

House Bill 1014

By: Representative Greene of the 158th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to state
2 and county correctional institutions, so as to specify the rate of reimbursement to counties
3 from the Department of Corrections for housing state inmates in county jails; to provide for
4 periodic increases in the rate; to specify the rate of reimbursement to counties from the
5 Department of Corrections for housing state inmates in county correctional institutions; to
6 provide for periodic increases in the rate; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to state and county
11 correctional institutions, is amended by striking subsection (c) of Code Section 42-5-51,
12 relating to reimbursement of counties for housing state inmates in county jails, and inserting
13 in its place a new subsection to read as follows:

14 "(c)(1) After proper documentation is received from the clerk of the court, the department
15 shall have 15 days to transfer an inmate under sentence to the place of confinement. If the
16 inmate is not transferred within the 15 days, the department ~~will~~ shall reimburse the
17 county, in a sum not less than ~~\$7.50 per day per inmate and in such an amount as may be~~
18 ~~appropriated for this purpose by the General Assembly~~ \$20.00 per day per inmate, for the
19 cost of the incarceration, commencing 15 days after proper documentation is received by
20 the department from the clerk of the court. The reimbursement provisions of this Code
21 section shall only apply to payment for the incarceration of felony inmates available for
22 transfer to the department, except inmates under death sentence awaiting transfer after
23 their initial trial, and shall not apply to inmates who were incarcerated under the custody
24 of the commissioner at the time they were returned to the county jail for trial on
25 additional charges or returned to the county jail for any other purposes, including for the
26 purpose of a new trial.

(2) The per diem specified in paragraph (1) of this subsection shall, for the fiscal year beginning July 1, 2003, and each fiscal year thereafter, be increased by an amount equal to the rate of increase in the Average Annual Consumer Price Index for All Urban Consumers for the Atlanta Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the prior calendar year."

SECTION 2.

Said chapter is further amended by striking paragraph (2) of subsection (c) of Code Section 42-5-53, relating to reimbursement of counties for housing state inmates in county correctional institutions, and inserting in its place a new subsection to read as follows:

~~"(2)(A) The department is authorized, pursuant to rules and regulations adopted by the board, to pay funds, in an amount appropriated by the General Assembly for the purposes specified in paragraph (1) of this subsection, shall reimburse the county~~ for each state inmate assigned to a county correctional institution ~~to the county operating the facility. The amount so paid shall be determined on the basis of an equal amount not less than \$20.00~~ per day for each state inmate assigned to the county correctional institution.

(B) The per diem specified in subparagraph (A) of this paragraph shall, for the fiscal year beginning July 1, 2003, and each fiscal year thereafter, be increased by an amount equal to the rate of increase in the Average Annual Consumer Price Index for All Urban Consumers for the Atlanta Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the prior calendar year."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.