

House Bill 968

By: Representative Greene of the 134th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,
2 relating to conditions of detention generally in state and county correctional institutions, so
3 as to change certain provisions relating to deductions from inmate accounts for payment of
4 certain damages and medical costs, limits on deductions, and fees for managing inmate
5 accounts; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
9 conditions of detention generally in state and county correctional institutions, is amended by
10 striking Code Section 42-5-55, relating to deductions from inmate accounts for payment of
11 certain damages and medical costs, limits on deductions, and fees for managing inmate
12 accounts, and inserting in lieu thereof the following:

13 "42-5-55.

14 (a) As used in this Code section, the term:

15 (1) 'Detention facility' means a ~~state or county~~ state, county, or private correctional
16 institution, workcamp, or other ~~state or county~~ detention facility used for the detention
17 of persons convicted of a felony or a misdemeanor.

18 (2) 'Inmate' means a person who is detained in a detention facility by reason of being
19 convicted of a felony or a misdemeanor.

20 (3) 'Medical treatment' means each visit initiated by the inmate to an institutional
21 physician; physician's extender, including a physician's assistant or a nurse practitioner;
22 registered nurse; licensed practical nurse; medical assistant; dentist; dental hygienist;
23 optometrist; or psychiatrist for examination or treatment.

24 (4) 'Officer in charge' means the warden, captain, or superintendent having the
25 supervision of any detention facility.

1 (b) The commissioner or, in the case of a county facility, the officer in charge may
 2 establish by rules or regulations criteria for a reasonable deduction from money credited
 3 to the account of an inmate to:

4 (1) Repay the costs of:

5 (A) Public property willfully damaged or destroyed by the inmate during his or her
 6 incarceration or private property willfully damaged or destroyed by the inmate during
 7 his or her incarceration in a private correctional institution;

8 (B) Medical treatment for injuries inflicted by the inmate upon himself or herself or
 9 others;

10 (C) Searching for and apprehending the inmate when he or she escapes or attempts to
 11 escape; such costs to be limited to those extraordinary costs incurred as a consequence
 12 of the escape; or

13 (D) Quelling any riot or other disturbance in which the inmate is unlawfully involved;
 14 or

15 (2) Defray the costs paid by the ~~state or county~~ state, county, or private corrections
 16 company for medical treatment for an inmate when the request for medical treatment has
 17 been initiated by the inmate.

18 (c) The provisions of paragraph (2) of subsection (b) of this Code section shall in no way
 19 relieve the governmental unit, agency, ~~or~~ political subdivision, or private corrections
 20 company having physical custody of an inmate from furnishing him or her with needed
 21 medical treatment.

22 (d) Notwithstanding any other provisions of this Code section, the deductions from money
 23 credited to the account of an inmate as authorized under subsection (b) of this Code section
 24 shall not be made whenever the balance in the inmate's account is \$10.00 or less.

25 (e) The officer in charge of any detention facility is authorized to charge a fee for
 26 establishing and managing inmate money accounts. Such fee shall not exceed \$1.00 per
 27 month."

28 SECTION 2.

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