

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.

State of Arkansas *As Engrossed: H2/2/01 H2/22/01 S3/29/01*

83rd General Assembly

## A Bill

Regular Session, 2001

HOUSE BILL 1170

By: Representatives Magnus, Weaver, Bolin, Jackson, Stovall, Cowling

By: Senators Critcher, J. Jeffress, Miller

### For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE 12-27-114 TO  
AUTHORIZE COUNTY JAILS TO RECEIVE DIFFERENT  
REIMBURSEMENT RATES FOR INMATES; AND FOR OTHER  
PURPOSES.

### Subtitle

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

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

*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) Beginning on or after May 1, 2002, 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:*

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

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

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

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

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

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

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

27 (H) Once the enhanced rate of reimbursement has been set  
28 for a county, the county shall not request an increase in the reimbursement  
29 rate for a period of at least four (4) years to allow for adequate budget  
30 planning within the legislative biennial budget cycle. However, in the event  
31 the enhanced rate is reduced below the county's documented cost due to  
32 appropriation and funding levels pursuant to subdivision (a)(1)(D)(iv) of this  
33 section, the county may request an increase in the reimbursement rate after a  
34 period of one (1) year.

35 (I) The enhanced rate of reimbursement established by the board  
36 pursuant to this section shall not exceed the minimum rate by more than thirty

1 percent (30%).

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

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

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

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

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

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

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

20 (A) Pretrial detainees;

21 (B) Convicted misdemeanants sentenced to jail;

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

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

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

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

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

1 Department of Correction.

2 (2) Further, the Division of Legislative Audit shall audit on a  
3 ~~quarterly~~ annual basis a random sample of the documentation submitted by  
4 counties to both the Department of Correction and the Department of Community  
5 Punishment to ensure the accuracy of county reimbursement costs by the state.

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

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

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19 /s/ Magnus  
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