

HOUSE BILL No. 2092

By Committee on Corrections and Juvenile Justice

1-28

AN ACT concerning crimes and punishments; relating to prisoners and offenders; cost of maintenance; amending K.S.A. 19-1930 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

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

(b) The sheriff or the keeper of the jail in any county of the state shall receive all prisoners committed to the sheriff's or jailer's custody pursuant to K.S.A. 75-5217, and amendments thereto, and shall keep them safely in the same manner as prisoners of the county until discharged in accordance with law or until otherwise ordered by the secretary of corrections. The cost of maintenance of such prisoners, including medical costs of such prisoners shall be paid by the department of corrections in an amount equal to that provided by the county for maintenance of county prisoners. *The cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.*

(c) In lieu of charging city authorities for the cost of maintenance of prisoners as provided by subsections (a) and (b), the board of county commissioners of Sedgwick county may levy a tax not to exceed one mill upon all tangible taxable property of the county to pay such costs and the costs of maintaining county prisoners. No revenue derived from such levy

1 shall be used to pay the costs of maintenance of prisoners committed to
2 the jail by federal or state authorities, or authorities of other counties or
3 cities in other counties. For the purpose of this subsection, if any portion
4 of a city is located within a county levying a tax hereunder, all prisoners
5 of such city shall be deemed prisoners of such county.

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

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

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

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

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

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