

Senate Bill 129

By: Senators Grant of the 25th, Powell of the 23rd, Cowser of the 46th, Whitehead, Sr. of the 24th, Douglas of the 17th and others

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 confinement generally, so as to provide for limited copayments by
3 inmates for prescription medications; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
8 conditions of confinement generally, is amended by revising Code Section 42-5-55, relating
9 to deductions from inmate accounts for payment of certain damages and medical costs, as
10 follows:

11 "42-5-55.

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

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

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

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

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

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

4 (1) Repay the costs of:

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

8 (B) Medical treatment and prescription medication for injuries inflicted by the inmate
9 upon himself or herself or 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 for medical treatment and prescription
16 medication for an inmate when the request for medical treatment has been initiated by the
17 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 subdivision having physical custody of an inmate
20 from furnishing him or her with needed medical treatment.

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

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

27 **SECTION 2.**

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