

2023 Kansas Statutes

19-1936. Costs of keeping persons in custody of county jail awaiting examination, evaluation or treatment; reimbursement by secretary for aging and disability services; rate; procedure; county competency expense fund; claims against the state.

(a) Whenever a person is in the custody of a county jail awaiting examination, evaluation or treatment pursuant to K.S.A. 22-3219, 22-3302, 22-3303, 22-3428, 22-3429 or 22-3430, and amendments thereto, the county that maintains such county jail shall be reimbursed by the secretary for aging and disability services for the costs related to such custody at the rate of \$100 per day. The county shall be compensated at such rate for each day that a person is in custody and confined as described in this subsection:

(1) If such person is awaiting examination or evaluation, from the date the request for examination or evaluation is made until the date the person is taken from confinement in the county jail for such examination or evaluation or the examination or evaluation is completed at the county jail; and

(2) if such person is awaiting treatment, from the date of return to confinement in the county jail from examination or evaluation or the examination or evaluation is completed at the county jail until the date the person is taken from confinement in the county jail for such treatment or treatment is completed at the county jail.

(b) On and after July 1, 2022, if a county has a claim for reimbursement of costs described in subsection (a), the county shall notify and provide documentation of such costs to the secretary for aging and disability services on a quarterly basis. The secretary for aging and disability services shall certify the amount of moneys attributable to such costs and shall transmit a copy of such certification to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amount from the state general fund to the county competency expense fund. The secretary for aging and disability services shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

(c) The secretary for aging and disability services shall develop and implement a procedure to provide payments to counties pursuant to subsection (b) on a quarterly basis.

(d) If there are no moneys available in the county competency expense fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(e) There is hereby established in the state treasury the county competency expense fund that shall be administered by the secretary for aging and disability services. All expenditures from the county competency expense fund shall be for the purpose of reimbursing counties for the costs described in subsection (a). All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.

(f) For the purposes of this section, "county jail" means a jail operated by a county or a consolidated law enforcement agency.

History: L. 2023, ch. 83, § 1; July 1.