

Senate Bill 303

By: Senators Brush of the 24th and Lee of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to the
2 jurisdiction of the Department of Corrections over certain misdemeanor offenders,
3 designation of place of confinement of inmates, and reimbursement of county for
4 incarceration of inmates awaiting transfer to the department, so as to change the per diem rate
5 paid to a county for each day an inmate remains in the custody of the county after a certain
6 period; to repeal conflicting laws; and for other purposes.

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8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

10 To amend Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to the
11 jurisdiction of the Department of Corrections over certain misdemeanor offenders,
12 designation of place of confinement of inmates, and reimbursement of county for
13 incarceration of inmates awaiting transfer to the department, is amended by striking
14 subsection (c) and inserting in lieu thereof the following:

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

1 charges or returned to the county jail for any other purposes, including for the purpose of
2 a new trial."

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SECTION 2.

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