

House Bill 420

By: Representatives Greene of the 134th, Morris of the 120th and Smith of the 13th, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to
2 jurisdiction of the Department of Corrections over certain offenders, designation of the place
3 of confinement, reimbursement of counties, and transfer of inmates to federal authority, so
4 as to change the provisions relating to the reimbursement of counties by the Department of
5 Corrections; to provide for the reimbursement of counties by the Board of Pardons and
6 Paroles; to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to jurisdiction of
10 the Department of Corrections over certain offenders, designation of the place of
11 confinement, reimbursement of counties, and transfer of inmates to federal authority, is
12 amended by striking subsection (c) of said Code section and inserting in its place the
13 following:

14 "(c) 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 county;
17 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, for the cost of the incarceration,~~
19 ~~commencing 15 days after proper documentation is received by the department from the~~
20 ~~clerk of the court~~ the amount equal to the sum paid by the state to private contractors for
21 housing state inmates, computed from the day on which a sentence is imposed. The
22 reimbursement provisions of this Code section shall only apply to payment for the
23 incarceration of felony inmates available for transfer to the department, except inmates
24 under death sentence awaiting transfer after their initial trial, and shall not apply to inmates
25 who were incarcerated under the custody of the commissioner at the time they were
26 returned to the county jail for trial on additional charges or returned to the county jail for

1 any other purposes, including for the purpose of a new trial; provided, however, that such
2 reimbursement shall be paid by the department or the Board of Pardons and Paroles to the
3 county for any person who is confined in a county jail following revocation of probation
4 or parole for any offense or technical violation of probation or parole which would have
5 subjected such person to the jurisdiction of the department, and such reimbursement shall
6 be paid from the date of the order revoking such probation or parole. The department or
7 the Board of Pardons and Paroles shall also pay reimbursement for each day a probationer
8 or parolee is confined in a county jail as a result of an arrest warrant or other order issued
9 by any court or the Board of Pardons and Paroles."

10 **SECTION 2.**

11 This Act shall become effective only when funds are specifically appropriated for purposes
12 of this Act in an appropriations Act making specific reference to this Act.

13 **SECTION 3.**

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