SB149

5IJJ6MM-1

By Senator Orr

RFD: Finance and Taxation General Fund

First Read: 20-Feb-24

SYNOPSIS:

Under existing law, the state pays each county $2.25 per day for each prisoner in the county jail for the feeding of prisoners.

This bill would require the state to pay $3 per day for each prisoner in the county jail for the feeding of prisoners.

This bill would also authorize a sheriff or county commission to use funds from any available source to feed prisoners.

Under existing law, all monies received in a sheriff's office for the feeding of prisoners shall be deposited in the Prisoner Feeding Fund.

This bill would provide that all state monies received in a sheriff's office for the feeding of prisoners shall be deposited in the Prisoner Feeding Fund.

Under existing law, $500,000 is deposited into the Emergency Prisoner Feeding Fund each fiscal year.

This bill would provide that $750,000 shall be deposited into the Emergency Prisoner Feeding Fund each fiscal year.

Under existing law, a county commission and sheriff may only apply for funds from the Emergency Prisoner Feeding Fund after their local feeding fund

has been fully depleted by an unforeseeable emergency cost overrun.

This bill would authorize a county commission to apply for funds from the Emergency Prisoner Feeding Fund following an unforeseeable emergency cost overrun.

This bill would also prohibit the Department of Finance from considering the transfer of funds from another local source to continue feeding prisoners as grounds to deny an application for funds from the Emergency Prisoner Feeding Fund.

Under existing law, a county commission may not receive more than $25,000 per year from the Emergency Prisoner Feeding Fund.

This bill would provide that a county commission may not receive more than $50,000 per year from the Emergency Prisoner Feeding Fund.

This bill would also make nonsubstantive, technical revisions to updated the existing code language to current style.

A BILL

TO BE ENTITLED

AN ACT

Relating to prisoners; to amend Sections 14-6-42, 14-6-47, and 14-6-51, Code of Alabama 1975; to further provide for the funds the state sends to counties for the feeding of

prisoners; to further provide for the monies to be deposited in a county's Prisoner Feeding Fund; to further provide for the monies deposited into and paid out of the Emergency Prisoner Feeding Fund; to further provide for the process of applying for monies from the Emergency Prisoner Feeding Fund; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 14-6-42, 14-6-47, and 14-6-51, Code of Alabama 1975, are amended to read as follows:

"§14-6-42

(a) Food and the services for preparing food, serving food, and other services incident to the feeding of prisoners in the county jail shall be paid for by the state in the amount of ~~two~~ three dollars ~~and twenty-five cents ($2.25)~~ ($3) per day for each prisoner.

(b)(1) Payments made by the state pursuant to this section to the office of the sheriff shall be deposited in a separate account designated the Prisoner Feeding Fund established in Section 14-6-47.

(2) The sheriff shall maintain records of all payments received and all expenditures made from the Prisoner Feeding Fund, which shall be subject to regular audit by the Department of Examiners of Public Accounts.

(3) Expenditures for the feeding of prisoners shall be exempt from the competitive bid law.

(c) The sheriff or county commission may use funds from any available source, including, but not limited to, other

monies received by the sheriff or county commission for the feeding of federal or municipal prisoners, to accomplish the purposes of this chapter."

"§14-6-47

(a) The Prisoner Feeding Fund is established in the office of each sheriff. Except as provided in subsection (b), all state monies received in the sheriff's office for food and services in preparing food, serving food, and other services incident to the feeding of prisoners in the county jail ~~pursuant to this chapter~~, shall be deposited in the Prisoner Feeding Fund and shall be kept separate from all other monies. Monies deposited in the Prisoner Feeding Fund shall only be used for feeding prisoners except as provided ~~herein~~in this section. At the conclusion of each fiscal year, the sheriff may expend not more than 25 percent of the unencumbered balance in the fund on jail operation or for law enforcement purposes related to the operation of the office of the sheriff, and the remainder shall be retained in the fund for feeding expenses in the next fiscal year, or at the option of the sheriff, the entire unencumbered balance may be retained in the fund for feeding expenses in the next fiscal year. In no event shall any monies paid into the fund be expended except as authorized in this chapter.

(b)(1) Nothing in this chapter shall prohibit the sheriff and the county commission from entering into mutual agreements to carry out the requirements of this chapter. Any mutual agreements shall not supersede Section 14-6-40 or exempt any funds or expenditures from audit as required by

this chapter nor authorize any of the funds deposited into a prisoner feeding fund or other account for feeding prisoners to be converted into personal income for any public official or employee.

(2) Nothing in this chapter shall require a change in procedures in those counties where funds for the feeding of prisoners are paid into the general fund of the county pursuant to resolution authorized under Section 36-22-17, as it existed prior to August 1, 2019.

(c) All records related to payments received and expenditures made for food preparation and the feeding of prisoners in the county jail shall be kept by the sheriff's office on forms prescribed by the Department of Examiners of Public Accounts and shall be subject to regular audit.

(d) All funds held by the sheriff on August 1, 2019, that were reimbursed by the State of Alabama or any other governmental entity for the feeding of prisoners in a county jail shall be deposited into the Prisoner Feeding Fund. No funds deposited into the Prisoner Feeding Fund or any other ~~moneys~~ monies received by the sheriff for feeding of federal or municipal prisoners shall be converted into personal income for any public official or employee under any circumstances."

"§14-6-51

(a) ~~There is hereby established the~~ The Emergency Prisoner Feeding Fund ~~into which there is automatically appropriated five hundred~~ is established and seven hundred fifty thousand dollars ~~($500,000)~~ ($750,000) is automatically appropriated into the fund each state fiscal year beginning

with the fiscal year ending September 30, ~~2019~~2025.

(b) The ~~state~~ State Comptroller shall transfer ~~moneys~~ monies from the General Fund to the emergency fund at the beginning of each state fiscal year or as soon as possible thereafter.

(c) The emergency fund shall not exceed a total accumulated amount of one million dollars ($1,000,000).

(d) The funds may be expended from time to time upon joint application by a county commission and the sheriff of a county in the case of an unforeseeable emergency cost overrun ~~that fully depletes~~ in the Prisoner Feeding Fund in the county treasury.

(e) This application shall be submitted to the Department of Finance and shall be supported by ~~the~~ sworn statements by the chair of the county commission and the sheriff stating the reason for the need for emergency funding and the reason for the unforeseeable cost overrun.

(f) The Department of Finance may demand any pertinent financial records prior to disbursing any emergency funding.

(g) The department shall determine when ~~a cost overrun~~ an application qualifies for disbursement of funds, but shall not consider the transfer of funds from another local source to continue feeding prisoners as grounds to deny the application.

(h) A county commission may not receive from this emergency fund per year more than 80 percent of the actual cost overrun as substantiated by financial records up to a maximum of ~~twenty-five~~ fifty thousand dollars ~~($25,000)~~

($50,000) per year."

Section 2. This act shall become effective on June 1, 2024.