

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 72

By: Senator Hickey

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING REIMBURSEMENT OF COUNTY COSTS FOR HOLDING STATE INMATES, PROBATIONERS, AND PAROLEES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING REIMBURSEMENT OF COUNTY COSTS FOR HOLDING STATE INMATES, PROBATIONERS, AND PAROLEES; AND TO DECLARE AN EMERGENCY.

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~~ Division of Correction cannot accept inmates from county jails due to insufficient bed space, the ~~Department~~ Division 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~~ Division of Correction and upon approval by the Governor, until the appropriation and funding provided for that purpose are exhausted.

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

(B)(i) Reimbursement under subdivision (a)(1)(A) of this



~~section~~ shall begin accruing 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~~ The Division of Correction shall not reimburse the county until the Division of Correction receives a complete and accurate sentencing order.

(2)(A) In the event the ~~Department~~ Division 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~~ Division 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~~ Division of Correction, and upon approval by the Governor, until the appropriation and funding provided for that purpose are exhausted.

(B)(i) Reimbursement under subdivision (a)(2)(A) of this section shall begin accruing on either the date of sentencing or the date of placement on probation accompanied with incarceration in the ~~Department~~ Division 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~~ The Division of Community Correction shall not reimburse the county until the Division of Community Correction receives a complete and accurate sentencing order or an order or waiver for a sanction

to a community correction center.

(b)(1)(A) The ~~Department~~ Division of Correction and the ~~Department~~ Division 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~~ Division of Correction and the ~~Department~~ Division 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~~ Division of Correction and the ~~Department~~ Division 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~~ Division of Correction and the ~~Department~~ Division 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~~ Division of Correction and the ~~Department~~ Division 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~~ Division of Correction or the ~~Department~~ Division of Community Correction ~~may shall~~ reimburse any county, ~~which that~~ is required to retain an inmate awaiting delivery to the custody of either the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction, upon receipt of a ~~correct~~ complete and accurate sentencing order or an order or waiver for a sanction to a community correction center, for the actual costs paid for any emergency medical care for physical injury or illness of the inmate retained under this section if the physical 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~~ Division of Correction or his or her designee or the Director of the ~~Department~~ Division 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 under this subsection shall require prior approval of the ~~Department~~ Division of Correction or the ~~Department~~ Division 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~~ Division of Correction or the ~~Department~~ Division of Community Correction shall be notified of a true emergency situation immediately after the true emergency situation.

(C)(i) Reimbursements under this subsection begin accruing on the date of sentencing.

(ii) The Division of Correction or Division of Community Correction shall not reimburse the county under this subsection until the Division of Correction or Division of Community Correction receives a complete and accurate sentencing order or an order or waiver for a sanction to a community correction center.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that county jails incur significant costs in housing inmates, probationers, and parolees who are awaiting delivery to the custody of the Division of Correction or the Division of

Community Correction; that the delay in the state reimbursing counties for the costs counties incur in housing state inmates, probationers, and parolees causes irreparable harm and substantial monetary loss to the counties; that billing for the reimbursement of county costs in housing state inmates, probationers, and parolees occurs at the beginning of each month; that delaying the effective date of this act to an uncertain date in the future will result in counties suffering irreparable harm and substantial monetary loss and will cause significant administrative difficulties in processing reimbursement requests for county costs for housing state inmates, probationers, and parolees; and that this act is necessary to support the proper administration and housing of state inmates to ensure the preservation of public peace and safety. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2023.