

Senate Bill 385

By: Senators Wiles of the 37th, Rogers of the 21st, Chance of the 16th, Balfour of the 9th, Hill of the 32nd 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 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 related matters; to repeal
7 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; and provided, further, that counties that
23 have entered into memorandums of agreement with the federal government under Section
24 287(g) of the federal Immigration and Nationality Act to identify, process, and detain
25 immigration offenders shall receive 120 percent of the usual rate paid to counties that have
26 not entered into such memorandums of agreement. The reimbursement provisions of this

27 Code section shall only apply to payment for the incarceration of felony inmates available
28 for transfer to the department, except inmates under death sentence awaiting transfer after
29 their initial trial, and shall not apply to inmates who were incarcerated under the custody
30 of the commissioner at the time they were returned to the county jail for trial on additional
31 charges or returned to the county jail for any other purposes, including for the purpose of
32 a new trial."

33 **SECTION 2.**

34 All laws and parts of laws in conflict with this Act are repealed.