

House Bill 464 (COMMITTEE SUBSTITUTE)

By: Representatives Reece of the 11th, Hill of the 21st, Jerguson of the 22nd, Greene of the 149th, Stephens of the 164th, 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 detention generally, so as to modify provisions relating to deductions
3 from an inmate account to provide for the payment of certain medication costs; to provide
4 for definitions; to provide for exceptions for payment of medication costs; to provide for
5 related matters; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
10 conditions of detention generally, is amended by revising Code Section 42-5-55, relating to
11 deductions from an inmate account for the payment of certain damages and medical costs,
12 limits on deductions, and fee for managing inmate accounts, as follows:

13 "42-5-55.

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

15 (1) 'Chronic illness' means an illness requiring care and treatment over an extended
16 period of time. Chronic illness includes, but is not limited to, hypertension, diabetes,
17 pulmonary illness, a seizure disorder, acquired immune deficiency syndrome, cancer,
18 tuberculosis B, hepatitis C, rheumatoid arthritis, an autoimmune disorder, and renal
19 disease.

20 (2) 'Detention facility' means a state, county, or private correctional institution,
21 workcamp, or other state or county detention facility used for the detention of persons
22 convicted of a felony or a misdemeanor.

23 ~~(2)~~(3) 'Inmate' means a person who is detained in a detention facility by reason of being
24 convicted of a felony or a misdemeanor.

25 ~~(3)~~(4) 'Medical treatment' means each visit initiated by the inmate to an institutional
 26 physician; physician's extender, including a physician's assistant or a nurse practitioner;
 27 registered nurse; licensed practical nurse; medical assistant; dentist; dental hygienist;
 28 optometrist; or psychiatrist for examination or treatment.

29 ~~(4)~~(5) 'Officer in charge' means the warden, captain, or superintendent having the
 30 supervision of any detention facility.

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

34 (1) Repay the costs of:

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

38 (B) Medical treatment and prescription medication for injuries inflicted by the inmate
 39 upon himself or herself or others unless the inmate has a severe mental health
 40 designation as determined by the departement;

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

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

46 (2) Defray the costs paid by the state or county for:

47 (A) Medical ~~medical~~ treatment for an inmate when the request for medical treatment
 48 has been initiated by the inmate; and

49 (B) Medication prescribed for the treatment of a medical condition unrelated to
 50 pregnancy or a chronic illness.

51 (c) The provisions of paragraph (2) of subsection (b) of this Code section shall in no way
 52 relieve the governmental unit, agency, or subdivision having physical custody of an inmate
 53 from furnishing him or her with needed medical treatment.

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

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

60 **SECTION 2.**

61 This Act shall become effective upon its approval by the Governor or upon its becoming law
62 without such approval.

63 **SECTION 3.**

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