

1 SB228
2 197308-5
3 By Senators Orr, Figures, Sanders-Fortier, Beasley,
4 Livingston, Albritton, Smitherman, Waggoner, Chesteen,
5 Sessions, Ward, Allen, McClendon, Butler, Barfoot, Givhan and
6 Holley
7 RFD: Governmental Affairs
8 First Read: 03-APR-19

1 SB228

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4 ENROLLED, An Act,

5 Relating to sheriffs; to amend Sections 14-6-40,
6 14-6-42, 14-6-47, 14-6-48, and 36-22-17, Code of Alabama 1975,
7 and to repeal Section 14-6-43 of the Code of Alabama 1975,
8 relating to the feeding of prisoners in the county jail; to
9 increase the allowance paid by the state; to establish a
10 Prisoner Feeding Fund in each county sheriff's office; and to
11 make an appropriation from the State General Fund commencing
12 September 30, 2019 to be used for emergency costs overruns in
13 the counties.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 14-6-40, 14-6-42, 14-6-47,
16 14-6-48, and 36-22-17, Code of Alabama 1975, are amended to
17 read as follows:

18 "§14-6-40.

19 "The sheriff of the county, except as otherwise
20 provided by existing laws, in his or her official capacity, in
21 person or by his or her deputy or jailer, ~~shall feed the~~ shall
22 be responsible for the feeding of prisoners in the jail under
23 his or her jurisdiction in accordance with the terms of this
24 article. The food and services in preparing food, serving
25 food, and other services incident to the feeding of prisoners

1 shall be paid for from funds as provided in Section 14-6-42.
2 In no event shall the sheriff be personally responsible for
3 the cost of feeding prisoners or any shortage in the funds
4 provided for that purpose.

5 "§14-6-42.

6 "(a) Food for and the services for preparing food,
7 serving food, and other services incident to the feeding of
8 prisoners in the county jail shall be paid for by the state as
9 follows: There shall be allowed such amount as is actually
10 necessary for food for each prisoner daily, and said amount so
11 allowed shall be \$1.75 per capita. In addition to the above
12 amount, there is hereby conditionally appropriated from the
13 General Fund an amount of \$1.25 per capita. in the amount of
14 two dollars and twenty-five cents (\$2.25) per day for each
15 prisoner.

16 "(b) Payments made by the state pursuant to this
17 section to the office of the sheriff shall be deposited in a
18 separate account designated the Prisoner Feeding Fund
19 established in Section 14-6-47. The sheriff shall maintain
20 records of all payments received and all expenditures made
21 from the Prisoner Feeding Fund, which shall be subject to
22 regular audit by the Department of Examiners of Public
23 Accounts. Expenditures for the feeding of prisoners shall be
24 exempt from the competitive bid law.

25 "§14-6-47.

1 "(a) The Prisoner Feeding Fund is established in the
2 office of each sheriff. Except as provided in subsection (b),
3 all monies received in the sheriff's office for food and
4 services in preparing food, serving food, and other services
5 incident to the feeding of prisoners in the county jail
6 pursuant to this chapter, shall be deposited in the Prisoner
7 Feeding Fund and shall be kept separate from all other monies.
8 Monies deposited in the Prisoner Feeding Fund shall only be
9 used for feeding prisoners except as provided herein. At the
10 conclusion of each fiscal year, the sheriff may expend not
11 more than 25 percent of the unencumbered balance in the fund
12 on jail operation or for law enforcement purposes related to
13 the operation of the office of the sheriff, and the remainder
14 shall be retained in the fund for feeding expenses in the next
15 fiscal year , or at the option of the sheriff, the entire
16 unencumbered balance may be retained in the fund for feeding
17 expenses in the next fiscal year. In no event shall any monies
18 paid into the fund be expended except as authorized in this
19 chapter.

20 "(b) (1) Nothing in this chapter shall prohibit the
21 sheriff and the county commission from entering into mutual
22 agreements to carry out the requirements of this chapter. Any
23 mutual agreements shall not supersede the provisions of
24 Section 14-6-40 or exempt any funds or expenditures from audit
25 as required by this chapter nor authorize any of the funds

1 deposited into a prisoner feeding fund or other account for
2 feeding prisoners to be converted into personal income for any
3 public official or employee.

