

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1988

By: Representative Lundstrum

For An Act To Be Entitled

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

Subtitle

CONCERNING COUNTY JAIL REIMBURSEMENT FOR
HOUSING STATE 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)~~(i)~~ In the event the Department of Correction cannot accept inmates from county jails due to insufficient bed space, the Department of Correction shall reimburse the counties from the County Jail Reimbursement Fund at rates determined by the Chief Fiscal Officer of the State, after consultation with Arkansas Legislative Audit and the Department of Correction and upon approval by the Governor, until the appropriation and funding provided for that purpose are exhausted, including the county's cost of transporting the inmates to the Department of Correction.

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

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

(ii) If the judgment and commitment order is received by the Department of Correction twenty-two (22) or more days after



the sentencing date, reimbursement shall begin on the date the Department of Correction receives the judgment and commitment order.

(2)(A) In the event the Department of Community Correction cannot accept inmates from county jails due to insufficient bed space or shall have an inmate confined in a county jail under any prerelease program or sanction imposed in response to a violation of supervision conditions, the Department of Community Correction shall reimburse the counties from the fund at rates determined by the Chief Fiscal Officer of the State, after consultation with Arkansas Legislative Audit and the Department of Correction, and upon approval by the Governor, until the appropriation and funding provided for that purpose are exhausted.

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

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

(b)(1)(A) The Department of Correction and the Department of Community Correction shall prepare an invoice during the first week of each month that lists each state inmate that is on the county jail backup list during the previous month.

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

(2)(A) The Department of Correction and the Department of Community Correction shall verify and forward the invoices to the applicable county sheriff to certify the actual number of days the state inmates were

physically housed in the county jail.

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

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

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

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

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

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

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

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

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

her designee may accept custody of any inmate as soon as possible upon request of the county upon determining that the inmate is required to have extended medical care.

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

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

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

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