

The Senate Appropriations Committee offered the following substitute to SB 385:

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, so as to provide that counties that can  
3 demonstrate constant use of the federal Department of Homeland Security's Secure  
4 Communities initiative or have entered into memorandums of agreement with the federal  
5 government under Section 287(g) of the federal Immigration and Nationality Act shall  
6 receive additional funding for housing state inmates; to provide for funding contingency; to  
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to  
11 conditions of detention generally, is amended by revising subsection (c) of Code Section  
12 42-5-51, relating to reimbursement of counties for housing certain inmates, as follows:

13 "(c) After proper documentation is received from the clerk of the court, the department  
14 shall have 15 days to transfer an inmate under sentence to the place of confinement. If the  
15 inmate is not transferred within the 15 days, the department will reimburse the county, in  
16 a sum not less than \$7.50 per day per inmate and in such an amount as may be appropriated  
17 for this purpose by the General Assembly, for the cost of the incarceration, commencing  
18 15 days after proper documentation is received by the department from the clerk of the  
19 court; provided, however, that counties that can demonstrate constant use of the federal  
20 Department of Homeland Security's Secure Communities initiative or any similar  
21 replacement federal program shall receive 110 percent of the usual rate paid to counties  
22 that do not use such federal initiative or program if the General Assembly appropriates  
23 funds for such purpose in the budget for the department; and provided, further, that  
24 counties that have entered into memorandums of agreement with the federal government  
25 under Section 287(g) of the federal Immigration and Nationality Act to identify, process,  
26 and detain immigration offenders shall receive 120 percent of the usual rate paid to

27 counties that have not entered into such memorandums of agreement if the General  
28 Assembly appropriates funds for such purpose in the budget for the department. The  
29 reimbursement provisions of this Code section shall only apply to payment for the  
30 incarceration of felony inmates available for transfer to the department, except inmates  
31 under death sentence awaiting transfer after their initial trial, and shall not apply to inmates  
32 who were incarcerated under the custody of the commissioner at the time they were  
33 returned to the county jail for trial on additional charges or returned to the county jail for  
34 any other purposes, including for the purpose of a new trial."

35

**SECTION 2.**

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