse the counties at a the rate of thirty-five dollars
34 (\$35.00) per day. ~~determined by the Board of Correction and Community~~
35 ~~Punishment until the appropriation provided for such purpose is exhausted.~~

36 (B) The Criminal Facilities Detention Review Board shall,

1 each biennium, conduct a survey of all seventy-five (75) counties in order to
 2 determine the average daily cost of inmate housing in the several counties of
 3 Arkansas. At the beginning of the next fiscal year following the
 4 determination of the average daily inmate housing costs, the Department of
 5 Correction and the Department of Community Punishment shall use the latest
 6 calculation of the average daily inmate housing cost in calculating the
 7 payment owed to the counties. In no event shall the average daily inmate
 8 housing cost drop below thirty-five dollars (\$35.00). ~~The prevailing rate of~~
 9 ~~the county jail will be considered by the board in determining the rate to be~~
 10 ~~reimbursed.~~

11 (b)(1) The sheriff of any county housing prisoners sentenced to the
 12 Department of Correction shall cause to be prepared and submitted to the
 13 Director of the Department of Correction documentation detailing the number of
 14 jail beds occupied each day during the previous month by prisoners sentenced
 15 to the Department of Correction.

16 (2) Further, the Division of Legislative Audit shall audit on a
 17 quarterly basis a random sample of the documentation submitted by counties to
 18 the Department of Correction to ensure the accuracy of county reimbursement
 19 costs by the state.

20 (c)(1) The Board of Correction and Community Punishment shall adopt
 21 regulations by which the Department of Correction may reimburse any county,
 22 which is required to retain an inmate awaiting delivery to the custody of the
 23 department for more than ~~thirty (30)~~ fifteen (15) days, for the actual costs
 24 paid for any emergency medical care for physical injury or illness of the
 25 inmate retained under this section if the injury or illness is directly
 26 related to the incarceration and the county is required by law to provide such
 27 care for inmates in the jail.

28 (2) The director of the department or his designee ~~may~~ shall
 29 accept custody of any inmate within five (5) working days ~~as soon as possible~~
 30 upon determination said inmate is required to have extended medical care, upon
 31 ~~request~~ notification of ~~by~~ the county."

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 33 SECTION 2. All provisions of this act of a general and permanent nature
 34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 35 Revision Commission shall incorporate the same in the Code.

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1 SECTION 3. If any provision of this act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 act are declared to be severable.

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7 SECTION 4. All laws and parts of laws in conflict with this act are
8 hereby repealed.

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