4 "(2) Nothing in this chapter shall require a change
5 in procedures in those counties where funds for the feeding of
6 prisoners are paid into the general fund of the county
7 pursuant to resolution authorized under Section 36-22-17, as
8 it existed prior to the effective date of the act adding this
9 subsection.

10 "(c) All records related to payments received and
11 expenditures made for food preparation and the feeding of
12 prisoners in the county jail shall be kept ~~and statements made~~
13 by the sheriff's office on forms prescribed ~~and furnished~~ by
14 the ~~Department of Finance~~ Department of Examiners of Public
15 Accounts and shall be subject to regular audit.

16 "(d) All funds held by the sheriff on the effective
17 date of the act adding this subsection that were reimbursed by
18 the State of Alabama or any other governmental entity for the
19 feeding of prisoners in a county jail shall be deposited into
20 the Prisoner Feeding Fund. No funds deposited into the
21 Prisoner Feeding Fund or any other moneys received by the
22 sheriff for feeding of federal or municipal prisoners shall be
23 converted into personal income for any public official or
24 employee under any circumstances.

25 "§14-6-48.

1 "The sheriff shall be the custodian of all funds
2 paid into the Prisoner Feeding Fund pursuant to Section
3 14-6-47, which funds shall be public funds of the office of
4 the sheriff. Any unexpended monies in the Prisoner Feeding
5 Fund on the effective date of any new term of office shall
6 remain in the fund to be expended by the office of the sheriff
7 as provided in this chapter. Any sheriff who fails to ~~enter~~
8 ~~into a book, to be kept by him for that purpose, any account~~
9 ~~paid him by the state~~ maintain records for feeding prisoners,
10 ~~or to keep such book in his office as one of the public~~
11 ~~records thereof,~~ as required in this chapter or to ~~lay~~ submit
12 the same before the grand jury at each term of the circuit
13 court held in his or her county or, upon the expiration of his
14 or her term of office, to turn the same over to his or her
15 successor as required by law is guilty of a misdemeanor.

16 "§36-22-17.

17 ~~All~~ Except as otherwise provided herein, all fees,
18 commissions, percentages, allowances, charges and court costs
19 heretofore collectible for the use of the sheriff and his or
20 her deputies, ~~excluding the allowances and amounts received~~
21 ~~for feeding prisoners, which the various sheriffs of the~~
22 ~~various counties shall be entitled to keep and retain, except~~
23 ~~in those instances where the county commission directs such~~
24 ~~allowances and amounts to be paid into the general fund of the~~
25 ~~county by proper resolution passed by said county commission~~

1 ~~of said county,~~ shall be collected and paid into the general
2 fund of the county. Except as otherwise provided in subsection
3 (b) of Section 14-6-47, all monies paid by the state for the
4 feeding of prisoners pursuant to Title 14, Chapter 6 shall be
5 paid into the Prisoner Feeding Fund established in Section
6 14-6-47, and expended only as provided in Chapter 6."

7 Section 2. Section 14-6-43 of the Code of Alabama
8 1975, is repealed.

9 Section 3. There is hereby established Emergency
10 Prisoner Feeding Fund into which there is automatically
11 appropriated five hundred thousand (\$500,000) each state
12 fiscal year beginning with the fiscal year ending September
13 30, 2019. The state Comptroller shall transfer moneys from the
14 General Fund to the emergency fund at the beginning of each
15 state fiscal year or as soon as possible thereafter. The
16 emergency fund shall not exceed a total accumulated amount of
17 one million dollars (\$1,000,000). The funds may be expended
18 from time to time upon joint application by a county
19 commission and the sheriff of a county in case of an
20 unforeseeable emergency cost overrun that fully depletes the
21 Prisoner Feeding Fund in the county treasury. This application
22 shall be supported by the sworn statements by the chair of the
23 county commission and the sheriff stating the reason for the
24 need for emergency funding and the reason for the
25 unforeseeable cost overrun. The Department of Finance may

1 demand any pertinent financial records prior to disbursing any
2 emergency funding. The department shall determine when a cost
3 overrun qualifies for disbursement of funds. A county
4 commission may not receive from this emergency fund per year
5 more than 80 percent of the actual cost overrun as
6 substantiated by financial records up to a maximum of
7 twenty-five thousand dollars (\$25,000) per year.

8 Section 4. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB228
Senate 16-APR-19
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 30-APR-19

Senate concurred in House amendment 02-MAY-19

By: Senator Orr