

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

Call Item 13

A Bill

SENATE BILL 2

5 By: Senator Luker
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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR JAIL REIMBURSEMENT TO
10 COUNTIES BY THE DEPARTMENT OF COMMUNITY
11 CORRECTION; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO PROVIDE FOR JAIL REIMBURSEMENT
15 TO COUNTIES BY THE DEPARTMENT OF
16 COMMUNITY CORRECTION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-27-114 is amended to read as follows:

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

24 (a)(1)(A)(i) In the event the Department of Correction cannot accept
25 inmates from county jails due to insufficient bed space, the Department of
26 Correction shall reimburse the counties from the County Jail Reimbursement
27 Fund at rates determined by the Chief Fiscal Officer of the State, after
28 consultation with the Division of Legislative Audit and the Department of
29 Correction and upon approval by the Governor, until the appropriation and
30 funding provided for that purpose is exhausted.

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

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

36 (ii) If the judgment and commitment order is



1 received by the Department of Correction twenty-two (22) or more days after
 2 the sentencing date, reimbursement shall begin on the date the Department of
 3 Correction receives the judgment and commitment order.

4 (2)(A) In the event the Department of Community Correction
 5 cannot accept inmates from county jails due to insufficient bed space or
 6 shall have an inmate confined in a county jail under any prerelease program,
 7 the ~~department~~ Department of Community Correction shall reimburse the
 8 counties from the County Jail Reimbursement Fund at ~~a rate~~ rates determined
 9 by the Chief Fiscal Officer of the State, after consultation with the
 10 Division of Legislative Audit and the Department of Correction, and upon
 11 approval by the Governor, until the appropriation and funding provided for
 12 that purpose is exhausted.

13 (B)(i) Reimbursement shall begin on either the date of
 14 sentencing or the date of placement on probation accompanied with
 15 incarceration in the Department of Community Correction, if the judgment and
 16 commitment order or the judgment and disposition order, whichever is
 17 applicable, is received by the Department of Community Correction not later
 18 than twenty-one (21) days from either the date of sentencing or the date of
 19 placement on probation accompanied with incarceration in the Department of
 20 Community Correction.

21 (ii) If the judgment and commitment order or the
 22 judgment and disposition order, whichever is applicable, is received by the
 23 Department of Community Correction twenty-two (22) or more days after the
 24 date of sentencing or the date of placement on probation accompanied with
 25 incarceration in the Department of Community Correction, reimbursement shall
 26 begin on the date the Department of Community Correction receives either the
 27 judgment and commitment order or the judgment and disposition order,
 28 whichever is applicable.

29 (b)(1)(A) In the first week of each month, the Department of
 30 Correction and the Department of Community Correction shall prepare an
 31 invoice for each inmate received from a county during the previous month.

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

34 (2) The Department of Correction and the Department of Community
 35 Correction shall verify and forward the invoices to the applicable sheriff to
 36 certify the actual number of days the state inmates were physically housed in

1 the county jail.

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

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

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

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

17 (2) The Director of the Department of Correction or his or her
 18 designee, or the Director of the Department of Community Correction or his or
 19 her designee, may accept custody of any inmate as soon as possible upon
 20 request of the county upon determining that the inmate is required to have
 21 extended medical care.

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23 SECTION 2. Arkansas Code § 19-5-1045 is amended to read as follows:
 24 19-5-1045. County Jail Reimbursement Fund.

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

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

31 (c) The fund shall be used by the Department of Community Correction
 32 for reimbursing counties housing prisoners either sentenced to the department
 33 or placed on probation, if the probation is accompanied by incarceration in
 34 the Department of Community Correction.

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