

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

As Engrossed: H2/17/03 H2/27/03

A Bill

HOUSE BILL 1494

5 By: Representatives Mahony, Jacobs, Stovall
6 By: Senators Hill, Broadway
7
8

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 AND TO REIMBURSE COUNTY JAILS
13 MONTHLY FOR THE EXPENSE; TO REMOVE THE AUTHORITY
14 FOR THE DEPARTMENT TO TRANSFER JAIL REIMBURSEMENT
15 FUNDS; TO REQUIRE THE COUNTY JAIL REIMBURSEMENT
16 FUND BE USED ONLY FOR COUNTY JAIL EXPENSES; AND
17 FOR OTHER PURPOSES.

Subtitle

18
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)(A) In the event the Department of Correction cannot accept
34 inmates 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. Chief Fiscal Officer of the State,~~
 3 ~~after consultation with the Division of Legislative Audit and the Department~~
 4 ~~of Correction, and upon approval by the Governor, until the appropriation and~~
 5 ~~funding provided for that purpose is exhausted. The reimbursement rate shall~~
 6 ~~include the county's cost of transporting the inmates to the department.~~

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

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

14 ~~(2)(A)~~ In the event the Department of Community ~~Punishment~~
 15 ~~Correction~~ cannot accept inmates from county jails due to insufficient bed
 16 space or shall have an inmate confined in a county jail under any prerelease
 17 program, the department shall reimburse the counties at a rate determined by
 18 ~~the Board of Correction and Community Punishment~~ Chief Fiscal Officer of the
 19 State, after consultation with the Division of Legislative Audit and the
 20 Department of Correction, and upon approval by the Governor, until the
 21 appropriation and funding provided for such purpose is exhausted.

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

24 ~~(b)(1) The sheriff of any county housing prisoners sentenced to~~
 25 ~~the Department of Correction shall cause to be prepared and submitted to the~~
 26 ~~Director of the Department of Correction documentation detailing the number~~
 27 ~~of jail beds occupied each day during the previous month by prisoners~~
 28 ~~sentenced to the Department of Correction.~~

29 ~~(2) Further, the Division of Legislative Audit shall audit on a~~
 30 ~~quarterly basis a random sample of the documentation submitted by counties to~~
 31 ~~the Department of Correction to ensure the accuracy of county reimbursement~~
 32 ~~costs by the state.~~

33 (b)(1)(A) In the first week of each month, the department shall
 34 prepare an invoice for each inmate received from a county during the previous
 35 month.

36 (B) The invoice shall reflect the number of days an inmate

1 was in the county jail in an awaiting-bed-space status.

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

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

7 (4) The sheriff shall maintain documentation for three (3)
8 calendar years to confirm the number of days each inmate was housed in the
9 county jail.

10 (5) The documentation maintained by the sheriff is subject to
11 review by the Division of Legislative Audit.

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

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

23
24 SECTION 2. Arkansas Code § 12-27-138(a)(4)(B), concerning the transfer
25 between funds for Department of Correction appropriated funds, is amended to
26 read as follows:

27 (B)(i) *Other than for unforeseen purposes, transfers shall*
28 *be limited to the following specific purposes:*

29 ~~(i) Payment of county jail reimbursement expenses;~~

30 ~~(ii)(a) Costs to open and operate temporary beds;~~

31 ~~(iii)(b) Payment of debt service;~~

32 ~~(iv)(c) Payment of overtime expenses;~~

33 ~~(v)(d) Unanticipated increases for medical or~~
34 *private prison contracts;*

35 ~~(vi)(e) Construction, renovation, and equipping of~~
36 *new beds;*

1 ~~(vii)~~(f) Deficits in farm or industry programs;
 2 ~~(viii)~~(g) Losses not covered by insurance proceeds;
 3 and
 4 ~~(ix)~~(h) Costs of personnel for critical services or
 5 necessary to carry out the mission of the agency.
 6 (ii) However, there shall be no transfers to or from the
 7 County Jail Reimbursement Fund.

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 9 SECTION 3. Arkansas Code § 19-5-1045 is amended to read as follows:
 10 19-5-1045. County Jail Reimbursement Fund.

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

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

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 18 /s/ Mahony, et al
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