

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1494

5 By: Representatives Mahony, Jacobs, Stovall
6 By: Senators Hill, Broadway
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For An Act To Be Entitled

10 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTION TO
11 DETERMINE THE NUMBER OF STATE INMATES HOUSED IN
12 COUNTY JAILS ON A MONTHLY BASIS AND TO REIMBURSE
13 COUNTY JAILS MONTHLY FOR THE EXPENSE; TO REMOVE
14 THE AUTHORITY FOR THE DEPARTMENT TO TRANSFER JAIL
15 REIMBURSEMENT FUNDS; TO REQUIRE THE COUNTY JAIL
16 REIMBURSEMENT FUND BE USED ONLY FOR COUNTY JAIL
17 EXPENSES; AND FOR OTHER PURPOSES.
18

Subtitle

19 TO REQUIRE THE DEPARTMENT OF CORRECTION
20 TO DETERMINE THE NUMBER OF STATE INMATES
21 HOUSED IN COUNTY JAILS AND TO REIMBURSE
22 COUNTY JAILS MONTHLY; TO REMOVE THE
23 AUTHORITY FOR THE DEPARTMENT TO TRANSFER
24 JAIL REIMBURSEMENT FUNDS.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 12-27-114 is amended to read as follows:

31 12-27-114. Inmates in county jails - Reimbursement of county - Medical
32 care.

33 (a)(1) In the event the Department of Correction cannot accept inmates
34 from county jails due to insufficient bed space, the department shall
35 reimburse the counties from the County Jail Reimbursement Fund at rates
36 determined by the Board of Correction and Community Punishment. The



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1 prevailing rate of the county jail will be considered by the board in
 2 determining the rate to be reimbursed.

3 (2)(A) In the event the Department of Community Punishment
 4 cannot accept inmates from county jails due to insufficient bed space or
 5 shall have an inmate confined in a county jail under any prerelease program,
 6 the department shall reimburse the counties at a rate determined by the Board
 7 of Correction and Community Punishment until the appropriation provided for
 8 such purpose is 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 ~~(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~~
 14 ~~of jail beds occupied each day during the previous month by prisoners~~
 15 ~~sentenced 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 (b)(1)(A) At the first of each month, the department shall prepare an
 21 invoice for each inmate housed in a county jail during the previous month.

22 (B) The invoice shall reflect the number of days an inmate
 23 was in the county jail in an awaiting-bed-space status.

24 (2) The department shall verify and forward the invoices to the
 25 applicable sheriff to certify the actual number of days the state inmates
 26 were physically housed in the county jail.

27 (3) The certified invoices shall then be returned to the
 28 department for payment from the County Jail Reimbursement Fund.

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

1 (2) The director of the department or his designee may accept
2 custody of any inmate as soon as possible upon determination said inmate is
3 required to have extended medical care, upon request of the county.
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5 SECTION 2. Arkansas Code § 12-27-138(a)(4)(B), concerning the transfer
6 between funds for Department of Correction appropriated funds, is amended to
7 read as follows:

8 (B) Other than for unforeseen purposes, transfers shall be
9 limited to the following specific purposes:

- 10 ~~(i)~~ ~~Payment of county jail reimbursement expenses;~~
- 11 ~~(ii)~~(i) Costs to open and operate temporary beds;
- 12 ~~(iii)~~(ii) Payment of debt service;
- 13 ~~(iv)~~(iii) Payment of overtime expenses;
- 14 ~~(v)~~(iv) Unanticipated increases for medical or
15 private prison contracts;
- 16 ~~(vi)~~(v) Construction, renovation, and equipping of
17 new beds;
- 18 ~~(vii)~~(vi) Deficits in farm or industry programs;
- 19 ~~(viii)~~(vii) Losses not covered by insurance
20 proceeds; and
- 21 ~~(ix)~~(viii) Costs of personnel for critical services
22 or necessary to carry out the mission of the agency.

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24 SECTION 3. Arkansas Code § 19-5-1045 is amended to read as follows:
25 19-5-1045. County Jail Reimbursement Fund.

26 (a) The County Jail Reimbursement Fund is hereby created and
27 established on the books of the Treasurer of State, Auditor of State, and
28 Chief Fiscal Officer of the State, and shall consist of those general
29 revenues or general improvement funds that may be provided by law.

30 (b) The fund shall be used solely by the Department of Correction for
31 reimbursing counties housing prisoners sentenced to the department.
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