

House Bill 143

By: Representatives Day of the 126th and Stephens of the 123rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-53 of the Official Code of Georgia Annotated, relating to
2 establishment of county correctional institutions, so as to change certain provisions regarding
3 payments to counties operating correctional institutions to which state prisoners are assigned;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 42-5-53 of the Official Code of Georgia Annotated, relating to establishment
8 of county correctional institutions, is amended by striking subsection (c) and inserting in its
9 place a new subsection (c) to read as follows:

10 "(c)(1) Each county establishing a county correctional institution which complies with
11 the rules and requirements established by the board and which is approved by the board
12 shall receive a quota of inmates in accordance with such methods of apportionment as
13 may be established by the board.

14 (2) The department is authorized, pursuant to rules and regulations adopted by the board,
15 to pay funds, in an amount appropriated by the General Assembly for the purposes
16 specified in paragraph (1) of this subsection, for each state inmate assigned to a county
17 correctional institution to the county operating the facility. ~~The~~ Except as otherwise
18 provided in paragraph (4) of this subsection, the amount so paid shall be determined on
19 the basis of an equal amount per day for each state inmate assigned to the county
20 correctional institution.

21 (3) Each county is authorized to use the money paid to it pursuant to paragraph (2) of this
22 subsection for the operation and maintenance of the county correctional institution or may
23 use the money so paid to supplant county funds or previous levels of county funding for
24 the county correctional institution. Following a full hearing, the board is given the
25 authority to withhold payment or withdraw all inmates from any county correctional

1 institution which does not at any time meet or comply with the rules, regulations, and
2 requirements of the board or comply with its directions.

3 (4) In the event the department maintains a vacancy rate of 5 percent or more in state
4 correctional facilities, then the equivalent amount of inmate assignments attributable to
5 the amount of such vacancy rate which exceeds 3 percent shall be allocated pro rata to
6 each county housing state inmates. The department shall pay to each such county the
7 actual per day cost of each such state inmate assigned to a county correctional institution."

8 **SECTION 2.**

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