

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1992

5 By: Representative Lundstrum
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT CONCERNING COUNTY JAIL REIMBURSEMENT FOR
10 HOUSING STATE INMATES; AND FOR OTHER PURPOSES.
11

Subtitle

14 CONCERNING COUNTY JAIL REIMBURSEMENT FOR
15 HOUSING STATE INMATES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code § 12-27-114 is amended to read as follows:*

21 *12-27-114. Inmates in county jails – Reimbursement of county – Medical*
22 *care.*

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

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 or sanction imposed in response to a violation of supervision conditions, the
8 Department of Community Correction shall reimburse the counties from the fund
9 at rates determined by the Chief Fiscal Officer of the State, after
10 consultation with Arkansas Legislative Audit and the Department of
11 Correction, and upon approval by the Governor, until the appropriation and
12 funding provided for that purpose are 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) The Department of Correction and the Department of Community
30 Correction shall prepare an invoice during the first week of each month that
31 lists each state inmate that is on the county jail backup list during the
32 previous month.

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

35 (2)(A) The Department of Correction and the Department of
36 Community Correction shall verify and forward the invoices to the applicable

1 county sheriff to certify the actual number of days the state inmates were
2 physically housed in the county jail.

3 (B)(i) Upon written request of a county judge, county
4 treasurer, or county sheriff, the Department of Correction and the Department
5 of Community Correction shall provide to the county official making the
6 request a written report summarizing the year-to-date county jail
7 reimbursement invoices prepared and forwarded for verification by the
8 Department of Correction and the Department of Community Correction and
9 payment from the fund.

10 (ii) In addition, the written report shall include a
11 summary of invoices returned by each county for payment for previous months
12 within the fiscal year, the amounts paid, and any balances owed.

13 (3)(A) The certified invoices shall then be returned to the
14 Department of Correction and the Department of Community Correction for
15 payment from the fund.

16 (B) Payment from the fund shall be made within five (5)
17 business days of receipt of signed and certified invoices returned by each
18 county, subject to funding made available for payment of the certified
19 notices.

20 (4) The county sheriff shall maintain documentation for three
21 (3) calendar years to confirm the number of days each state inmate was
22 physically housed in the county jail.

23 (5) The documentation maintained by the county sheriff is
24 subject to review by Arkansas Legislative Audit.

25 (6) Invoices under this subsection may be mailed or sent
26 electronically.

27 (c)(1) The Board of Corrections shall adopt rules by which the
28 Department of Correction or the Department of Community Correction ~~may~~ shall
29 reimburse any county, which is required to retain an inmate awaiting delivery
30 to the custody of either the Department of Correction or the Department of
31 Community Correction upon receipt of a correct sentencing order, for the
32 actual costs paid for any emergency medical care for physical injury or
33 illness of the inmate retained under this section if the injury or illness is
34 directly related to the incarceration and the county is required by law to
35 provide the care for inmates in the jail.

36 (2) The Director of the Department of Correction or his or her

1 *designee or the Director of the Department of Community Correction or his or*
2 *her designee may accept custody of any inmate as soon as possible upon*
3 *request of the county upon determining that the inmate is required to have*
4 *extended medical care.*

5 ~~*(3)(A) Reimbursements for medical expenses shall require prior*~~
6 ~~*approval of the Department of Correction or the Department of Community*~~
7 ~~*Correction before the rendering of health care.*~~

8 ~~*(B)(i) In a true emergency situation, health care may be*~~
9 ~~*rendered without prior approval.*~~

10 ~~*(ii) The Department of Correction or the Department*~~
11 ~~*of Community Correction shall be notified of a true emergency situation*~~
12 ~~*immediately after the true emergency situation.*~~

13 *(d) On the effective date of this act the reimbursement rate under*
14 *this section shall be increased five dollars (\$5.00) per day per inmate,*
15 *starting from the reimbursement rate as it existed on January 1, 2017, and*
16 *increased on January 1 of each year by one dollar (\$1.00) per day per inmate*
17 *for the next twenty-five (25) years.*

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19 /s/Lundstrum
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