

5  
6 **SENATE BILL No. 653**

7  
8 By Committee on Ways and Means

9  
10 3-22

11  
12 AN ACT concerning crimes and punishment; relating to prisoners and  
13 offenders; cost of maintenance; amending K.S.A. 19-1930 and repeal-  
14 ing the existing section.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 19-1930 is hereby amended to read as follows: 19-  
18 1930. (a) The sheriff or the keeper of the jail in any county of the state  
19 shall receive all prisoners committed to the sheriff's or jailer's custody by  
20 the authority of the United States or by the authority of any city located  
21 in such county and shall keep them safely in the same manner as prisoners  
22 of the county until discharged in accordance with law. The county main-  
23 taining such prisoners shall receive from the United States or such city  
24 compensation for the maintenance of such prisoners in an amount equal  
25 to that provided by the county for maintenance of county prisoners and  
26 provision shall be made for the maintenance of such prisoners in the same  
27 manner as prisoners of the county. The governing body of any city com-  
28 mitting prisoners to the county jail shall provide for the payment of such  
29 compensation upon receipt of a statement from the sheriff of such county  
30 as to the amount due therefor from such city.

31 (b) The sheriff or the keeper of the jail in any county of the state  
32 shall receive all prisoners committed to the sheriff's or jailer's custody  
33 pursuant to K.S.A. 75-5217, and amendments thereto, and shall keep  
34 them safely in the same manner as prisoners of the county until dis-  
35 charged in accordance with law or until otherwise ordered by the secre-  
36 tary of corrections. The cost of maintenance of such prisoners, including  
37 medical costs of such prisoners, shall be paid by the department of cor-  
38 rections in an amount equal to that provided by the county for mainte-  
39 nance of county prisoners, ~~except that the department of corrections shall~~  
40 ~~not pay for such cost of maintenance for the first five~~ **three** ~~days that the~~  
41 ~~sheriff or the jailer keeps any such prisoner and any such amount paid~~  
42 ~~shall not exceed the per capita daily operating cost, not including inmate~~  
43 ~~programs, for the department of corrections.~~

1 (c) In lieu of charging city authorities for the cost of maintenance of  
2 prisoners as provided by subsections (a) and (b), the board of county  
3 commissioners of Sedgwick county may levy a tax not to exceed one mill  
4 upon all tangible taxable property of the county to pay such costs and the  
5 costs of maintaining county prisoners. No revenue derived from such levy  
6 shall be used to pay the costs of maintenance of prisoners committed to  
7 the jail by federal or state authorities, or authorities of other counties or  
8 cities in other counties. For the purpose of this subsection, if any portion  
9 of a city is located within a county levying a tax hereunder, all prisoners  
10 of such city shall be deemed prisoners of such county.

11 (d) The board of county commissioners of a county may provide by  
12 resolution that any inmate of the county jail who participates in a work  
13 release or job training program for which the inmate receives compen-  
14 sation or a subsistence allowance shall be required to pay to the county  
15 an amount not exceeding \$10 per day to defray costs of maintaining such  
16 inmate in the county jail. Such resolution shall provide for reduction or  
17 waiver of such amount in instances in which payment would create undue  
18 hardship for an inmate. The inmate shall pay any amount charged pur-  
19 suant to such resolution, in cash or by money order, to the county trea-  
20 surer, who shall deposit the entire amount in the county treasury and  
21 credit it to the county general fund. If payment is made in cash, the county  
22 treasurer shall provide the inmate with a written receipt for such pay-  
23 ment. If the county is otherwise entitled to receive reimbursement or  
24 compensation for the maintenance of an inmate who is required to pay  
25 an amount pursuant to such resolution, the amount paid by such inmate  
26 shall be deducted from the amount of the other reimbursement or com-  
27 pensation to which the county is entitled.

28 (e) If any sheriff or jailer neglects or refuses to perform the services  
29 and duties required by the provisions of this act, the sheriff or jailer shall  
30 be subject to the same penalties, forfeitures and actions as if the prisoners  
31 had been committed under the authority of this state.

32 (f) Attorneys of prisoners held in a county jail shall be permitted to  
33 visit them professionally at all reasonable hours.

34 Sec. 2. K.S.A. 19-1930 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its  
36 publication in the statute book.

37  
38  
39  
40  
41  
42  
43